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सिक्किम विश्वविद्यालय  
(भारतके संसदके अधिनियमद्वारा स्थापित केंद्रीय विश्वविद्यालय)

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## CERTIFICATE

This is to certify that the dissertation entitled “**Post-conflict Integration in Nepal**” submitted to **Sikkim University** in partial fulfilment of the requirements for the degree of **Master of Philosophy** in International Relations, embodies the result of *bona fide* research work carried out by Binita Rai under my guidance and supervision. No part of the dissertation has been submitted for any other degree, diploma, associate-ship and fellowship. All the assistance and help receiver during the course of the investigation have been duly acknowledged by him.

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Date: 02.03.2015

## DECLARATION

I declare that the dissertation entitled “**Post-conflict Integration in Nepal**” submitted to **Sikkim University** for the award of the degree of **Master of Philosophy** is my original work. This dissertation has not been submitted for any other degree of this university or any other university.

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## Chapter I

### 1.1 Introduction

This study aims at examining the post-conflict political developments in Nepal and how the issue of integration and reintegration of the Maoists in the Nepal Army and civilian life had been viewed by the major political parties in Nepal. The term post- conflict precisely refers to the period after 2006, i.e. after the signing of Comprehensive Peace Agreement (CPA) by the conflicting parties and the party in power. The conflicting party refers to Communist Party of Nepal (Maoists) or CPN (M), who were known as Maoists before entering into the mainstream political of Nepal. The signing of Comprehensive Peace Agreement (CPA) brought an end to the armed conflict in Nepal and also the representation of the Maoist into the political scenario of Nepal as an equal participant. However, the peace process is still under process. The main objective of the contending group has been fulfilled i.e. the overthrowing of monarchy and establishing a democratic government. However, there are issues regarding the making of the constitution, power sharing, integration and rehabilitation etc.

This study primarily aims at exploring the integration and reintegration of Maoists in the Army and civilian life and the issues and challenges attached to the process. Integration and reintegration of the Maoists was over in 2013. But this was not an easy task to complete. The completion of the process involved the efforts of all the stakeholders. Therefore the core objective of this work is to analyze the case of integration and reintegration from the vintage point of the role of major stakeholders.

While doing so, the study will employ the theoretical concept of peace building in the context of post- conflict Nepal. Peace building emerged as a key focus of international attention in 1990s, with the UN playing a leading role. Since then the concept of peace building have evolved significantly. From the late 1990s onward the concept of peace building has become more expansive and more consciously focus on the importance of State institution also bringing in the centrality of non-state actors. Peace- building today involves the transforming of society by strengthening human security and addressing grievances. Thus, peace building is a multifaceted effort that includes building democratic governance, protecting human rights, equitable access to resources and environmental security.

On the other hand peace building according to Charles Call and Elizabeth Cousens is-

“Those actions undertaken by international or national actors to institutionalize peace, understood as the absence of armed conflict and a modicum of participatory politics that can be sustained in the absence of an international peace operation”.

Another important element within the process of peace building today has been a focus on State building. Effective State institution and involvement of State and political leaders are needed to foster enduring peace. Therefore, the growing attention to State building provides a long term perspective within the peace building effort and this has been crucial in understanding the need of a fragile State.

Nepal is treated as a fragile State by the international community, there has been initiative on the peace building in post conflict Nepal. The fragility in Nepal had been marked by high conflict risk, insecurity, weak institutional capacity, issues of integration which is threatening the peace process as promised by the Comprehensive Peace Agreement (CPA). It's solution requires trust building among key political actors. CPA formalized the commitments of both sides to endure peace and Constitutional change while providing for the return, integration and rehabilitation of all affected by the conflict. But CPA's success rests upon the leader's ability to resolve the core political issues. Therefore, within the broad conceptual framework of peace building, this study aims at contextualizing Nepal and also in analyzing how far the peace-building initiative has been successful in bringing peace in Nepal.

## **1.2 Background of Nepal**

Nepal is a small country bordered by India on three sides and China on one side. This geographical location keeps the country economically and politically sandwiched. Nevertheless, it has a glorious history because of its independency. It was a tough time for Nepal had remained uncolonized while its neighbours India, Bangladesh and Pakistan were British colonies. However, the absence of colonization does not mean the absence of conflict in the country. The British colonies engaged Nepal in various ways under her influence.



## Physiography of Nepal

It has an area of 147,181 square kilometres (56,827 sq mi) and a population of approximately 27 million,<sup>1</sup> Nepal is the world's 93rd largest country by land mass<sup>2</sup> and the 41st most populous country. The Indian states of Uttarakhand, Uttar Pradesh, Bihar, West Bengal, and Sikkim border Nepal, whereas across the Himalayas lies the Tibet Autonomous Region. Nepal is separated from Bangladesh by the narrow Indian Siliguri Corridor. Nepal is commonly divided into three physiographic areas: Mountain, Hill and Terai. The details are as follows;

The Mountain Region (*Himal*) is situated in the Great Himalayan Range that makes up the northern part of Nepal. It contains the highest elevations in the world including 8,848 metres (29,029 ft) height Mount Everest (*Sagarmatha* in Nepali) on the border with China. Seven other i.e. Lhotse, Makalu, Cho oyu, Kanchanjunga, Dhaulagiri, Annapurna and Manaslu are considered to be the world's eight thousand metre peaks located in Nepal.

The Hill Region (*Pahad*) are the mountains and varies from 800 to 4,000 metres (2,625 to 13,123 ft) in altitude with series from subtropical climates below

<sup>1</sup> Central Bureau of Statistics (Nepal) (2011), "National population and Housing Census (National Report)", (Online Web) [awsassets.panda.org/.../gesi\\_mainstreaming\\_strategy\\_of\\_hariyo\\_ban\\_pro](http://awsassets.panda.org/.../gesi_mainstreaming_strategy_of_hariyo_ban_pro), retrieved on 23<sup>rd</sup> July 2014.

<sup>2</sup> CIA Report (2004), "The World Factbook: Rank order population", (Online Web), <https://www.cia.gov/library/publications/the-world.../2119rank.html>, retrieved on 23 March 2014

1,200 metres (3,937 ft) to alpine climates above 3,600 metres (11,811 ft). The Mahabharat Range reaching 1,500 to 3,000 metres (4,921 to 9,843 ft) is the southern limit of this region, with subtropical river valleys and "hills" alternating to the north of this range. Population density is high in valleys but notably less above 2,000 metres (6,562 ft) and very low above 2,500 metres (8,202 ft) where snow occasionally falls in winter.

The *Terai* or the southern lowland plains bordering India are part of the northern rim of the Indo-Gangetic plains. They were formed by three major Himalayan rivers: the Kosi, the Narayani, and the Karnali as well as smaller rivers rising below the permanent snowline. This region has a subtropical to tropical climate. The outermost range of foothills called Shiwalik or Churia Range cresting at 700 to 1,000 metres (2,297 to 3,281 ft) marks the limit of the Gangetic Plain, however broad, low valleys called Inner Tarai (BhitriTarai Uptyaka) lie north of these foothills in several places.

Nepal is divided into 14 zones and 75 districts, grouped into five development regions. Each district is headed by a permanent chief district officer responsible for maintaining law and order and coordinating the work of field agencies of the various government ministries. The five regions and 14 zones are:

1. Eastern Region (Purwanchal)
  - Koshi
  - Mechi
  - Sagarmatha
2. Central Region (Madhyamanchal)
  - Bagmati
  - Janakpur
  - Narayani
3. Western Region (Pashchimanchal)
  - Dhawalagiri



- Gandaki
- Lumbini
- 4. Mid-Western Region (Madhya Pashchimanchal)
  - Bheri
  - Karnali
  - Rapti
- 5. Far-Western Region (SudurPashchimanchal)
  - Mahakali
  - Seti

### **Socio – Economic Background**

Nepal entered the modern era in 1951 without schools, hospitals, roads, telecommunications, electric power, industry, or civil service. The efforts for economic development have been for more than four decades, starting from the first economic development plan in 1956. Nepal has yielded an average growth of around four per cent per annum which, if discounted by the population growth rate of about 2.3 per cent during the same period, gives a per capita income growth of less than two per cent per annum.<sup>3</sup> Nepalese economy, despite showing some signs of improvement has not really been successful in making substantive change in income and growth terms.

The Tenth Five Plan (2002-2007) recorded a growth rate of nearly 3.8 per cent, which is well below the targeted growth of 6.2 per cent. The Nepal Living Standard Survey (CBS 2004) indicated that poverty in the country has declined to about 30.8 per cent of the population from 42 per cent in 1996<sup>4</sup>. However, income inequality has increased from 0.34 Gini to 0.41 Gini. In addition, large segments of the poor are hardcore poor, barely able to eke out subsistence on fragile lands and a

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<sup>3</sup> Government of Bangladesh (2010), *economic and social commission for Asia and the pacific*, Ministry of Finance, Dhaka. <http://www.un.org/en/conf/ldc/pdf/nepal.pdf>

<sup>4</sup> *ibid*

vulnerable eco-system. Large areas of the country lack even the most basic infrastructure developments and essential services.

Growth in the services subsector may be a relatively higher, but it basically depicts a poor development particularly when the two neighbouring countries are galloping ahead with high growth rates. Accordingly, Nepal remains one of the poorest countries in the world with about 31 percent population living below the poverty level though currently it is estimated to have declined to 25 or 26 per cent based on the estimated growth poverty elasticity of 0.27 and as also supported by a number of surveys.<sup>5</sup>

Nepal's economy is still dominated by agriculture. Out of about 57 per cent of the population classified as economically active, 73.9 per cent were engaged in agriculture in 2008,<sup>6</sup> which has the lowest value addition per worker. This is only about one fourth in comparison to the industrial sector. Foreign aid accounts for more than half of the development budget. Government priorities over the years have been the development of transportation and communication facilities, agriculture, and industry. Although since 1975, improved government administration and rural development efforts were made, GDP is heavily dependent on remittances of foreign workers.<sup>7</sup>

Subsequently, economic development in social services and infrastructure in Nepal has not made dramatic progress. The Cost of Living Index in Nepal is comparatively lower than many countries but not the least. The quality of life has declined to much less desirous value in recent years.<sup>8</sup> Nepal was ranked 54th worst of 81 ranked countries (those with GHI > 5.0) on the Global Hunger Index in 2011, between Cambodia and Togo. Nepal's current score of 19.9 is better than in 2010 (20.0) and much improved than its score of 27.5 in 1990.<sup>9</sup> Therefore, Economic development is a daunting task in Nepal, given its limited resource endowment, its

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<sup>5</sup>ibid

<sup>6</sup> ibid

<sup>7</sup> Ibid

<sup>8</sup> CIA Report (2014), "Cost of Living Index in Nepal - Statistics & Graphs of Nepalese Citizen's Economic Power", [ekendraonline.com/nepal/cost-living-index-nepal/](http://ekendraonline.com/nepal/cost-living-index-nepal/), accessed on September 2014.

<sup>9</sup>International Food policy Research Institute (IFPRI) (2011), "Global Hunger Index The challenge of hunger: Taming price spikes and excessive food price volatility", (Online Web), URL :<http://www.ifpri.org/sites/default/files/publications/ghi11.pdf>, accessed on September 2014

landlocked location and the rugged terrain and with its underdeveloped economic and social infrastructure.

In Nepal, 46.5% of the national income is in the hands of 10% of the richest people. 90% of the rural population live in the rural areas with 81% of the labour force involved in agricultural production, 10% unemployed and 60% under-employed. Out of the total rural population 73% of the population are landless and poor peasants. The top 10% owns 65% of the land while in the Terai region the big landlords own 50% of the land.<sup>10</sup> Nepal is a hub of enormous regional disparities with the Kathmandu valley and Terai region being the only focus of development. Comparatively, the hilly regions comprising mostly of tribal are kept in a continuous state of backwardness which culminated in the creation of separate national identity.

In Nepal, social exclusion is primarily driven by feudal institutions and historic processes that uphold or exacerbate income and capability poverty on the basis of gender, ethnicity, caste and religion. But, the problem is also driven in some instances where the voice of the rural poor is muted or virtually excluded from the policy dialogue itself, due to regressive trends and on-going troublesome socio-political inclinations (i.e., poor or weak governance at various levels). The detailed account of socio-political structure is given in the later chapter. Against this backdrop, the CPN(M) launched the armed conflict in Nepal.

### **1.3 An Overview of People's War (1996-2006)**

Since 1990, turmoil in Nepal has included a bloody insurgency, a royal family massacre and assorted governmental conflicts and squabbles that have dominated the scenario of Nepal. In February 1996, a decade-long civil war broke out after members of the Maoist(Communist Party of Nepal) fought to replace Nepal's monarchy with a democracy. As a result of the conflict, more than 15,000 were killed, and an additional 150,000 were internally displaced. The conflict was characterised by the Maoist rebels gaining significant control over Nepal's rural areas, whilst the government remained in control of the main cities and towns.

It did not take long for the insurgency launched simultaneously in three mid-western mountain districts of Rolpa, Rukum, Jajarkot, Gorkha in the West, and

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<sup>10</sup>Bhattarai, B. (1998), "Politico-Economic Rationale of People's war in Nepal", *The worker* (4):42-46

Sindhuli in the East to spread. By the year 2000, Maoist violence had left no district unaffected and by mid January 2001, the Maoists had declared the formation of a provisional revolutionary district government in Rukum, Jajarkot, Salyan and Rolpa districts.

However, the situation changed dramatically in 2001 after the Maoist rebels withdrew from peace talks and launched a series of attacks against police and army posts in 42 of Nepal's 75 districts. A National State of Emergency was subsequently declared by the government three days later and the Royal Nepalese Army was finally engaged in the conflict. The renewal of the State of Emergency caused significant political instability over the following year, and support for the monarchy began to wane as the conflict neared the Kathmandu Valley in 2004. This sentiment was only exacerbated by King Gyanendra when he performed a Royal Coup. In 2005 he dismissed the entire government, assumed full executive powers and declared a second State of Emergency which restricted a wide range of civil liberties; a move that was met with widespread criticism abroad.

Dissatisfaction with the monarchy's actions grew amongst domestic and international communities, and in late 2005 the Maoist rebels announced a unilateral ceasefire in order to join a loose alliance with Nepal's seven main political parties. The formation of the Loktantra Andolan, a people's movement intended to restore democracy, induced weeks of pro-democracy strikes which forced the King to reinstate parliament. The monarchy's powers were immediately curtailed and ten years of Maoist insurgency came to an end as the government and rebels signed the Comprehensive Peace Accord on 21 November 2006 along with the other agreements. The insurgency spread all over the country, except Manang and Mustang, out of 75 districts of the country that remained untouched from the direct armed confrontation between the state security forces and the Maoist guerrillas.

However, the decade long conflict formally ended in 2006 with the signing of the Comprehensive Peace Agreement (CPA) and other agreements. There were number of peace building initiative which was both internationally and domestically driven. Even after the completion of peace process there are unsolved political, economic and social issues which range from the making of new Constitution, to the power sharing arrangements. The biggest challenge for the peace makers were the

integration and reintegration of the Maoists in the Army and civilian life respectively which has now completed but the issues continue to remain the same.

#### **1.4 Scope of the Study**

The Maoist revolution also known as the People's war which emerged in Nepal in 1996 lasted till 2006. Broadly, this conflict has its origin in nation's Social and economic inequalities in the failure of Parliamentary democracy and also short sightedness of Nepal's political leaders, which have led to the social, economic and political exclusion of large segments of the society.

There has been various works done on the issue of conflict but this study focuses on understanding post conflict issues, particularly on the case of integration and reintegration. Since Nepal is still struggling for the making of the State, the role of political parties is very key regarding any contentious issue in Nepal.

The scope of this study therefore lies in understanding the process of integration/reintegration of the Maoist combatants in Nepal after the signing of the CPA, various phases of negotiations that led to the signing of CPA and also to understand the peacemaking initiatives in Nepal. Nepal's peace process was both led and driven by Nepalis, but it was also remarkably open to the involvement of wide range of external actors. Therefore any political developments in Nepal have to be understood keeping in mind the direct and indirect involvement of external actors. It is of dire necessity to understand how the external actors perceived about the notion of integration and reintegration in Nepal.

Nepal's Conflict and Political Solution:

As the 'People's War' launched by the CPN-M took place, the government addressed the insurgency as a problem of law and order. Maoist themselves contributed to discussion on a political solution to the insurgency. In 2000, a commission was formed to suggest ways to resolve the conflict led by the Congress party. Till 2003 the dialogues were basically informal. There are distinct phases of Nepal's progression towards the CPA reached in 2006, i.e.

- The promotion of dialogue between Nepal's maoist and its various royal governments between 2000 and the coup instigated by the King

Gyanendra on 2005

- The period between the coup and the People's movement of 2006, during which Nepalis demand for change dislodged the king.
- Support to the peace process as it developed through negotiations between political parties and the Maoists that resulted in the signing of CPA.

This is how the conflict ended through political solution.

### **1.5 Survey of Literature**

There are extensive numbers of literature available on conflict and post-conflict society. Since the nature of conflict has changed after the end of cold war, the global trend in addressing these conflicts has also changed. The nature of war has changed from inter-state to intra-state which takes the shape of armed conflict within the State. Within this larger framework of addressing the changed nature of conflict there emerged the concept of peace building which has multifaceted practice and implications. Nepal, as a State has witnessed such armed conflict and she is not an exception to peace building initiatives. This study which aims to understand the causes of conflict in Nepal also tries to peace process and ultimately looks at the issue of integration/reintegration of the combatants involved in conflict. Some of the literature which helped me formulate the study is outlined below. The review of the literature is organized thematically and sequential to the chapters.

In his book titled *Post-Conflict Peacebuilding*, A. Lexicon triesto clarify and illuminate all the key aspects of post-conflict peacebuilding. It clearly lays out general introduction on the concept post-conflict peacebuilding, followed by twenty-six essays on its key components, including capacity-building, security sector reform, and transitional justice. Accordingly, this book aims to clarify and illuminate the multiple facets of post-conflict peacebuilding, by presenting its major themes and trends from an analytical perspective. It also sheds light on many different challenges associated with post-conflict peacebuilding. For each key concept a definition is proposed, which is then expanded through discussion of three main areas: the meaning and origin of the concept; its content and essential components; and its means of implementation, including lessons learned from past practice.

*Post-Conflict Peace building Revisited: Achievements, Limitations, Challenges* by Dr. Necla Tschirgi focuses on the original definition of peacebuilding. More specifically, it examines non-military interventions by external actors to help war torn societies not only to avoid a relapse into conflict, but more importantly, to establish the conditions for sustainable peace. The time frame for the peace building interventions mentioned in this book is not confined to the immediate, short-term, post-conflict peace operations to consolidate the peace or the early reconstruction efforts of the early post-war years. Rather, post-conflict peace building encompasses the full range of non-military commitments undertaken by the international community to assist countries to achieve self-sustaining peace and socioeconomic development. It also traces the gradual broadening of the concept of peace building by key international actors and its implications for peace building practice.

However, HoWon Jeong in his article *Peace Building in Post-Conflict Societies: Processes and Strategies* suggests that the complex processes of peace building has to go beyond an institutional framework. Most reconstruction programs rely heavily on a pluralistic model of democratic institution building and economic recovery through free market oriented policies. It is often assumed that a peace building process ends with the establishment of a new government along with the introduction of economic recovery packages. Little analysis has been made of how democratic institution building and political transition are undermined by the lack of social and economic foundations. While establishing a stable political structure at the centre is no doubt important, not enough attention has been paid to communal social space where daily transactions take place for survival. Keeping this view on mind the author suggests some of the tools of peace building i.e. Commitments and Motivations, Mechanisms to Resolve Differences, Beyond a Liberal Democratic Model, Functional Interdependencies, Confidence Building and Demilitarisation, Political Transition which include Negotiating a New Political Structure, Power Sharing Arrangements, Elections, Social Reconstruction, Human Rights, Reconciliation, Social Rehabilitation and Empowerment, Development, Third Party Roles etc. These works have helped in understanding dominant peace building theories, processes, practices and actors involved in peace building process. The following section shall discuss about the literatures on Nepal.

Rajendra Pradhan and Ava Shrestha, in their work *Ethnic and Caste Diversity: Implications for Development* provides a historical perspective on cultural diversity in Nepal and includes a review of anthropological studies on ethnicity and caste, and perceptions of different groups on the beneficiaries of development. Starting with the socio economic picture of Nepal this study establishes a linkage between ethnic and caste diversity, poverty, and development in Nepal. It highlights the need for a longer time frame and a greater social investment to understand the social complexities of communities, and that ultra poor men and women from all ethnic groups and castes do experience multiple disadvantages and need support to enable them to participate effectively in the development process. It argues that the State has to deal firmly with discriminatory practices through legal and educational means. This book has contributed in detailing the socio-economic structure of Nepal.

On the other hand, John Whelpton in his book *A History of Nepal (2005)*, focuses on the period since the overthrow of the Rana family autocracy in 1950-51. He portrays a country of extraordinary contrasts, whose history has been buffeted and shaped constantly by its neighbours, China and India. This book discusses the economic and political turmoil over the years that came to a climax with the massacre of the royal family in 2001, when the country erupted into civil war.

*The Democratic Transition in Nepal (2000)*, book by Ramjee P. Parajulee provides a thorough and balanced treatment of the emergence of a democratic polity in Nepal. While analyzing the role of external forces in the transition process and the barriers to consolidating democracy, the author also argues that a favourable external environment and the changing policies of outside actors influenced the perceptions and behaviour of internal political forces. Yet despite positive signs, the consolidation effort faces political, economic, and socio-cultural roadblocks that have continued to hamper Nepal's development.

*Local dynamics of conflict and the political development in Nepal: A "New Model" for conflict transformation*, by Keshab Prasad Bhattarai gives an account of the local dynamics of conflict in general and Nepalese political development in particular and aims to give an overview that the conflict led by the Communist Party of Nepal-Maoist (CPN-M) was nothing other than an emergence of a "new ideology" as a part of social process. The conflict was over looked for almost a decade and was



conceptualized in such a way which forced the differing ideology (CPN-M) to be discarded from the “whole”, the social and political process though not possible in reality. But after a decade, the way the conflict has been transformed, at least to a certain degree, can be a new approach to handle differing ideas in different societies in order to practice a “genuine democracy” and promote peace. This is the main message of this brief text.

*Maoists in Nepal: From Insurgency to Political Mainstream (2008)*, by Bhuwan Chandra Upreti. This book attempts to understand the problem of Maoist insurgency in Nepal since its inception to the withdrawal of the insurgency and the Maoist joining the political mainstream. The Maoist decision in 2006 to join the multi party democracy has not only given a new dimension to Nepali politics but it also raises a number of questions of academic interest. Why did Maoist take a U-turn? What are the problems and prospects of republican state and inclusive democracy in Nepal? These are the issues that his book has tried to focus on. This book also focuses on the Maoist problems in their total perspective: from its emergence to their joining the mainstream politics and afterwards.

While Parajulee talks about the democratic polity in Nepal, Sebastian Von Einsiedel David M. Malone and Suman Pradhan in their book *Nepal in Transition: From People's War to Fragile Peace (2012)* discusses the difficulty in transition from war to peace and also discusses People's War in Nepal at large. This book also draws on both international and Nepali scholars and leading practitioners in analyzing the context, dynamics, and key players shaping Nepal's ongoing peace process. It also explains how the peace process is largely domestically driven out has also been accompanied by wide-ranging international involvement, including initiatives in peacemaking by NGOs, the United Nations, and India, which, throughout the process, wielded considerable political influence; significant investment by international donors; and the deployment of a Security Council-mandated UN field mission. This book highlights the limits, opportunities, and challenges of international efforts to assist Nepal in its quest for peace and stability and offers valuable lessons for similar endeavours elsewhere.

*The Remake of a State: Post-conflict Challenges and State Building in Nepal (2011)*, by Bishnu Raj Upreti discusses the context of rapidly changing political

scenes of many developing countries around the globe and how state building has been a collective concern and is widely debated throughout the academia. Amidst this context, the present book basically analyzes the issues pertinent to the state building in post-conflict Nepal. At the very crucial phase of Nepali society and politics, this book not only imparts hope, but also warns of challenges ahead. It talks on policies, principles, practices and institutions, and their restricting in the immediate aftermath of conflict.

There has been a lot of scholarly debates and analysis to find out the root cause of evolution of Maoist insurgency in Nepal. But all of these debates, literatures and analysis are written from various perspectives. Under this context, Manish Thapa in his article *Evolution of Maoism in Nepal: Understanding Maoist insurgency from wide perspective* examines the root causes of Maoist Insurgency in Nepal. So this article reviews all these debates, literature and analysis and provides an intensive framework to understand the root cause of evolution of Maoist Insurgency in Nepal.

*Nepal's election: new prospects for peace building (2013)*, by Clare Castillejo examines the main internal and external blockages to peacebuilding in Nepal. It explores the factors that led to the stalling of the Nepalese political process, from the weakness of the country's political parties to the rise of polarised, identity-based politics. It also examines those barriers to progress on peacebuilding that have been eclipsed by the focus on political negotiations. The analysis goes on to address the role of external actors in Nepal's peacebuilding process. It argues that strategic competition between China and India has exacerbated national tensions in Nepal and undermined key elements of peace building, although China has also played an important economic and development role. While international actors have provided much-needed assistance to Nepal, they have largely failed to use their leverage to promote progress in the most challenging areas, such as the renegotiations of political settlement and insuring respect for human rights. Finally, the analysis assesses the prospects for progress following elections for a new constituent assembly and identifies entry points for international actors to help unblock the peace process.

*Rehabilitation in Nepal: Unresolved Consensus and Hidden reasons* research paper by Prajeena Karmacharya looks into the prospects for rehabilitation of millions of conflict affected people which is at standstill due to lack of consensus and mistrust

among the political leaders at the political level. Although rehabilitation is an important component of peace process, it seems to be getting lost due to the hegemony of Kathmandu-centric issues such as election of a new Prime Minister, constitution making and integration of combatants into security forces. This study aims to explore the reasons behind the lack of interest/reluctance among Nepal's policy makers to view rehabilitation as an important issue in current peace process. By doing so, this study argues that even after the Peace Agreement, the power relations and the status quo in Nepal remains unchanged. The power to make decisions for the rest of the country still rests on the hegemony of powerful actors over the less powerful ones and when it comes to fundamental changes of attitudes and behaviour towards government and people needing rehabilitation, political party leaders still demonstrate resistance to structural change and are Kathmandu-centric as it was before the civil war.

### **1.6 Objectives of the study**

1. To understand the peace building process in Nepal.
2. To analyze the history of conflict in Nepal.
3. To explore the process and provisions on the issue of integration/ reintegration
4. To examine the issues and challenges regarding integration/ reintegration in the post conflict Nepal.

### **1.7 Research questions**

1. How far has the peace building initiatives in Nepal succeeded to bring peace?
2. How the concept of integration/ reintegration has been understood by the Stakeholders?
3. What were the provisions and institutional responses to the process of integration/reintegration in Nepal?
4. What are the issues and challenges attached to the process of integration and reintegration in post conflict Nepal?

## **1.8 Methodology**

The study follows Historical-Analytical Method trying to answer the questions raised through a detail study of various historical developments that lead to the present politics in Nepal. It is primarily a descriptive one where both quantitative and qualitative data is used based on electronic conversation with experts and staffs of various Civil Societies and organization through social networking sites. Primary sources like Agreements, party's Concept paper and reports have been extensively used for the research purpose. The secondary sources include books, articles, documents, research papers, thesis, journals, newspapers, speeches, TV interviews etc. The study has employed Cyber Ethnography as an approach to reach the crowd and also to critically understand the developments in Nepal.

## **1.9 Chapterisation**

The first chapter of this study discusses the physiography, socio-economic conditions of Nepal along with an overview of the People's War and the structure of the dissertation. Chapter two titled "Theoretical Aspects of Peacebuilding" discusses the theoretical context in which the research is to be situated. This chapter gives a picture of the changing nature of theoretical aspects of peacebuilding, its dimension, actors and phases. The third chapter 'History of the conflict' begins with introducing the parties to the conflict. It also seeks to address the socio-economic structure as the general cause of conflict in Nepal with special focus on the developments and failure of 1990s democratic political setup. This chapter also throws light on the factors leading to the consolidation of Maoist movement and the rise of Maoist insurgents. Lastly, the impact of the conflict has been addressed in this chapter. The fourth chapter 'Integration/reintegration of Maoist: issues and challenges' analyzes the peace process in Nepal with special emphasis on the provisions leading to the integration and reintegration of the Maoists in Nepal. It also gives an overview of the international involvement, political parties and several agreements in the peace process of Nepal. Peace negotiation was not an easy task to complete, under this context the chapter gives an overview of how the Comprehensive Peace Agreement was reached at. The prime focus of this chapter is to examine the process of integration/reintegration and the issues and challenges attached to the post conflict Nepal. The final chapter

'Conclusion' seeks to answer the research questions and concludes with major findings and analysis.

## CHAPTER II

### THEORETICAL ASPECTS OF PEACEBUILDING

#### 2.1 Introduction

This chapter aims at exploring some views relevant to the concept of peacebuilding. First, we will begin by unpacking this concept; tracing the historic context in which it developed and discussing some of its emerging characteristics. Second, we will present an overview of some of the phases, actors, dimensions and tools that are relevant to peacebuilding and also different perspectives on peacebuilding. There are various dimensions involved in the understanding and analysis of peacebuilding. As there are many different dimensions important for peacebuilding, this section will be presented in a detailed way. This chapter aims to deepen the understanding of peacebuilding and provide insight into the processes that must be executed within peacebuilding activities. This will involve initiating disarmament, demobilisation and reintegration processes as well as security sector reform.

#### 2.2 Peacebuilding in Historic Context

The term peace building was coined by Johan Galtung in the 1970s. However, the concept only became widely used when then UN Secretary-General Boutros Boutros-Ghali used it as one of the key concepts of his 1992 report titled *An agenda for peace: preventative diplomacy, peacemaking and peace-keeping*. In this report, peace building was described as: “action to identify and support structures which tend to strengthen and solidify peace to avoid a relapse into conflict”. However, both Galtung and Ghali discusses peacebuilding in connection with the related concepts and activities of peacemaking and peacekeeping.<sup>1</sup> Ghali referred to peacemaking as “action to bring hostile parties to agreement essentially through peaceful means”.<sup>2</sup> This includes various forms of negotiation, mediation, diplomacy etc. Peace building is increasingly seen as the collective framework under which the peace, security, humanitarian, rule of law, (RoL) human rights and development dimensions has been brought together.

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<sup>1</sup>Galtung, Johan (1975), “Three approaches for peace: peacekeeping, peacemaking and peacebuilding”, *peace, war and Defence- Essay in peace research Vol 2*, Copenhagen.

<sup>2</sup>Ghali, Boutros (1992), *An Agenda for peace*, United Nations, New York.

Broadly peacebuilding is referred to as an intervention that aims at preventing the start or resumption of violent conflict by creating a sustainable peace. The exact definition varies depending on the actor, with some definitions specifying what activities fall within the scope of peacebuilding or restricting peacebuilding to post-conflict interventions. However it addresses the root causes or potential causes of violence, create a societal expectation for peaceful conflict resolution and stabilize society politically and socio-economically. Peacebuilding includes a wide range of efforts by diverse actors in government and civil society at the community, national and international levels to address the root causes of violence.

The scope of peacebuilding has broadened in the post cold war era. During the cold war period the conflict was usually inter-State hence, the regional organizations and independent agencies especially United Nations took the initiative to undertake humanitarian relief, peacemaking and peacekeeping actions at a scale usually manageable within the scope of the independent capabilities of their organizations. However, post cold war era witnesses the crisis of a different magnitude. The nature of crisis is more of internal or intra-state with involvement of non-state actors as well. In this context, the Canadian Church based NGO gives a clear picture of the three overlapping types of intra-state wars: State control, State formation and State failure. “State control situation centres on struggles for control of the governing apparatus of the State”. “State formation conflict centres on the form or shape of the State itself and generally involves particular regimes of a country fighting for a greater measure of autonomy or for outright secession”. Finally there are “failed State wars...in which the armed conflict is about local issues and disputes involving violence in the absence of effective government control”.<sup>3</sup>

These changing characters of war boils down to the understanding that no single actor i.e. government or international organization could address these problems on their own. For instance the crisis in Somalia, Rwanda, ex-Yugoslavia, Chechnya, West Africa, Congo, El Salvador, Cambodia, Namibia, Nicaragua and Mozambique in the late 1980s and early 1990s needed an approach of different type. There was a need for collective efforts from local, regional, national and international community. Therefore, peacekeeping, which focussed more on stabilizing the situation was no longer sufficient to deal with the post cold war issues.

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<sup>3</sup> Project ploughshares (1997), *Armed conflict Report*, Waterloo, Ontario

In 1992, *An agenda for peace*, peacebuilding was seen primarily as an effort to prevent conflict or conflict prevention. If that failed the next step was to make peace by facilitating dialogue among the conflicting parties (peacemaking). If a cease-fire or peace agreement was reached that included a neutral third-party role, the UN (or a regional organisation authorised by the Security Council) would typically deploy a peace operation to monitor the cease-fire and to support the implementation of the peace agreement (peacekeeping). Once the conflict had been stabilised and the emergency humanitarian needs addressed, the international community would shift its focus to post-conflict reconstruction. This phase was focused on rebuilding and reconciliation (peacebuilding) with the aim of addressing the root causes of the violent conflict to prevent it from reoccurring.

As a result of a series of peacekeeping failures and challenges in the 1990s the understanding of international conflict management has become more nuanced. It is now recognised that the different elements of the international response introduced in *An agenda for Peace* do not necessarily follow on from one another neatly in a linear or chronological progression as *An agenda for peace* suggested. In the context of these developments, peacebuilding emerged as the collective framework under which the political, security, rule of Law, governance, human rights and development dimension could be brought together under one common strategic framework. This hinted at the need of multi-dimensional approach, since the nexus between development, security and peace has been key in the management of conflict.

Under this context that peace building has emerged as one of the most significant new developments aimed at supporting the establishment of peace in post-conflict societies. Therefore, Peace building has been the term adopted for an extraordinary wide range of activities that have aimed to facilitate the transition from war to peace as a state emerges from conflict to post-accord period<sup>4</sup>.

Therefore, the process of peace building involves strengthening social institutions, processes and mechanisms as a means of preventing the violent conflict and establishing the foundations for a durable peace. A large variety of Peace building tasks are conducted at different levels (grass-roots, sub-national, national and international) and at different stages of a conflict-to-peace spectrum (pre-conflict

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<sup>4</sup> Holt, S. (2011), *Peacebuilding and the resurgence of war: Buying time in Sri Lanka*, Basingstoke: Palgrave Macmillan.



through to post-conflict environments). The tasks include disarming of military factions to the rebuilding or establishment of new political, economic, security, judicial, social and civil institutions. However, according to Holt (2011), the peace building activities prioritizes Security, Constitutional issues, country's institutional and human capacities with a focus on democratic elections while paying little attention to the issues of development and economic recovery.

### **2.3 Perspectives on peacebuilding**

The process of peacebuilding incorporates various dimensions and scope. If we have to analyze these dimensions broadly then, there are three widely accepted theories or perspectives on Peace building based on the causes of conflict. They are; Political; Economic and; Societal<sup>5</sup>.

#### **Political perspective**

The political perspective is about the establishment or development of Institutions of some forms of representative government which plays important role in peace building programmes. This view is propounded by liberal democracies who believe in democracy. Therefore, peace building under this perspective is greatly influenced by their principles. They believe in building new political institutions and reformation of the old, independent judiciary, free speech, active civil society and overall spreading good governance is key to this perspective.

The new perspective on liberal peacebuilding goes beyond the narrow focus on democracy and market economics by interrogating a wider area of peacebuilding activities, including the reconstruction of state institutions. It applies 'critical' analysis to the study of peacebuilding, exploring the implications of peacebuilding activities for broader debates about power, legitimacy and international order. It also takes the debate beyond the realms of liberal Western academia by involving scholars and analysts from conflict-prone and post-conflict societies.

However, this perspective has been highly questioned in the heterogeneous society. Since stable democracy is possible only in relatively homogeneous society, there are many scholarly debates on this perspective. The heterogeneous society lacks nationalism, which is the reason why the process of democratization fails in long run. This is particularly relevant in the cases of former Yugoslavia, Iraq, Rwanda, Sri

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<sup>5</sup>ibid

Lanka and Nepal where civil war took place after the transition to democracy. Such western model of democracy has been questioned but this has not stopped their implication to post- conflict scenarios.

### **Economic perspective**

The economic developmental perspective gives priority to ‘relative deprivation’ as the main cause of violence where poverty is the measuring parameter. CPRA<sup>6</sup> 1996 observes, of the 50 poorest third world countries, 38 are conflict countries. The emphasis of this perspective is at giving importance to wide scale application of economic liberalization strategies with the aim of bringing about increased wealth and reduced poverty. This includes giving loans and grants to the developing countries by institutions like IMF and World Bank in return to economic stabilization and Adjustment Programmes. It has also been analyzed that these adjustment programmes affect the distribution of power within a country and that conflict arises when social services are withdrawn from the poorest in that society and certain groups are seen to benefit from structural measures.

### **Societal perspective**

The societal perspective focuses on society and potential of violence and recognizes the inherently human aspect of conflict, rather than entirely focusing on political and economic structures. This perspective has religious orientation involving process like track-two diplomacy during conflict. There is small localised multi-denominated groups which attempts to bridge gap during conflict led by secular local leader, as well as priests. The most prominent example can be cited as Mahatma Gandhi whose belief in Hindu principles and non- violent approach inspired the oppressed groups to avoid engaging in direct violence. Some of the methods under such perspective are mediation, reconciliation, conversion, confession, mercy, conflict transformation etc.

## **2.4 Emerging Characteristics of Peacebuilding**

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<sup>6</sup>Centre For policy research and analysis (2004), “[State of Indian Development Cooperation – CPR India](http://cprindia.org/idcrreport_state_of_indian_development_cooperation.pdf),” (Online Web), [cprindia.org/idcrreport\\_state\\_of\\_indian\\_development\\_cooperation.pdf](http://cprindia.org/idcrreport_state_of_indian_development_cooperation.pdf) accessed on 20<sup>th</sup> Sep. 2014.

Whilst there is no one common definition, approach or model for peacebuilding that is yet widely accepted, some common characteristics that have emerged over the last decade and a half of peacebuilding practice can start to be identified.

### **Peacebuilding is Primarily Concerned with Peace Consolidation**

The first characteristic is that peacebuilding is primarily concerned with securing or consolidating peace. It is concerned with preventing a lapse, or relapse, into violent conflict. Peacebuilding is aimed at consolidating peace by addressing those conflict factors that may, in the short to medium term, threaten a lapse – or relapse – into conflict as well as addressing root causes of conflicts, that may threaten the peace in the long term.

### **Peacebuilding is Multi-dimensional**

The second characteristic is that peacebuilding is a multi-dimensional or system-wide undertaking that spans several dimensions. There are different models or approaches, but most range from differentiating between three core dimensions to the more elaborate approaches listing six to eight different dimensions. The UN Secretary-General Report S/2001/394 *No Exit without Strategy* (2001)<sup>7</sup>, argues that peacebuilding should be understood as fostering the capacity to resolve future conflicts by: Consolidating security, Strengthening political institutions and Promoting economic and social reconstruction.

Other UN policy documents, for instance the Secretary-General's Note on the Integrated Approach (2006), prefer a more elaborate list that includes: political, development, humanitarian, human rights, rule of law, social reconciliation and security dimensions. Humanitarian assistance should be highlighted as one dimension that is treated differently in the various models. A number of peacebuilding models – such as the UN's Integrated Approach and NEPAD's Post-Conflict Reconstruction Policy Framework for Africa (2004) – include humanitarian dimensions. However, there are debates on the issue of inclusion of humanitarian assistance within the larger framework of peacebuilding. Humanitarian community tries to give a separate recognition to humanitarian assistance as an independent, neutral and impartial field

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<sup>7</sup> United Nations Security Council (2001), "No exit without strategy: Security Council decision-making and the closure or transition of United Nations peacekeeping operations" (Online web), <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PKO%20S%202001%20394.pdf>. Accessed on December 2014

rather than recognizing it as a sub field in peacebuilding. Within this framework there are broadly five dimensions of peacebuilding.

**Table 1: Dimensions of Peacebuilding in Nepal**

1. Security and rule of law	Providing a Safe and Secure Environment
	Protection of Civilians
	Mine Action
	Security Sector Reform
	Disarmament and Demobilisation
	Police, Corrections and Judicial Reform (Rule of Law)
2. Political and governance	Support the Peace Process and Oversee the Political Transition
	Political Participation, National Dialogue and Reconciliation
	Electoral Capacity Building and Oversight (Observation)
	State and Government Institutions, Public Administration and Civil Service Capacity Building (Governance)
	Extend State Authority Throughout the Territory
	Conflict Management Capacity
3. Socio-economic	Physical Infrastructure: Roads, Ports, Airports; Electricity; Telecommunications
	Social Services: Health, Education, Social Welfare, PopulationRegistration

recovery	Stimulate and Facilitate Economic Growth and Employment
	Strengthen Civil Society
4. Human Rights	Human Rights Education, Advocacy and Monitoring
5. Humanitarian assistance	Emergency and Early Recovery Services in the areas of Food, Water & Sanitation, Shelter, Health, Protection and Returns of Refugees/ internally displaced peoples (IDPs)

Source: Accord Peacebuilding Handbook 2015<sup>8</sup>

### **The Interdependence of Peacebuilding Actors**

As mentioned earlier, the emergence of peacebuilding should be understood in the context of an increasingly complex and interdependent conflict management system. One of its defining characteristics is the large number of diverse international and local actors that are engaged in any particular peacebuilding systems, including states, multilateral institutions, NGOs, local communities and corporations. The work of these actors touches political, security, development, governance, economics and socio-cultural dimension. In each specific case the full spectrum of national actors – including government, political parties, militias, traditional leaders, civil society, and others – are engaged in the peacebuilding process.

However, there is a continual tension between the independence and interdependence of these peacebuilding actors. The various peacebuilding actors exist as independent agents with their own mandates, programmes and resources, yet they are interdependent on each other to achieve their respective objectives, and that of the overall peacebuilding undertaking. Most peacebuilding related programmes only make sense as part of a larger system of related programmes.

### **Peacebuilding is a long-term process, but it is driven by short-term realities**

The fourth aspect is regarding the time frame. There seems to be debates regarding the process of peacebuilding as a long term and short term goals. At the policy level post-conflict peacebuilding is a long-term process, and that a longer and

<sup>8</sup>ACCORD (2015), “The African Centre for the constructive resolution of disputes,” URL: <http://www.accord.org.za/our-work/peacebuilding/peacebuilding-handbook>, Accessed on January 2015

more sustained international commitment is necessary. World Summit 2005 resulted in the establishment of the UN Peacebuilding Commission (PBC) which acknowledged the acceptance that a longer-term time frame was necessary for post-conflict peacebuilding. The core aim of the PBC was to ensure that the international community remains engaged in countries in the post-conflict peacebuilding stage.

This was regarded as necessary because the UN Security Council's attention tends to be focused on those crises where the UN has a direct stake, usually in the form of a UN peacekeeping operation. When such operations come to an end, the post-conflict countries in question tend to move off the Security Council agenda. Failures to sustain international engagement in countries like Haiti, Liberia and Sierra Leone in the 1990s was seen as an important factor in the serial-relapse into violent conflict experienced in these countries a decade later. The international community now seems to recognise a causal link between sustained international attention and longer-lasting peace processes.

The second time related characteristic is the recognition that although post-conflict peacebuilding requires a long-term commitment, there is also a need for immediate and short-term gains to deal with conflict. This has resulted in practices of financial and an acceptance that some aspects of DDR, RoL and SSR. This is an area that still leaves room for significant debate, and the peacekeeping- peacebuilding nexus discussion as to where the limits should be drawn when it comes to the use of the assessed contribution budget, and how peacekeeping operations can, in post-conflict situations, best be used as peace builders.

### **Peace Agreements and its Impact on Peacebuilding and Statebuilding**

Peace agreements have always been central to peacebuilding process. In order for peacebuilding to be successful, there is a strong need to understand local contexts and to develop strategies that address root causes of conflict. It is important to highlight that peace agreements are the starting point for the development of longer-term solutions for a country. In this context, where conflicts end through reaching a negotiated settlement, there is a potential for longer-term impact that particular compromises that were made by the parties in relation to the sustainability of peace processes<sup>9</sup>.

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<sup>9</sup>International Peace Academy (New York) (2004), "Post-Conflict Peacebuilding Revisited: Achievements, Limitations, Challenges", (Online Web), URL:

However, a central issue relates on how to further explore the fact that a large number of peace agreement end up falling apart, allowing countries to return to conflict. One issue refers particularly to the fact that many, directly or indirectly, see peace agreements as an opportunity for disengagement, as it can be seen by partners and the international community as a potential milestone for departure. Several examples and cases can be highlighted, including cases of South Sudan, Rwanda, Liberia, the DRC, Burundi and others.

### **Existence of Multiple Peacebuilding and Statebuilding Instruments**

Post-conflict countries are frequently engaged in the development of several frameworks and initiatives to aim to deal with peacebuilding and statebuilding challenges. Some of these initiatives are nationally led, others are internationally led. Internationally, many examples and references can be made, including for instance those happening at the at the African Union (AU) level and its Post conflict reconstruction and development framework; the UN larger peacebuilding framework, including through the work of the UN Peacebuilding Commission (PBC), the UN Development Programme (UNDP) and many others; the work and practice of the World Bank; the development of g7+; amongst others. Nationally, in each peacebuilding context and country several different initiatives can be referenced as instruments utilised to address peacebuilding related issues. Those include Peacebuilding Strategies, Poverty Reduction mechanisms, peacebuilding and development compact, amongst many others national frameworks.

### **2.5 Peacebuilding Phases and Actors<sup>10</sup>**

As peacebuilding is situated in the time-period between the ending of violent conflict and the return to a normal development process there are number of actors involved in the same. It is possible to identify three phases that may be generally applicable to most peacebuilding processes: the stabilisation phase, the transitional phase and the consolidation phase. This process may take decades, and it is helpful to break it down into phases so that the different phases of peacebuilding can be better understood, planned and managed, based on the distinct priorities and dynamics of each phase.

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[http://www.un.org/esa/peacebuilding/Library/Post\\_Conflict\\_Peacebuilding\\_IPA.pdf](http://www.un.org/esa/peacebuilding/Library/Post_Conflict_Peacebuilding_IPA.pdf). Accessed on January 2015.

<sup>10</sup>Tschirgi, "Post-Conflict Peacebuilding Revisited: Achievements, Limitations, and Challenges," 9.

However, these phases should not be understood as clear chronological stages that follow on each other with identifiable boundaries where the one step starts and the other step stops. They are more like oceans that flow into each other, there are parts that are clearly identifiable as belonging in one of these phases, but there are also parts that are greatly influenced by the transition between phases. But it is very difficult to identify clearly where one phase ends and another begins.

### **Peacebuilding Actors**

Peacebuilding also involves number of actors. Broadly it can be differentiated as internal and external actors. When considering the range of actors engaged in peacebuilding, a distinction between internal and external actors can be made. Internal refers to those actors that are indigenous to the conflict system. For example, the political parties and other political actors, government institutions, civil society, the private sector, traditional leaders, etc. External refers to those actors that are engaged in a given conflict system, but which are outside or international actors, in other words, they are neighbouring states, international organisations like the UN, or regional organisations like the AU, international NGOs, donor countries or countries that have commercial interests, the international private sector, etc.

The first distinction is thus between actors that are local and those that are international. International actors come and go, and many are professional peacebuilders. Internal actors, on the other hand, have lived through the conflict and their future will be shaped by its legacy and the transformative power of the peace process. The internal actors own the space and the process, because they are a part of the conflict and look for sustainable peace. They also have the greatest cultural, regional and national understanding, placing them in the best strategic position to develop a relevant and appropriate peacebuilding process. Only they can make peace, and only they can take responsibility for its outcome. External actors have an important role to play in supporting facilitation. They are interested parties because they stand to gain or lose from a lapse into violent conflict, sustained instability and fragility, or a successful and sustainable peace. They have the agency to influence the process, but they cannot make peace on behalf of the internal actors. Their role is thus influential but limited.



## External Actors<sup>11</sup>

There are a number of external actors that need to be considered in the peacebuilding context – typically, a core group that is dedicated to the peacebuilding effort. These usually include international or regional peacekeeping operations, a number of UN agencies, organised as the UN Country Team, a large range of international NGOs organised around a number of clusters such as food security, health, etc. and a number of interested governments, including neighbours, countries with commercial interests and donor agencies.

In many post-conflict situations the UN, the AU or sub-regional organisations, such as the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), or the Intergovernmental Authority on Development (IGAD) in Africa deploy a peace operation to stabilise the situation and to monitor and support the peace process. The bulk of a peace operations effort and resources are focused on ensuring a safe and secure environment so that the rest of the peacebuilding can be carried out without fear of disruption. Some of the other examples are UN Country Team (UNCT), UN High Commissioner of Refugees (UNHCR), the World Food Programme (WFP), the UN Children’s Fund (UNICEF), the World Health Organisation (WHO), the UN Development Fund for Women (UNIFEM), the Office for the Coordination of Humanitarian Affairs (OCHA) and others.

In some cases there will also be a specific peacebuilding strategy, or strategic framework, sometimes facilitated by the engagement of the UN PBC. International NGOs include a broad range of independent not-for-profit organisations that work in the humanitarian assistance and development spheres. Most NGOs have developed a specific field of specialisation. Some like *Médecins sans Frontières* (Doctors without Borders/ MSF) focus on the health sector. Oxfam is known for its work in the water, sanitation and preventive health sectors. Others, such as Care International and World Vision, have a more cross-cutting approach and may be involved in food distribution, agriculture projects and support of refugees or internally displaced people (IDPs). In some cases, these NGOs will execute programmes for which they have obtained their

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<sup>11</sup> ACCORD, ‘how can external actors contribute to resilience?’ (Online Web), <http://www.accord.org.za/publications/policy-practice-briefs/1188-creating-an-enabling-peacebuilding-environment>, accessed on 12.01.2014.

own funding, in others cases they may act as implementing partners for UN agencies like the UNHCR (refugees) or WFP (food distribution). Many of these NGOs are primarily humanitarian agencies that will be most active in the stabilisation phase, but some remain engaged after the humanitarian emergency in the recovery and rehabilitation periods, and some are now also active in peacebuilding programmes.

The donor community are also the important external peacebuilding actors. This includes multilateral donor agencies such as the European Union (EU) and European Commission (EC/ECHO), and bilateral donor agencies such as: the Japan International Cooperation Agency (JICA) (Japan), the United States Agency for International Development (USAID) (United States of America), DFID (United Kingdom), the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) (Germany), the Norwegian Agency for Development Coordination (NORAD) (Norway), the Swedish International (Canada), and GOAL (Ireland). Usually, most of these donor agencies are present at the country level which provides the resources for the UN system and the NGOs that do the actual work<sup>12</sup>.

Many UN agencies subcontract the actual work to NGOs – approximately 80 % of all programme activity in the field is carried out by NGOs. The international private sector and governments with specific economic interests – typically in the natural resources sectors like energy and minerals – also play an important role in the peacebuilding process. They should be a force for good that supports the peace process by investing in the economy, which generates revenue for the state, creates employment and stimulates economic activity and growth. However, they can also be a destructive influence when they try to influence local politics to their benefit, or when their activities are perceived to benefit one of the parties to the conflict. In many cases state fragility attract trans-national organised crime, and these organised criminal groups may, at times, mask part of their activities as legitimate private sector interests, so as to give them a legal presence in a given country. The private sector is thus a critical peacebuilding partner, but it has a dark-side that needs to be kept in check.

Last, but perhaps most important is the larger political interest at stake, as represented by the interest of neighbouring states, or other states that have a particular historic or other stake in the conflict system. The external politics percolate up and

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<sup>12</sup>ibid

influence the decisions of the UN Security Council, as well as regional bodies such as the AU, and in the African context, sub-regional bodies such as the Economic Community of West African (ECOWAS), the Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD). The external politics also percolate down and influence the political space and choices of the parties to the conflict. The peacebuilding actors are ultimately directed by the mandates they derive from the UN Security Council and the governing boards of the UN agencies as well as by the funding decisions of the donor countries and the decisions of the neighbouring and another interested countries.

These different actions affect the degree to which these countries support the peace process, influencing issues such as how many troops will be contributed to UN or AU operations, how much technical assistance and how much encouraging investment will be provided, etc. The political dimension of peacebuilding, including the external political dimension, is thus a strong factor that exerts influence on the peacebuilding system. However, this influence flows both ways and the dynamics among the internal actors, and the relationships and interactions between the internal and external actors, greatly influence the politics of the peacebuilding system.

### **Internal Actors**

Internal actors are the ones who have the most to benefit or lose from peacebuilding processes. They are the ones that benefit directly from it and should thus have the highest degree of ownership within the process. The internal actors are comprised of a wide variety of stakeholders, as every element of society is affected by the conflict and has a stake in the peace process. Most external peacebuilding actors specialise in one or a few of these dimensions, and their engagement with the peacebuilding process thus primarily takes place through the lens of the specific area they are engaged in, for instance SSR and RoL.

Internal actors on the other hand, in their individual and family contexts, experience peacebuilding as a whole-of-system effect. They feel safe enough to send their children to school, or to return to their places of origin, and they have confidence enough to invest in building a home or investing in the economy, or not, based on their overall sense of the peace process, and their assessment of the likelihood of a lapse or re-lapse into violent conflict. In their professional capacities some may work in a specific sector, such as SSR and RoL, but they also have a deep-rooted stake in

the overall outcome of the process. Civil society often plays a critical role in peacebuilding processes. Whilst they are not, nor should necessarily, act as a substitute for the state, they are meant to provide support to the peacebuilding process. Civil society actors can play various roles at different stages of conflict, often positive or negative. In this context, not all civil society organisations are necessarily dedicated to peace and peacebuilding, and instead can contribute to the fostering of violent conflict<sup>13</sup>.

### **Civil Society Roles in Peacebuilding**

Civil society can play many roles in peacebuilding. The following list present a few of the roles that are often played by these organisations: Monitoring and early warning analysis; Conflict analysis; Advocacy and education; Protection; Track-two mediation and facilitation; Alternative media; War and peace reporting; Service delivery and livelihood generation; Youth work; Initiatives to foster social cohesion; Social capital; Psycho-social support; documentation and initiatives for dealing with the past<sup>14</sup>.

### **2.6 Dimensions of Peacebuilding**

There are various dimensions involved in the understanding and analysis of peacebuilding. As mentioned earlier, peacebuilding is a complex process where a series of actors and issues are relevant in order to achieve an effective peace. Once a society is stable and secure, the process of the development of legitimate political institutions can begin and processes which allow the population to exercise their right to vote and air their grievances in an effective manner should be implemented. The development of systems of law, justice and governance will stabilise the society and aid the state in consolidating its new found peaceful existence. Once this has happened, the process of developing the economy and reconciling the people will follow. It is important to be aware that there are a range of vulnerable actors and groups within society which must be actively involved and considered within all peacebuilding activities. The vulnerable groups in post-conflict settings are women, children and displaced people.

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<sup>13</sup> WSP International & International Peace Academy (2004), "Building Effective Partnerships; Improving the relationship between internal and external actors in post-conflict countries," Conference document, Geneva.

<sup>14</sup> Paffenholz, Thania, (ed.) (2009), "Civil Society and Peacebuilding: A Critical Assessment", Boulder, CO: Lynne Rienner Publishers.

## **Disarmament, Demobilisation and Reintegration (DDR)<sup>15</sup>**

The processes of DDR are critical and necessary in post-conflict contexts. These processes transform agents of war into agents of peace. This process addresses a wide range of actors: children, the elderly, women, ex-combatants and individuals with disabilities. It is important that their wide interests and needs must be addressed through the right structures and mechanisms; for example, UNICEF plays a major role in facilitating DDR processes for children. DDR processes also require a coordinated and coherent approach between the government, the UN mission and agencies, and other non-governmental and international financial organisations.

### **Disarmament**

The process of disarmament involves the removing of arms by rebel groups and ex-combatants. The submission of weapons such as heavy machine guns, hand grenades, and small arms and light weapons is critical for determining the success of demobilisation and reintegration processes. Without the thorough removal and destruction of these weapons, they can be recycled in future conflicts. A major challenge with the disarmament process is the reluctance of ex-combatants to let go of these weapons as they have depended on them for protection and other means.

### **Demobilisation**

Demobilisation can be defined as the process whereby former non-state armed groups are disbanded and discharged. This process attempts to change the perceptions and mind-sets of ex-combatants and aims to transform them to support the peace process. This process is critical because if ties between members of armed militia and rebel groups are not broken, they are able to re-mobilise in the future. Successful demobilisation processes create the space for the full reintegration and inclusion of ex-combatants back into society.

### **Reintegration**

Reintegration is the process whereby ex-combatants are reintroduced to their or other communities. These processes aim at creating a smooth transition of returning combatants to civilian life and a life of peace instead of violence. A process of reconciliation should take place during reintegration processes so that communities

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<sup>15</sup>Reene, Owen and Ryan, Simon (2008), "Linking and Coordinating DDR and SSR for Human Security after Conflict: Issues, Experience and Priorities", Safer world and University of Bradford,

welcome ex-combatants and are able to assist in reintegrating them back into their communities. Reintegration also goes further and provides the resources, both financial and in-kind, for these ex-combatants to settle back into their communities comfortably.

### **Security Sector Reform (SSR)**

The security sector can be broadly defined as encompassing a group of actors and institutions that are tasked with providing security. More specifically, these actors are tasked with protecting the state and citizens from internal and external threats to their security and ensuring their safety. With the fragile state of a country after conflict, SSR involves drafting a new national security strategy and designing a new security architecture that assesses the security situation, outlines security gaps and threats, and evaluates the available and needed resources (human and financial) to address these security gaps and threats. As a process, SSR should be governed by legality, transparency, accountability and inclusivity. Furthermore it is respectful of human rights, includes democratic norms and is within the rule of law.

In immediate post-conflict situations, new security structures have to be developed. These require the recruitment, training, and equipping of personnel. For example, ex-combatants go through a vetting process to ensure that they are eligible and qualify for recruitment. In many cases external security actors have to be relied upon to assist in developing these structures. The end goal therefore is to create a professional security sector grounded in the rule of law.

Both DDR and SSR processes should be carried out together as these processes impact upon one another. For example, as ex-combatants complete the DDR processes, they can be recruited and integrated into national security structures. On this basis, the restructuring of security institutions will also examine how to include former ex-combatants into these processes. The success of these parallel processes will contribute to peace and long term stability in the post-conflict state.

### **The Importance of Elections for Good Governance<sup>16</sup>**

Elections are a core aspect of good governance and would be a means to overcome many issues listed above. Elections are the means by which the leadership

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<sup>16</sup>Beatrice,Pouligny (2000), "Promoting Democratic Institutions in Post-Conflict Societies: Giving Diversity a Chance," *International Peacekeeping* vol. 7(3).

is elected and given legitimate power. A government elected by the majority of the people is seen as legitimate and maintains this legitimate power through ensuring it meets the needs and ideals of the people who elected it. Elections are seen as a beacon of hope for democracy and usually end a transition from conflict to a democratic state. Elections are able to allow the population to have a say in who leads them and also provide processes and institutions in which the population is able to express grievances and exercise their voice. A government elected through free and fair elections will hold not only legitimacy but will uphold the rule of law and the governance structures which will enable the state to consolidate itself and increase the likelihood of sustainable peace and development. Free and fair elections which are overseen by international observers are seen to hold legitimacy and will increase the status of the country in the eyes of the international community.

## **2.7 Conclusion**

An overview of this chapter leads us to a conclusion that a number of emerging characteristics that taken together may assist with understanding the peacebuilding concept better. Characteristics such as peace consolidation; the multi-dimensional nature of peacebuilding; the interdependence of peacebuilding actors; the longer-term vs. shorter-term approaches to peacebuilding; the existence of multiple frameworks for peacebuilding, the linkage with the development of peace agreements; all have been discussed. It also implies that in principle, the host government and other internal actors should play lead roles in the peacebuilding process, since it is their own future that hangs in the balance. Peacebuilding, state formation and institution-building have to be local-context and self-generated processes that generate indigenous and locally owned bottom-up institutions. This is the only sustainable way in which societies, institutions and states are formed. The external actors have to formulate and adopt new principles and approaches that challenge their own deep-rooted identity, self image and roles. They need to take a much longer-term and patient approach, and learn how to limit themselves to their 'external' role. Now that there is a better understanding of the dimensions of peacebuilding, the different areas that should be considered and the different players that should be involved, the actual practical elements that should be considered and implemented before, during, and after peacebuilding initiatives must be addressed.

## CHAPTER-III

### HISTORY OF THE CONFLICT IN NEPAL

#### 3.1 Introduction

This chapter seeks to discuss the dynamics of conflict in general and Nepalese political development in particular to understand the cause of conflict. It also aims to give an overview that the conflict led by the Communist Party of Nepal-Maoist (CPN-M) was an emergence of a “new ideology” as a part of social process. The conflict was overlooked for almost a decade and was conceptualized in such a way which forced the differing ideology (CPN-M) to be discarded from the “whole”, the social and political process though not possible in reality. Along with the particular ideological and political aspirations of the movement, there seems to be a wider national and international consensus on the legitimacy of some of its demands. Thus, the purpose of this chapter is to explain and interpret the Maoist movement as a manifestation of the weakness of the country’s political and socio-economic structures. Overall, this gives us the larger picture of how the conditions for violence were present throughout the history of Nepal.

This chapter will look into the socio-economic structure of Nepal that led to conflict; a brief overview of the political setup before 1990; the prime focus is on the political change of 1990s that led to the emergence of People’s war; factors leading to the rise of the Maoists insurgency and the consolidation of Maoist movement; the concluding section of this chapter gives an account of the impacts of the people’s war that includes the number of casualties and the number of infrastructural damages caused by the conflict.

Nepal was historically governed by a series of royal dynasties until the early 1990s when several political parties launched a popular pro-democracy movement, the *Jana Andolan* (People’s Movement). Following a turbulent period of street protests, multiparty democracy was restored in May 1991. Traditionally, social life in Nepal has been highly stratified, marked by caste and other hierarchies which shaped much of the country’s social, economic and political life. The dramatic political changes of 1990 raised popular expectations of social progress and greater equality, but although some statistical indicators from the early 1990s show positive developments in the economy, the living conditions of most people remained poor. Around this time, some analysts were noting that deep-rooted socio-economic



conditions favourable to armed conflict existed in Nepal, and warned of the possibility of a radical movement rising up to channel longstanding grievances.

In March 1995 the newly named Communist Party of Nepal (Maoist) (“CPN (Maoist)”) began to draw up plans to launch an armed struggle, the so-called “People’s War”, against the State. On 4 February 1996, the CPN Maoist submitted a 40-point demand to the Government which addressed a wide range of social, economic and political agendas, and warned that a militant struggle would follow if the demands were not met. Just one week later, on 13 February 1996, the CPN (Maoist) launched an armed insurgency against the Government. Over the course of the following decade, what was initially regarded as a minor problem of law and order in a distant part of rural Nepal developed into an entrenched and often brutal armed conflict that affected the entire country. Violations and abuses by both government Security Forces and by the CPN (Maoist) were widespread throughout the conflict; conflict related killings were recorded in all but two of Nepal’s 75 districts, Manang and Mustang.

After the declaration of the People’s War by the Maoist, Nepal became a Country under siege with violence. What actually triggered the people’s war? Some see social inequality and exclusion of a large section of the population from the structures of political power and the sharing of resources by the traditional ruling elites as the underlying causes. There have been several views to measure the root cause of Maoist Insurgency in Nepal.

There is however widespread consensus as to the root causes of the conflict in Nepal. The main grievances, all closely related to each other include inequitable socio-economic and political access, bad governance/corruption and widespread poverty, urban-rural divide etc. These issues are used by the Maoists to justify their challenges against the government, and all contribute to motivate certain sectors of the population to join or at least support their movement and their cause.

### 3.2 Parties to the Conflict

**The Royal Nepalese Army:** The Royal Nepalese Army (RNA) was primarily regulated by the Army Act 1959 and the 1990 Constitution throughout the majority of the conflict period<sup>1</sup>. The Commander-in-Chief of the army was appointed by the King on the recommendation of the Prime Minister. As the intensity of the conflict increased in the late 1990s, the Government continued to insist that the Maoists insurgency was a law and order problem and the Nepal Police (NP) was the primary security force deployed to address the situation. However, on 26 November 2001, a state of emergency was declared and the army was ordered to deploy against the Maoists. Subsequently, the RNA expanded to include a Divisional Command in each of the five development regions, in addition to a Valley Command with headquarters in Kathmandu.

**Nepal Police:** The Nepal Police (NP) is regulated by the Nepal Police Act 1955, as amended. It falls under the control of the Ministry of Home Affairs and is headed by an Inspector General of Police. According to Section 4 of the Nepal Police Act 1955, the Government of Nepal has oversight and control of the Nepal Police and has the authority to issue orders and directives, which police are duty bound to follow. Section 8 of the Nepal Police Act 1955 places police at the district level under the authority of the Chief District Officer.

**Armed Police Force:** The Armed Police Force (APF) is a paramilitary police force first established through an Ordinance in January 2001. The creation of the APF reflected the Government's need to deploy additional forces against the Maoists given the ongoing escalation of the conflict, then in its fifth year, and the continuing challenges faced by a civil police force not trained to combat an insurgency. The APF falls under the Ministry of Home Affairs and is headed by an Inspector General of Police. The functions of the APF are listed in the Armed Police Force Act 2001 and include: (a) To control an armed struggle occurring or likely to occur in any part of Nepal; (b) To control armed rebellion or separatist activities occurring or likely to

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<sup>1</sup> The Army Act (2006), "A Little less than two months before the signing of the Comprehensive Peace Accord".

occur in any part of Nepal; and (c) To control terrorist activities occurring or likely to occur in any part of Nepal<sup>2</sup>. The APF is under the operational command of the RNA<sup>3</sup>. By the end of the conflict the APF numbered approximately 30,000 and were organized into five combat brigades, one in each development region.

**Communist Party of Nepal (Maoist):** The CPN Maoist was formed in Nepal in 1995. The Party was headed by a Chairman who was also Supreme Commander of the People's Liberation Army (PLA), the military wing of the CPN (Maoist). The Maoist military was under the leadership of the CPN (Maoist) Party and was meant to further the political goals and interests of the Party<sup>4</sup>. The formation of the PLA was announced at the first national conference of the Maoist army held in September 2001, though the Maoists had been developing their military capabilities since launching the "People's War" and had active combatants operating under a chain of command and engaging in military action long before officially forming the Army. While the exact number of active PLA personnel during the conflict remains a matter of dispute, many analysts estimate that there were between 5,000- 10,000 active combatants for much of the conflict period. By the end of the conflict, the PLA had expanded to include seven declared divisions countrywide, organized under three commands – Western Command, Special Central Command, and Eastern Central Command – which were in turn under the authority of the Supreme Commander and four Deputy Commanders.

### 3.3 Socio-economic structure of Nepal

In terms of caste and ethnic break-up, the country is essentially a conglomeration of minorities, with the two largest groups comprising 16 percent (Chhetri) and nearly 13percent (Bahun) of the population. None of the other groups constitute more than 10 percent of the population. ...Regardless of the reality on the ground, Nepal is usually represented as a Hindu kingdom where different castes as well as ethnic, linguistic and religious groups have co-

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<sup>2</sup> Armed Police Force Act (2001), section 6(1).

<sup>3</sup> Ibid.

<sup>4</sup> Theoretical Premises for the Historic Initiation of the People's War", September 1995, (Online Web), <http://www.ucpnm.org/english/doc3.php>, accessed on 14.09.2015.

existed peacefully. ...However, the subordinate groups are beginning to question this picture of tolerance and pluralism. Particularly since the restoration of multi-party democracy in 1990, when the open political atmosphere allowed the emergence of an energetic movement of ethnic assertion, whose leadership might regard Nepal as a pluralistic society, but one that is characterized by hierarchy, dominance and oppression.<sup>5</sup>

Therefore, the constructed caste system can be seen as the inherent problem in the Nepal's social structure. The caste system consisted of four main levels: the Brahmins or noblemen at the highest level, followed closely by the warriors (Chhetris), then the merchants (Vaishya), and the Dalits, who were the members of the "untouchable" caste.

A national legal code established in 1854 assigned each ethnic group to a specific position in the castes hierarchy, regulating the life of the citizens in detailed aspects of their social life. Each community was granted rights and duties; therefore, belonging to one group or another had important political and economic consequences. <sup>6</sup>Although the caste system was abolished in 1960 and is now prohibited by the constitution, for groups historically associated with particular castes it has been difficult to lose their privileges.

It is important to note that the policies of the Rana regime and the Panchayat system<sup>7</sup> worked to preserve the caste system of social stratification, clearly favouring the higher castes. Both regimes advocated a policy of "one country, one religion, one nation,"<sup>8</sup> which led to the suppression of the native languages and cultures.

Economically there were huge variations in Nepal. Right before the conflict of 1996, GDP of Nepal was \$ 270 per year, which is considerable low. 42% of the population lived below the poverty line. This too varied from less than 10 % in the Capital Kathmandu to more than 50 % in several districts<sup>9</sup>. In Nepal 90 percent of the

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<sup>5</sup>Pradhan,Rajendra(2002),*State of Nepal*, pp 3-5.

<sup>6</sup>"Towards conflict Transformation in Nepal: A case of UN mediation", (Online Web), [www.monitor.upeace.org/pdf/peacemag-Nepal.pdf](http://www.monitor.upeace.org/pdf/peacemag-Nepal.pdf), accessed on 21.09.2014.

<sup>7</sup> See Appendix I

<sup>8</sup>Gurung,D.B. (2003), "Ethnic and Socio-Cultural Dimensions to the Maoist Insurgency: An Overview," p, 84.

<sup>9</sup>Quy-Ioan and Lakshmi Iyer (2009), "Geography, poverty and Conflict in Nepal", working paper Harvard Business School, (Online Web), URL: <http://www.hbs.edu/faculty/Publication%20Files/07-065.pdf>, accessed on 23.12.2014.

total population live in the rural areas and only 10 percent live in the urban areas. In 1953/54 urban population in Nepal was 3 percent and after 40 years it has reached to 10 percent, which is not significant by any account. However, the process of urbanisation and the mode of development of transportation and communication system in the last 40 years indicate some important changes in Nepal. This urban-rural structure and their distribution pattern conform overwhelmingly to the mono-centred structure of the feudal society.

In terms of development perspective, out of the 33 settlements officially designated as 'urban centre' in the form of municipalities in 1991, 3 are in Kathmandu Valley, 22 in Terai and 8 in the Hilly regions, and the distribution of urban population in them is 35 percent, 53 percent, and 12 percent respectively. If one has to analyse the condition and pace of development of the geographical regions of the country, then one sees a very alarming picture of absolute backwardness at one end, and an increasingly unequal and distorted development at the other. Some indicators of urban- rural divide are; 60 percent of the deposits and 50 percent of the credits of commercial banks are centred in Kathmandu; one third of internal trade of the country takes place in Kathmandu; 69 percent of investments in tourist hotels are made in Kathmandu; 60 percent of motor vehicles in the country are registered in Kathmandu; 60 percent of industries in the country are located in or around Kathmandu, etc.

Against this, Hilly regions and most of the rural areas are without basic physical infrastructures such as roads, water, electricity, etc. and social services like education, health, etc. When a district wise composite development index with indicators of agriculture, industry, finance, social service, physical infrastructure development is constructed, it is seen that districts of ;

1. Kathmandu Valley (i.e. Kathmandu, Lalitpur and Bhaktapur) rank first;
2. Far eastern Terai districts (i.e Morang, Sunsari and Jhapa) come second;
3. Districts like Parsa, Kaski, Banke, Chitwan, etc. with big urban centres come third;
4. Rest of the Terai districts come fourth; and
5. The Mountainous and Hilly districts stand at the lowest rung.

Even among districts in the Mountainous and Hill regions, the districts in the Karnali watershed are most underdeveloped<sup>10</sup>. Such urban- rural inequalities further added to the escalation of the discontent towards the government and provided fertile ground for the aggravation of conflict.

The socio-political arrangement of the system described above is also reflected on the levels of overall human development and the patterns of distribution of economic and political power. For instance, The United Nations Development Human Development Report 2003 places Nepal 142 in the Human Development Index Rank.<sup>11</sup> In addition, Brahmin, Chhetri, and Newars, occupy 48%, 26%, and 15% of office level positions respectively.<sup>12</sup> There are also high levels of illiteracy, lack of access to basic health services, and approximately 94% of the population is engaged in “subsistence” agriculture endeavours.<sup>13</sup> Finally, to illustrate the high levels of income disparity within the Nepalese society, a study published by the Nepal South Asia Centre estimates that “71 per cent of the wealth...is in the hands of the top 12 per cent of the households, and only 3.7 per cent of the national income reaches the poorest 20 per cent of the country’s family.”<sup>14</sup>

In Nepal, around 40 % population is still illiterate. The report by CBS<sup>15</sup> (2004) explains that male and female literacy rate is 63% and 39% respectively. Nepal Living Standard Survey (1995-96) indicates that around 50 percent population lives in poverty. <sup>16</sup>The situation probably has not changed to better due to the conflict that emerged in 1996. Furthermore, Nepal is a multilingual, multiethnic and multi religious country with around 23.15 million population. Hindu is the leading religion (85%), Buddhist (11%), Muslim (4.2%) and others like practitioners of indigenous animist religion and Christian (3.6%).<sup>17</sup> Nepali is the national official language which

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Bhattarai, Baburam(1998),“Politico-Economic Rationale of People's War in Nepal”, (Online Web),<http://www.bannedthought.net> accessed on 12.11.2014.

<sup>11</sup>UNDP/Regional Human Development Report: HIV/AIDS and Development in South Asia(2003),“Nepal Country Fact Sheet.”

<sup>12</sup>“Towards conflict Transformation in Nepal: A case of UN mediation” [www.monitor.u peace org/pdf/peacemag-Nepal pdf](http://www.monitor.upeace.org/pdf/peacemag-Nepal.pdf), accessed on 10.12.2014.

<sup>13</sup> Ibid.

<sup>14</sup>Smruti S. Pattanaik (2002), “Maoist Insurgency in Nepal: Examining Socio-Economic Grievances and Political Implications.”*Strategic Analysis, Institute for Defense Studies and Analysis*, vol. 26(1), Columbia International Affairs Online, Columbia University Press.

<sup>15</sup> Central Bureau of Statistics (2004), “Nepal Living Standard Survey”, Kathamndu

<sup>16</sup>Bhattarai,Keshab (2004), “Local dynamics of conflict and the political development in Nepal:A model for conflict transformation” Centre for east and south east Asian studies, Lund University.

<sup>17</sup> ibid

is spoken by only 60 % of population and there are 61 different nationalities. Within such diversity, feudal system, unjust socio-political structure and political instability played a vital role for the emergence and accelerating of the conflict (1996-2006).<sup>18</sup>

The number of people living below the poverty line in Nepal in the year 2003-2004 was 31%. The data also shows that poverty is highest in mid western and far western regions with percentage of people living below the poverty line as 45% and 41% respectively as compared to western region with 27%. The developmental plans of Nepal shows that some regions are ignored in development activities and are concentrated in only selected regions<sup>19</sup>. Some researchers argue that failed development strategies perhaps contributed to political greed and ethnic discrimination, which led to civil unrest<sup>20</sup>. Infact, the Maoists emerged at the centre of national politics because of the underdeveloped political institutions and their inability to control the uprising.

This way it is evident that when after the decade of 1950s the Nepalese economy was increasingly entangled with imperialism and expansionism, as its physical manifestation 'urban' centres mushroomed along the Indian borders and the overall regional structure of Nepal started becoming extraverted. Nevertheless the earlier primacy of Kathmandu Valley as the capital region was retained though in a slightly reduced proportion. This condition is further proved by the fact that the road and air traffic flow and communication systems are mainly oriented towards Kathmandu and then towards cities in the Terai hence neglecting the other parts. With this brief highlight on Nepal the following section focuses on the political history that led to the emergence of People's war in Nepal.

### **3.4 Political History of Nepal Prior to 1990**

Looking into the political history of the country, Nepal was unified in 1768 through military conquest by the ruler of the Gorkha kingdom Prithvi Narayan Shah. Ever since this period the history of Nepal can be divided into five main phases. The first historical period falls between 1768 to 1846 under Prithvi Narayan Shah and his successor. The Shah dynasty was overthrown by the Rana dynasty (1846-1950). The

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<sup>18</sup> ibid

<sup>19</sup> Karmacharya, Prajeena (2012), *Rehabilitation in Nepal: Unresolved Consensus and hidden reasons*, M.A dissertation, the Netherlands: Graduate school of developmental studies.

<sup>20</sup> ibid

Rana dynasty established the rule of powerful prime ministers, relegating the monarch to a titular position. The Rana dynasty can be hence considered as a military oligarchy. The armed struggle of the Nepalese people against feudal monarchy is as old as the kingdom itself.

The second phase in the political history of Nepal started in the year 1951 with the return of King Tribhuvan who worked in association with Nepali congress Party (NC). Nepalese people introduced multiparty system in 1950, for the first time in the history. The struggle continued even after the 1950 overthrow of Rana autocracy. In this process, government officials were removed and feudal landlords were eliminated. To subdue the rebellion, the king sought help from the Indian troops.

The institutional framework for this new governing arrangement brought an end to Rana autocracy<sup>21</sup>. This phase was an early indication of democracy. However, this did not progress further due to the failure of the king to hold promised elections to a Constituent Assembly and also the Amendment of 1951 act to institutionalize absolute monarchy. In 1959, the Constitution of the Kingdom of Nepal was issued by King Mahendra who succeeded King Tribhuvan. It provided for a multiparty political system that provided opportunity to the ordinary Nepali people. Nine political parties contested for the first time in 1959 parliamentary election, with Nepali Congress winning the majority.

The phase, 1950 to 1960 marked the third phase of Nepal's political system. However, this first opening of the democratic setup came to an end as king Mahendra dissolved the parliament in 1960. The Shah king established the absolute rule with partyless panchayat system<sup>22</sup>. In 1972 King Mahendra's son Birendra ascended the throne and continued with absolute monarchical rule. In 1979<sup>23</sup> he was forced to introduce political reforms by offering a choice between Panchayat regime and multiparty democracy in national referendum.

Panchayat regime was favoured by the referendum held on May 1980 with a majority of 55 percent. However, this came to an end in 1990 with the outburst of *Jana Andolan* instigated by the Nepali Congress and United Left Front (ULF). The

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<sup>21</sup> This is provided in the Interim Government Of Nepal Act 1951.

<sup>22</sup> Under this system the villages became self governing through a chosen group of elders. All political activity was banned though the elections were used for parliamentary positions.

<sup>23</sup> This marked the unrest initiated by the students.



king in response to the *Andolan* agreed to significant political reforms<sup>24</sup> (Thapa, 1996). Therefore the forth phase of Nepal's political development lasted from 1960 to 1990. The fifth phase of Nepal's political development starts from 1990 with the establishment of multiparty democracy. In short, the authoritarian and totalitarian political regime spurred a global surge for democracy in Nepal<sup>25</sup>.

Hence, the past thirty years i.e. from 1960-1990 went through lot of trials and tribulations. The Nepali Congress which was thrown by the king in 1960s initiated armed struggle against the monarchical system in 1962 and 1971, however, this remained different from that launched by the left forces or the Maoists in 1996. Communist party of Nepal (Marxist- Leninist)[CPN(ML)], inspired by the Naxalbari movement in India, had carried out a peasant-led anti-feudal movement in Jhapa in eastern Nepal. Many young people left their home and dedicated their lives to the establishment of democratic order. They also tried to unite others and were also successful to a large extent. After the declaration of multiparty system in 1990, the CPN (ML) became functional as an open political party which was otherwise functioning underground. The party in association with the CPN (M) formed the Unified Marxist- Leninist Party CPN(UML).

### **3.5 1990s Political Change and the Emergence of People's War in Nepal**

The 1990 People's Movement meant many things to many people. But for all people alike it ignited a level of expectations for progress and positive change unheard of in the aftermath of earlier political change in Nepal. With political parties, media, activists and individual leaders joining the chorus, the belief that political freedoms and democracy would rapidly and easily translate into progress and development reached new heights.

The political change of 1990s means the reestablishment of the democratic system in Nepal. Democratic system has been exercised two times in Nepal: 1950s-1960s and the other was post 1990s. This section deals with the democratic setup post 1990s. The beginning of 1990s marked the reestablishment of multi-party democracy against the Panchayat regime in Nepal. This can be attributed to the global trend of

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<sup>24</sup> The reforms included the introduction of multi party democracy and an interim government that provided scope for the development of New Constitution on Nepal.

<sup>25</sup> Thapa and Sharma (2009), "**From Insurgency to Democracy: The Challenges of Peace and Democracy-Building in Nepal**", [\*International Political Science Review\*, Vol. 30\(2\)](#), pp. 205-219.

democratization which provoked the counter forces against the authoritarian rule in Nepal.

Immediately after the proclamation of multi-party democracy, an interim government was formed along with the commission for Constitutional recommendation of 1990. This resulted in the formation of the Constitution of Nepal 1990 for the institutionalization of democratic polity in Nepal. The basic characteristics of this new Constitution were to introduce the concept of Constitutional Monarchy, multi-party democracy, human rights and independent judiciary in terms of sovereignty of the people. Under the provision of the 1990 Constitution, three general elections and two local elections were held in which Nepali people gave their consent for the formation of government at central and local level in post 1990s.

The first general election was held in 1991 where Nepali Congress formed the government (1991-94). The CPN (UML) ran the single largest party's government in the mid-term general elections held in 1994. In this election no party got the majority in House of Representatives (HoR). The second general election was held in 1995 till 1998, where the coalition government was formed. Again Nepali Congress (NC) government was established from the result of the third election in 1999 to 2002. This section focuses on the political developments till 1996 which blew air to initiate the People's War.

There were both positive and negative impacts of the political setup of 1990s. The year 1990 marked a successful challenge to the monarchical regime by the re-establishment of democracy in Nepal. The transformation from non-party panchayat system to multi-party democracy brought three important changes to the Nepali political system- transferred sovereignty from the king to the people, instituted parliamentary form of Government, and the democratic rights of the people were guaranteed by the Constitution. It also provided for the Rule of Law, separation of powers and protection of basic liberties of speech and assembly, religion and property and also the recognition of the diversity among people.

The democratically elected government of post 1990 ratified nine more international instruments of human rights and five ILO Conventions which aimed at encouraging people's participation of all section in mainstream politics and include them in decision making process (Dahal 2004). Besides, this also implemented and formed

various commissions at Central level in order to preserve their interest and participate in policy formations for the exploited, suppressed and oppressed in the name of women, Caste-creed and Dalits. Nepal Women Commission, Nepal Indigenous People's Council, Nepal Dalit Commission, a semi Constitutional Organ was formed. Various NGOs and INGOs, pressure groups also flourished. Democratic regime also started providing allowances for senior citizens, disabled and widow women. These achievements show the efforts of the government to encourage the larger population in general, particularly the disadvantaged and marginalized group to participate in decision making process and for enjoying the fruit of democracy. However, the democratic setup was prone to various challenges ranging from middle class struggle, competitive party system to resilient economy.

Though, all the governments of post 1990s accepted policy making process to uplift the disadvantaged groups in mainstream of democratization, the political setup of post 1990s prove that these governments were most irresponsible and unaccountable as the democratic polity towards the Constitution and the people in general. <sup>26</sup>The government along with the intra and extra party conflict moved the Nepalese polity into unstable, anarchy and various other serious crisis. The government violated and exploited the Constitutional provision and democratic norms.

After the victory of Nepali Congress (NC) in the first general election of 1991, the people of Nepal had high expectations from this new government as they were promised of easy life under the new democratic setup. But the government could not sketch any vision and policies for the development and upliftment of the middle and lower class population. Even after the democratic establishment of 1990, the top ruling class elites came from the same social groups. For example, the low and terai areas, Dalits (untouchables), Tibeto-Burman race were not perceived as well qualified for higher positions in army or civil services. Thus, in the struggle for power and resources the people was divided along urban-rural and caste-ethnic-religious lines<sup>27</sup>. State and bureaucratic arrangement continued to be in the hands of elite group composed mainly of Brahmins and Chettris<sup>28</sup>. This meant the marginalization of the

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<sup>26</sup>Nath, Baral(2004), "An Appraisal on second democratic experience in Nepal, *Journal of Political Science*: Vol VII.

<sup>27</sup>Thapa, Ganga B. (1999), "Political Transition in Nepal: Whither Democratization?", Pakistan Horizon.

<sup>28</sup> Ethnic groups who made up less than 30 percent of the population.

other groups from the advantages and the distribution of power. This alienated the larger section of the society from the State.

Also Nepal's income inequality increased at the highest rate in Asia throughout the 1990s, making Nepal the country with the highest income inequality in Asia. According to the Asian Development Bank, had Nepal been able to achieve its recent growth at the more equitable Gini index Level of 1995, extreme poverty would have been cut by half within eight years.<sup>29</sup>

Similarly, entrenched elite of upper caste Nepalese from the central belt of Nepal has monopolized government, including the two political parties who were in power from 1990, and the bureaucracy. Large numbers of citizens have been excluded socially, politically and economically by the hierarchical system of the nation. These are the Janajati – the ethnic group, and the Dalit-the untouchable caste at the bottom of the Hindu Caste System. Similarly women have also been excluded socially, politically and economically by the prevailing patriarchy. Inevitably those women of 'low caste' status have endured a double exclusion.<sup>30</sup>

The people of the Terai Region expected for the end of feudal landlordism. The political parties failed to rise upto the expectations of the people. Also the crisis in Nepal's economy was high in 1994-95. International Monetary Fund tagged Nepal's economic status to be in critical stage as it foreign debt jumped to 600 percent of the total export trade and the debt servicing to exports reached 35 percent. Profligacy and scarcity resulted into low capital formation. Nepal became dependent on foreign donors for upto 70 percent mainly with India after the economic embargo imposed by India in 1989<sup>31</sup>.

The post-1990 politics have been characterized by anarchy which is reflected in the major events that have occurred in the past 12 years such as parliamentary elections being called 4 times, recommendation for the dissolution of House of Representatives (HOR)) made 6 times; special sessions of the HOR being summoned 7 times, and government was changed 14 times. All these events occurred because the political sphere was excessively concentrated on power games. Beside, the political instability, frequent changes of government, politicization, division in the police

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<sup>29</sup> Asian Development Bank (2007), "Inequality in Asia: Key indicators 2007 special Chapter Highlights". p.6.

<sup>30</sup> Pradhan, Opcit (2002), pp 3-5.

<sup>31</sup> Verma and Navlakha (2007), "**People's War in Nepal: Genesis and Development**", *Economic and Political Weekly*, Vol. 42(20).

force, erosion of ideology and decline in the credibility of political parties and their leaders, all these count for weakening the state's crisis management capacity vis-à-vis the Maoist. Since politics is concentrated at the center, in of the game government making, parliamentary parties grossly ignored the need of party building at the local level. This helped the Maoist to create their own pace and territory for their 'long protracted people's war'. The Maoist Insurgency was started at the time when the state was heading towards instability, anarchy and crisis owing to the unholy alliances, both in nature and purpose, among the parliamentary parties. Hence, the period of democratization fostered both optimism and pessimism. Despite significant advances, its transition to a fully democratic political system still remains incomplete.

The poorly performing democracy significantly contributed to the radicalization of the left in the early 1990s and the emergence of the Maoist Party led people's war.

### **3.6 The Consolidation of Maoist Movement**

The first elections after the *Jana Andolan I* provided fertile ground for the communist group to function at various levels. The CPN (UML) carried out a survey in 1992 covering 18 districts to identify the ways and means of initiating people's war. The districts like Rolpa, Rukum, Gorkha, Dhanusha, Sindhuli and Kavre palanchowk were chosen. The period between 1990-94 was devoted to holding public meetings, posterings and the distribution of the pamphlets. These promoted the back drops of parliamentary democracy. The 1994 mid-term elections was boycotted by the United people's Front (UPF) headed by Baburam Bhattarai. This act of the UPF and the Maoist movement against the local landlords was seen as a threat to parliamentary politics. This resulted into large-scale repression to their supporters<sup>32</sup>.

In the Maoists understanding, People's war is eighty percent politics and twenty percent warfare. The striking feature of the success of the Maoists is their emergence as the dominant political and ideological force in Nepal who mobilized the people for seizing power. The decisive factor in this war is not guns but the mobilization of people through protracted war. Apart from the socio-political and economic factors of Nepal there were other factors that gave wind to the movement

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<sup>32</sup>Thapa and Sharma, *Opcit*, (2009), pp. 205-219.

and helped in the consolidation of the same. The account of which is given in the following section.

Around one quarter of Nepal's 27 million population is under the Maoist influence (HPCR 2001; ICGR 2003). CPN-M launched People's War flourished in an organized manner which caught international attention as well. They also started mobile radio stations to air their activities. Increasing military force and their grounding in the villages had immense impact and control over more than 80% of the country. In many districts people felt "absence" of government. Maoist control over villages pressurized the parties, enlarged their influence and contracted parties' activities and their presence. Parties were compelled to remain solely in cities and capital. Therefore; they could not function in a normal way. Such a paralyzing situation inspired the king Gyanendra to show his presence in politics.

Therefore, King Gyanendra sacked the elected government on Oct.4, 2002 led by Sher Bahadur Deuba blaming him as an incompetent Prime Minister. He formed another government but was heavily opposed which compelled the King to reappoint Deuba as Prime Minister in June 2004 but later the King did a coup on Feb.1, 2005 in a dramatic way by home arresting all ministers and Prime Minister Deuba at midnight. After such a palace coup the King himself led the government. His hand picked Vice chairmen and ministers advocated this step "a necessary one" and also said that it was in favour of people, democracy and peace. They tried to pretend the world that the King's step was an acceptable act for Nepalese. This step however forced the major parliamentary parties to rethink and re-conceptualize the context in a broader way to understand the reality and protect the nation from a shock of unbearable political catastrophe.

This is how the conflict in Nepal has come through three different stages. In the first phase the political parties advocated in favour of palace and therefore, conceptualized CPN-M their major enemy. In the second stage mainly after the Prime Minister Deuba was sacked for the first time till the end of 2005 there was such a confusion that all these three forces seemed to be enemy of each other. It was a time of confusion. This was a "confused state".

But after the Seven Party Alliance (SPA) signed a Memorandum of Understanding (MoU) with CPN-M in Delhi, the capital city of India, the whole

political scenario changed and palace was conceptualized as the major enemy and main cause of Nepal's underdevelopment.

The emergence of CPN-M is an unavoidable phenomenon in the social and political process in Nepal to facilitate order to benefit majority. The way the emergence of CPN-M and its essence in the whole was undermined and devalued; it changed the course of the conflict. The essence of the emergence of CPN-M was realized when the conflict reached the third phase. This is all because of the dynamics of conflict which is highly influenced by the international phenomena and the local dynamics of gradual change and transformation.

### **3.7 The Rise of the Maoist Insurgence**

The Communist movement has a long history in Nepal. From the beginning it was driven by two major groups: moderates [Communist Party of Nepal (Marxist Leninist)] and radicals [Communist Party of Nepal (Marxist)]. This distinction is important because the moderates are found today in the Communist Party of Nepal (Marxist Leninist), whereas the top leadership of today's Maoists is said to have come from a party established by the radicals in 1974 known as the "Forth Convention."<sup>33</sup> The different political strategies adopted by both the moderates and the radicals suggest that the radicals have been more consistent with the political platform behind their participation during the democratic movement. Contrastingly, the moderates have adopted a rather flexible strategy, now accepting the parliamentary means to expand their power and influence, just as any other regular political party. However, this study is focussing on the strategies and tactics of CPN (M) and the People's War initiated by them.

On the failure of addressing the demands made by the Maoists the movement formally began with the proclamation of a "People's War" on February 13 1996, with attacks on police and military installations in 6 districts of remote areas of the west of the country. According to the CPN (M) the People's war led by them were not simply engaging in the combat, but had political orientation. The act of Maoist was inherently revolutionary. The People's war was a long term strategy which included the political work among the people, and analyzing the failures of early political set

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<sup>33</sup> ibid

up. Therefore, this was a kind of turning the crisis into opportunity<sup>34</sup>. The Maoist leaders had been working underground long before the war began. Most of the leaders began their political career in 1960 i.e. Kiran Baidhya and Gaurav. Prachanda and other comrades began their political life in 1970s.

To understand why the Maoists decided to do away with the parliamentary democratic system it is necessary to review some events of 1990, the details of which are given below. The pro-democracy movement of Nepal was launched on February 18, 1990. Remarkably, behind this movement were not only the political parties united (the Nepali Congress Party and the United Left Front: a coalition of 7 leftist parties), but also the civil society and students participated in massive demonstrations against the Panchayat system.<sup>35</sup>

### **Constitutional Gap**

The 1990 Constitution included strong provisions against discrimination and expanded list of civil rights. Still, there are many contradictions within the constitution that have contributed to the political crisis. One of the main contradictions is that while freedom of religion is proclaimed, the constitution formally declares Nepal as a Hindu Kingdom and engagement in religious proselytise is prohibited. Another important gap of the constitution is that it does not clearly define the limits of the power of the King: he remains as the Chief Commander of the military, and preserves “emergency powers” that can be exercised on the advice of a Council of Ministers whose majority is also appointed by the King. There are also inconsistencies between the constitution and the ‘civil code’ of 1963, which contains several discriminatory provisions contradicting some of the new liberties of the 1990 constitution. These contradictions provoked the Maoists to conduct the People’s War.

Similarly, many human rights activists criticize the composition of the government’s administrative system as not representative of the population and inconsistent with article 2 of the constitution, which states that Nepal is a multi-ethnic and multi-lingual nation “irrespective of religion, race, caste or tribe.” It is worth noting that the Maoist demands expressed in 1996 is regarding the grievances of 1990. Besides the weakness of the 1990 consensus and the constitutional gaps

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<sup>34</sup> *ibid*

<sup>35</sup> Verma and Navlakha (2007), “**People's War in Nepal: Genesis and Development**”, *Economic and Political Weekly*, Vol. 42(20).



discussed above, the governments' bad performance and response when dealing with the insurgency has also been a major cause behind consolidation of the Maoist movement.

### **Deficient State Responses**

It is observed that the governmental response to the Maoist insurgency has been incoherent. First, because of the political instability, the governments of the day became more concerned with their survivability rather than governance. Second, it is important to understand that the parties in power after democracy was restored were mostly concerned with the overthrow of the partyless system, and thus they lacked the policies and programs to deal with the social and economic issues they had to confront<sup>36</sup>. Therefore, though government recognized that poverty fuels the insurgency, economic plans for assistance to rural and Maoist affected areas were temporary setups, without long-term development planning. Furthermore, the military approach also exacerbated the problem.

The government adopted military approach to deal with the Maoist because they considered it to be an "internal security" problem instead of a "political problem" deserving due consideration. The adoption of this approach is particularly worrisome for several reasons<sup>37</sup>:

First, the Royal Nepalese Army (RNA) and police forces have been widely criticized by local and international human rights institutions for being the main source of direct violence. According to the Informal Sector Service Centre (INSEC), a local human rights group, since the civil war started (February 1996) until December 2003, approximately 8,610 people had been killed; 5, 841 of the cases are attributed to the government, and 2, 769 of the cases to the Maoists<sup>38</sup>. Here the violence caused by the government is attributed to be higher. Amnesty International estimates that approximately 10,000 lives have been lost during the internal conflict; one

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<sup>36</sup>“Towards conflict Transformation in Nepal: A case of UN mediation” [www.monitor.upeaceorg/pdf/peacemag-Nepal.pdf](http://www.monitor.upeaceorg/pdf/peacemag-Nepal.pdf) accessed on 20.10.2014.

<sup>37</sup> *ibid*

<sup>38</sup> Country Report: Nepal (2004), *The Economist Intelligence Unit*, United Kingdom, p. 14.

particularly important aspect of this report is that it suspects that more than 4,000 of the approximately 7,000 killed by state agents were “innocent civilians.”<sup>39</sup>

The Maoists are considered as “terrorists” not only by the Government of Nepal but also by the Government of the United States, whose increasing military assistance to Nepal was certainly reinforcing the military approach. Therefore the US government assured the government of Nepal to extend support in the war against Maoists. After the declaration of state of emergency in November 2001, the King issued a Terrorist and Destructive Activities Control and Punishment Act (TADA). This act helped the government of Nepal in trying to suppress the movement.”<sup>40</sup>

Such military approach had various repercussions which included the increasing expenditure to the military, thus minimizing the opportunities to invest more in human development projects. This strategy had great impact in further deteriorating the condition of Nepal and its population.

Another impact was that giving extensive powers to the military created more insecurity in the conflict-affected areas, as there is more potential for coercion and abuse of power by the military. On the other hand this appeared to be more of a civil-military campaign because the majority of the victims are not only insurgents but civilians too. The targets were not only the Maoists but also peasants and representatives of leftist organizations, or any civilian.

The decade long armed conflict concluded through the Twelve-Point Agreement and the Comprehensive Peace Agreement signed by the Seven-Party Alliance (SPA) and the CPN (Maoist), on 22 November 2005 and 21 November 2006. Ultimately centuries-old feudal monarchy ended and Nepal was transformed into a secular, federal democratic republic. The following chapter shall give an overview of the peace process in Nepal and the institutional responses.

Under this context, a full blown insurgency had burst with the launch of people’s war *Jana Andolan II* on 13<sup>th</sup> February 1996 by the communist party of Nepal-Maoists (CPN-M), commonly referred to as Maoists. The war was led by Pushpa Kamal Dahal commonly known as Prachanda who commanded the most radical offshoot of the left- wing spectrum in Nepali politics. On 12<sup>th</sup> February 1996,

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<sup>39</sup> “Nepal’s Monarch Seen Coveting Total Power, Supporters of Democracy Discouraged.” *The Washington Times*, 14 February 2004.

<sup>40</sup> “Towards conflict Transformation in Nepal: A case of UN mediation”, [www.monitor.upeace.org/pdf/peacemag-Nepal.pdf](http://www.monitor.upeace.org/pdf/peacemag-Nepal.pdf), accessed 20.10.2014.

the janayuddha started in three Western mountain districts of Rolpa, Rukum and Jajarkot which later influenced all the districts.

The CPN (Maoist) submitted a 40-point demand to the Government of Nepal (GoN) on 4 February 1996 and had threatened if their demands were not met by 17 February, they would start armed struggle. The demands are divided in three sections: 1) demands related to nationalism (concerning Indian excesses and expansion over Nepal); 2) demands related to the public and well-being (political demands); and 3) demands related to the people's living (economic, and social demands.) As it was mentioned before, these demands do not differ from the main complaints expressed after the 1990 constitution was proclaimed. The main demands included the elimination of all the privileges of the Royal family, the drafting of a new constitution through a constituent assembly, guarantees for exercise of civil rights, and basic services for poor rural areas. In economic terms, nationalization of the private property and redistribution of land was another key motive of the insurgency. Politically, Nepal had to redefine its relation with India and revise or abrogate all the unequal treaties with her and also to stop the recruitment of the Nepali Hill people in the Indian army. Besides the 40-point agenda focussed on women and *Dalits* as the two most discriminated groups. Although the 40 points agenda looked quite big and complex it was in fact the response of time and the context which captures very fundamental requirements in order to restructure unjust Nepalese society.

However, the 'People's War' was declared 4 days before the actual deadline they had given to the government. As stated in their documents of the time, the aim of launching armed struggle in Nepal was fundamentally to establish a 'new people's democracy' through protracted guerrilla war by overthrowing the multi-party democratic system which was established in 1990 after the popular mass uprising.

The failure of the newly established multi-party democratic governments to institutionalize democratic system and also inability to deal with the long pending social and economic problems of the country can be seen as a broader context for the beginning of people's war. Under these grounds, the Maoists were able to capitalize the prevailing political and social situation of the time and quickly expand their influence and activities throughout the country. Hence, the country entered into protracted conflict that took ten years to resolve and endured a high human and socio-economic cost.

### **3.8 Impact of the Conflict**

Nepal's conflict reflects political, cultural, social and economic clashes of interest: access to and distribution of resources and power, value systems, social norms, ethnic, caste, class and gender inequality. The insurgency has affected every single Nepali's life. This section shall give an account of the impact of the people's war. Ten years of insurgency have weakened the Nepali state and society in numerous ways. It was the Maoist who brought the ceremonial army out of the barrack to become active countrywide for the first time in the modern era. The rebellion has retarded the economy and hit development activities. It has also made India increasingly powerful in national affairs as Kathmandu sought help from New Delhi to confront the rebels. In order to entrenching the military, the impact on the economy has been significantly declining and development activities are at standstill.

In areas most affected by the insurgency, there have been perceptible demographic changes. Women now head most households in the absence of men and boys as many have left homes due to fears of forced conscription by the Maoists and routine harassment by the security forces. Evidence of increasing reliance on remittance notwithstanding, many overseas Nepalis are shying away from sending money to their families in villages due to fears of extortion.

Another area that has been affected dramatically is the rural healthcare sector. While the Maoists have generally been supportive of immunization, these programs have suffered greatly in recent years due to poor levels of social mobilization. Many international donor agencies have completely withdrawn from Nepal due to the poor security situation. One study revealed that in the Maoist affected districts; rates of malnutrition are exceptionally high-62 percent in Achham, 69 in Jajarkot, 78 in Jumla, and 83 in Kalikot. These rates of malnutrition are worse than what is evident in the current emergencies, which the world is paying attention to-63 percent in North Korea, and 52 percent in Ethiopia and Afghanistan. According to the World Health Organization, any region with 40 percent malnutrition rate is facing a serious public health concern.<sup>41</sup>

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<sup>41</sup>Thapa, Manish, "Evolution of Maoism in Nepal: Understanding Maoist insurgency from wide perspectives" (Online Web), <http://www.academia.edu> accessed on 10.12.2014.

The armed conflict caused large number of deaths, disappearances, dislocation, displacement, violence, damages of property and infrastructure along with economic down turns. The following table obtained from the Ministry of Peace and Reconstruction 2013, gives the figure of the mishap.

Table 2: Human Cost during the Armed Conflict

S.no	Category	Number
1	Disappeared persons	1,530
2	Displaced persons	79,571
3	Deceased persons	17886
4	Disabled persons	8935
5	Abducted persons	3142
6	Widows	9000
7	Individual property damage	17.484
8	Injured during PW	4,014
9	Orphans	620

**Source:** Ministry of Peace and Reconstruction 2013

As Table 2 shows, the armed conflict caused large number of deaths, disappearances, dislocation, displacement, violence, damages of property and infrastructure along with economic down turns. The Ministry of Peace and Reconstruction (MoPR) projects a total of 17,886 people who lost their lives during

the armed conflict<sup>42</sup>. However, according to INSEC<sup>43</sup>, a total of 13,347 people died in the course of armed conflict from 1996 to 2006<sup>44</sup>. The contradiction in the number of actual number of victims further adds to the difficulty in confirming the same. Another official report claims that after the signing of the Comprehensive Peace Agreement (CPA), 551 people were killed in 2007 and 541 in 2008<sup>45</sup>. Likewise, a total of 1,530 people disappeared during the period of conflict, most of them during the state of emergency. 79,571 persons were internally displaced due to violence and terror. In the entire ten years period, the CPN (Maoist) engaged in arbitrary killings, abductions, extortions and forced eviction of the common people and the members of the other political parties. Some of the repercussions of the conflict are mass migration from the worst affected areas to other parts of the country, closure of industries and the widespread destruction of physical infrastructure as well as private and public property. The following table shall give the figure of destruction.

Table 3: Destruction of Infrastructure during the Armed Conflict

S.no	Categories	Number
1	Schools	2149
2	VDC offices	2092
3	Govt. Offices at district headquarters	986
4	Govt. Offices at local levels	1047
5	DDCs Municipalities	130
6	Suspension bridges	101
7	Others	2032

Source: The Kathmandu Post<sup>46</sup>

The data in Table 3 shows, 8,517 public structures were destroyed during the armed conflict. The table also shows that 2,149 school buildings were destroyed,

<sup>42</sup>Ministry of Peace and Reconstruction, (Online Web), [http://www.rahathat.gov.np/uploads/4330\\_File\\_Ashad1.pdf](http://www.rahathat.gov.np/uploads/4330_File_Ashad1.pdf) accessed on 20.09.2014.

<sup>43</sup> A leading human rights organization of Nepal.

<sup>44</sup>INSEC Year Book 1996-2006.

<sup>45</sup>Rana, Opcit.

<sup>46</sup>Ghimire, Binod (2013), "Only halfway to reconstruction target," *The Kathmandu Post*.

followed by 2,072 Village Development Committee (VDC) offices. Similarly, 986 government offices at district Head Quarters (HQ) and numerous other local level government offices were also destroyed. The loss has not only troubled the lives of people but also added an economic burden to the state. It is evident that the conflict created socio-political and economic chaos in the country.

Therefore, Millions of Nepalese beside those living in Kathmandu had to bear the brunt of conflict. Kathmandu didn't see the bloodshed which other regions had to witness. Kathmandu being the seat of the government and where most of elites reside was kept safe and secured from the effects of conflict compared to other areas. People in rural areas who witnessed killings, disappearances, loss of property and other violations of human rights in addition to their poverty and desperation, came to cities in order to seek shelter and protection either from the brutality of the Maoists or state army. Today, there are thousands of internally displaced people who are either unable or unwilling to return home, even after the peace agreement. The IDPs have chosen to stay in their area of displacement, mainly in urban areas, where some have managed to integrate and find jobs. However, many others, including displaced children and women in particular, are struggling to find proper accommodation or access to basic services in cities. While the government's 2007 IDP policy provides for return, reintegration and resettlement, the government has only offered limited assistance to those seeking to return. The policy has still not been implemented effectively across the country. Similarly, there are also people living in rural areas that are not internally displaced but are severely impacted by the conflict.

## **Conclusion**

An over view of this chapter leads to the conclusion that there were various causes of the conflict in Nepal. The deeply constructed caste system marginalized the lower castes and the women from the mainstream politics of Nepal. Inequalities in terms of urban-rural divide, developmental aspects, economic distribution, polarization of political power, illiteracy, poverty are the visible causes of the conflict. This chapter has shown how the conflict prevailed throughout the history of Nepal. Political setup prior to 1990s had various bad experiences. Though Nepal introduced multi-party democracy in 1950s for the first time, it was a failure on the part of the king. The period 1950-1960 marked the opening of democratic practices but this too

could not sustain for longer time. The panchayat regime (1960-1990) also lacked democratic experiences by the people which led to the emergence of '*People's Movement*' of 1990.

This chapter focuses more on the 1990s political change which led to the emergence of people's war. Even after the reestablishment of democracy and opening up of multi-party democracy the political parties could not rise upto the expectation of the people. Also we can observe that this political setup formally acknowledged the CPN (M) in the political mainstream of Nepal. The 1990 Constitution had various positive impacts but had large imbalances. It laced heavily in uplifting the disadvantaged groups in the process of democratization. Against this backdrop the Maoists consolidated the movement of 1996. Apart from this, the Maoists mobilized the people on the ground of socio, economic and political inequalities. The Constitutional gap of 1990 and the deficit state response also contributed in the rise of the Maoists against the State. Though, the armed conflict ended in 2006 with the signing of the CPA and various other agreements, the people of Nepal suffered economically, politically, physically, socially and psychologically.



**CHAPTER-IV**  
**INTEGRATION/REINTEGRATION OF THE MAOISTS:**  
**ISSUES AND CHALLENGES**

**4.1 Introduction**

The scope of this chapter is to evaluate the peace process in Nepal referring to the Comprehensive Peace Agreement (CPA) and other agreements signed to end the conflict. The focus of this chapter is regarding the issue of integration/reintegration of the Maoists as provided in the Constitution. This chapter also examines the issues and challenges attached to the process of integration and reintegration in the aftermath of the conflict.

The decade-long civil war ‘People’s War’ formally ended on November 2006 with leaders of CPN (Maoist), the Seven Party Alliance and Nepal Government signing the historical Comprehensive Peace Agreement and the Twelve- Point Agreement. The Comprehensive Peace Agreement (CPA) was reached under various phases; the promotion of the dialogue between Nepal’s Maoists and its various governments of post 2000; the period between the coup and the Prime Minister of April 2006; and the support to the peace process as it developed through negotiations between political parties and the Maoists.

**4.2 The Comprehensive Peace Agreement and Other Agreements**

Initially, the government addressed the insurgency as a problem of law and order. Hence, repressive security measures were introduced with the joint effort of the police force and new armed force formed specifically for counter insurgency. Since, the violence escalated, there was no way out but to have a political solution to the insurgency.

In 2000, a Commission was formed to suggest ways to resolve the conflict led by the Nepali Congress who negotiated with the Maoists and recommended a political settlement. This initiative took the shape of informal dialogues between the then deputy Prime Minister and the Maoists. But the royal massacre disrupted the dialogue and the conflict was further intensified. However, formal talks began in 2003 with the informal contacts between the palace, Maoists, political parties and civil society members. A new series of peace talks began after the Maoists and the government reached a ceasefire agreement in 2003. The arrangement could not last long as it collapsed after three months. The main reason halting the negotiation process was the

government's denial of restructuring the Nepali society by Constituent Assembly, as demanded by the Maoists<sup>1</sup>.

In mid 2004, Nepali Congress appointed a High Level Peace Committee (HLPC) and pressed for renewed negotiation, but the government had little credibility. On February 2005, King Gyanendra seized power in a coup and declared a state of emergency. A 'People's movement' gathered force in the early months of 2006 with a violent strikes and protests which forced the government to abandon direct rule and agree to the restoration of the parliament elected in 1999.

Therefore, peace talks between the government and the Maoists resumed in May 2006 as the parliament voted unanimously to curtail the king's political power. The parties moved through series of negotiations and agreements- including a 25 point code of conduct for the ceasefire, an eight point understanding and a request for UN assistance. These talks culminated into the signing of the CPA in November 2006. The CPA brought an end to the ten years conflict. It also provided for the entrance of the Maoists into government and an interim constitution to be put in place. This was how the Comprehensive Peace Agreement was reached.

The CPA implements a permanent ceasefire between Royal Nepali Army (RNA) and Maoist gunmen. The "Ceasefire" refers to the unconditional cease of armed struggle of Maoist since 1996, the prohibition & withdrawing from direct or indirect uses of weapons, uses of violence including blackmail, torture, kidnapping, spying, ambush, as well as display, search or confiscation of arms, etc. The Maoist fighters are to return to their respective cantonments in Kailali, Surkhet, Rolpa, Nawalparasi, Chitwan, Sindhuli, Ilam and sub-cantonments near these main ones. The UN Mission in Nepal (UNMIN) is assigned with the task of verifying & monitoring them<sup>2</sup>.

The arms arrangement, arms & ammunitions of the Maoist will be locked up in each cantonment at a single lock with the keys to which held by the concerned side, the UN has security access and the right to check, inspect the weapons at the presence of the concerned side. The Royal Nepali Army will lock up the same amount of arms as with the Maoist under similar arrangement.

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<sup>1</sup> Sebastian, David and Suman Pradhan (2012), "*Nepal in Transition: From People's War to Fragile Peace*", Cambridge University press, Pp 158.

<sup>2</sup> See Appendix II

The Interim Council of Ministers, as agreed, should form a special committee responsible for the inspection, integration & rehabilitation of the Maoist fighters; on the other hand, the Royal Nepali Army will be contained in their barracks and stop recruitment as requested of their Maoist counterpart. The Agreement also states clearly that the RNA shall be mobilised & managed by the Council of Ministers as per a new Military Act, on the grounds of which the RNA is to be democratised. The agreement also commits all sides to observe the rights of displaced people to return voluntarily without being politically prejudiced; the details of "disappeared persons" or those who are allegedly killed or imprisoned are to be disclosed within 60 days.

Another important aspect of the agreement concerns the nationalisation of the Royal Family's property. This is to couple with the agreement not to allow "*any authority regarding affairs of governance of the country to remain with the king.*" The King's power to call for emergency acts had been making the multi-party parliament system a mere name. In fact, the prime ministers have been rotated and parliament ordered to dismiss on a "regular" basis. Such a lack of governance had been heating up the underlying discontent that sparks the massive anti-autocracy movement in April resulting in the King's surrender of sovereignty to the People.

The Agreement on Monitoring of the Management of Arms and Armies (AMMAA) is another milestone in Nepal's peace process which was signed on 8 December 2006 between the Government of Nepal (GoN) and the CPN (Maoist)<sup>3</sup>. As per the provisions of the CPA and the AMMAA, the Maoist ex-combatants and the Nepal Army (NA) would be monitored and equal number of weapons from both armies would be stored into the UN-monitored containers. The CPA also mentioned that the Interim Council of Ministers shall form a Special Committee in order to supervise, integrate and rehabilitate the Maoist combatants<sup>4</sup>.

The AMMAA also mentioned that those Maoist Army Combatants who have been properly registered at cantonments will be eligible for possible integration into the security forces fulfilling the standard norms<sup>5</sup>. Any discharged combatant from the cantonment will be ineligible for integration. The Special Committee shall determine the management processes of

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<sup>3</sup> See Appendix V

<sup>4</sup>The Interim Constitution of Nepal (2007), including sixth amendment, Makalu PrakasanGriha, Kathmandu, p 86.

<sup>5</sup> Ibid.

the combatants including their integration into the security forces and fixing their numbers as agreed in the CPA<sup>6</sup>.

Similarly, an agreement was reached between the Nepali Congress (NC), Communist Party of Nepal (Unified Marxist Leninist), (CPN-UML)] and the CPN (Maoist) on 25 April 2008 with regards to the verified ex-combatants' integration into security agencies. This agreement stated to make a provision whereby, only those registered at the temporary cantonments mentioned in the AMMAA, signed between the GoN and the CPN (Maoist) and witnessed by UNMIN, to be considered eligible for integration into the security agencies after fulfilling the standard requirements.

As per the above mentioned provision the GoN and the CPN (Maoist) signed an agreement on December 2009 to release the disqualified combatants from the cantonments within a month. With the departure of UNMIN on 15 January 2011, the Unified Communist Party of Nepal (Maoist) [UCPN (Maoist)]<sup>7</sup>formally handed over the cantonments and the ex-combatants to the Special Committee (SC) for Supervision, Integration and Rehabilitation, and their arms to the GoN on January 2011<sup>8</sup>.

Under the SC, the Secretariat was given the task to undertake these functions. Since the monitoring of arms and armies was the function of UNMIN, the departure of the UNMIN left the government with a challenging task of carrying out the monitoring of arms and armies. Therefore, an agreement was signed between the GoN and the UCPN (Maoist) on January 2011 according to which a monitoring committee was formed under the SC for the monitoring of the same<sup>9</sup>. Nepal's peace process formally concluded on 12 April 2013 with the suspension of the SC formed in October 2008. Apart from The CPA there are other major agreements signed for the completion of the peace process in Nepal. The details are given in the table below.

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<sup>6</sup> Ibid.

<sup>7</sup>The CPN (Maoist) and the Nepal Communist Party (Unity Centre) united in January 2009 and the name CPN (Maoist) was changed into the Unified Communist Party of Nepal (Maoist) [UCPN (Maoist)]. Two breakaway factions of the CPN (Maoist) kept its name CPN (Maoist), one led by MatrikaYadav and another led by Mohan Baidya (Kiran).

<sup>8</sup>Documentation of Nepal Institute for Policy Studies.

<sup>9</sup>Nepal's Peace Process: A Brief Overview - Nips,[nipsnepal.org](http://nipsnepal.org)

**Table 4: Agreements on Peace Negotiation**

S.No	Agreements	Signatories parties/remarks
1	Twelve-Point Agreement (22 November 2005)	The Seven Party Alliance (SPA) and the CPN (Maoist)
2	Restoration of Parliament through the Royal proclamation (24 April 2006)	The then King Gyanendra
3	Proclamation of the House of Representatives (28 May 2006)	Endorsed by the House of Representatives
4	Ceasefire Code of Conduct (26 May 2006)	Krishna Prasad Sitaula on behalf of the GoN and Krishna Bahadur Mahara on behalf of the CPN (Maoist)
5	Interim Legislature- Parliament including the CPN (Maoist) (15 January 2007)	The GoN, the CPN (Maoist) and political parties
6	Joint Letter to the United Nations (9 August 2006)	The GoN and the CPN (Maoist)
7	Comprehensive Peace Agreement (CPA) (21 November 2006)	Prime Minister Girija Prasad Koirala on behalf of the GoN and CPN (Maoist) Chairman Pushpa Kamal Dahal 'Prachanda'
8	Agreement on Monitoring of the Management of Arms and Armies (AMMAA)(8 December 2006)	Krishna Prasad Sitaula on behalf of the GoN and Krishna Bahadur Mahara on behalf of the CPN (Maoist), and witnessed by the UN Representative, Ian Martin
9	Promulgation of the Interim Constitution 2007 (15 January 2007)	The Interim Government
10	Arrival of UNMIN (23 January 2007)	The GoN and the CPN (Maoist)
11	Formation of the Special Committee (SC) (28 October 2008)	The GoN
12	Formation of the Technical Committee (TC) (16 April 2009)	The GoN
13	Agreement to discharge disqualified combatants (16 December 2009)	The GoN and the UCPN (Maoist)
14	The UCPN (Maoist) formally handed over the cantonments and the ex-combatants to the SC for Supervision, Integration and rehabilitation (22 January 2011)	The GoN and the UCPN (Maoist)
15	<b>Seven-Point Agreement (1 November 2011)</b>	UCPN (Maoist) Chairman Pushpa Kamal Dahal, (Prachanda), NC President Sushil Koirala, CPN-UML Chairman Jhala Nath Khanal and on behalf of Joint Madhesi Democratic Front, Bijaya Kumar Gachhadar

16	<b>Integration process into the Nepal Army (5 July to 20 November 2012)</b>	<b>The Nepal Army</b>
17	<b>The SC dissolved following the completion of the integration and rehabilitation process (12 April 2013)</b>	<b>The GoN</b>

**Source:** Government documents compiled by NIPS.

### **4.3 Constitutional Provisions**

There are constitutional provisions in the Interim Constitution 2007 with regards to integration and rehabilitation which is the core concern of peace process in Nepal. According to the Interim Constitution 2007 - ‘the Council of Ministers shall form a Special Committee (SC) representing major political parties in the Constituent Assembly to supervise, integrate and provisions to rehabilitate the Maoist Army Combatants, and the functions, duties and authorities of the committee shall be determined by the Council of Ministers’<sup>10</sup>. The SC was formed under the leadership of the then Prime Minister on October 2008 for supervision, integration and rehabilitation of the ex-combatants according to the constitution. In addition, a Technical Committee (TC) was formed on April 2009 to advise and support the SC to carry out its mandate<sup>11</sup>.

The constitutional provision also mentions about the arrangements regarding the management and monitoring of the arms and the army. This shall be carried out in accordance with the CPA as agreed between the GoN and the CPN (Maoist) on November 2006 and the AMMAA on December 2006 respectively. This article provisioned the management and monitoring of the arms and armies<sup>12</sup>. It also directs the commitment of the political parties to the major agreements like the CPA and the AMMAA.

The AMMAA provided that the disqualified combatants should be immediately discharged from the cantonments. But, the process began only after two years of the verification. On December 2009, an Action Plan was signed between the GoN, the UN and the UCPN

<sup>10</sup>‘The Interim Constitution of Nepal (2007) as amended by the first to eight amendments,’ p. 232; amended on 12 July 2008 by the Interim Constitution of Nepal (Fifth Amendment) Act, 2008.

<sup>11</sup> Interview with B.C Upreti via mail.

<sup>12</sup> See Appendix V

(Maoist) to discharge disqualified combatants (minors and late recruits) from the cantonments<sup>13</sup>. A total of 4,008 disqualified combatants were being housed in 28 cantonments for three years: these included minors<sup>14</sup> and late recruits<sup>15</sup>. By 8 February 2010, there were not more than 400 (10 percent of the disqualified) combatants under age of 18. Likewise as of February 2012, more than 2,149 disqualified combatants accepted in one of four different rehabilitation packages provided by the UN.<sup>22</sup> A total of 1,614 (40 percent) of 4,008 disqualified combatants did not attend the farewell ceremony.

The discharge process faced lots of disagreements as the disqualified combatants voiced against arguing that their time and contribution as combatants had been undermined by UNMIN and that they were treated disgracefully. They claimed that they were voluntarily or forcibly made to fight when they were as young as 12-13 years old and are now rejected under the ground of being disqualified. Many discharged combatants therefore faced social disgrace as well the economic problems from being discharged.

#### **4.4 International involvement**

The international community has played a significant role for the successful achievement of the People's Movement, conclusion of the integration and rehabilitation of the ex-combatants along with the peace process. The Centre for Humanitarian Dialogue (HD) was involved to deal with the same. It's representatives met journalists, representatives of Civil Society and many Human rights activists for providing better ground of negotiation<sup>16</sup> between the Maoists and the Government. The United Kingdom's Department for International Development (DFID) was also an active participant in the Nepal's Peace process.

India has contributed immensely in the signing of Twelve- Point Agreement between the SPA and the CPN (Maoist). Similarly, Norway, Switzerland and other western countries urged both the king and the CPN (Maoist) to resolve the violent conflict through peaceful discourse and establish democracy and peace in the country.

Financial support was the major issue for the peace process. Therefore, the Nepal Peace Trust Fund (NPTF), a joint government-donor initiative was constituted under the MoPR in

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<sup>13</sup> Nepal's Peace Process: A Brief Overview - Nips

<sup>14</sup> Those born after 25 May 1988

<sup>15</sup> Those who joined after the ceasefire agreement of 25 May 2006.

<sup>16</sup> Sebastian, Op.cit (2012), P-158.

February 2007. Through this the interested donor agencies and governments contributed to the peace process by providing financial support. NPTF received considerable amount of money from both the GoN and donors like Germany, Denmark, Finland, the UK, Norway, Switzerland and the European Union. The first stage of NPTF was completed in 2010 followed by the setting up of a second Joint Financing Arrangement (JFA) which was to last till the end of 2013<sup>17</sup>.

Apart from the financial assistance, the international community has also managed the cantonment. The UN Interagency Rehabilitation Programme (UNIRP) and other vocational training programmes were also launched inside the cantonments with the financial assistance of the international community. The role of the German Federal Ministry for Economic Cooperation and Development is also worth mentioning. The Ministry was involved in improving the living conditions of the ex-combatants in the cantonments in collaboration with the MoPR. Over 10,000 ex-combatants have received training on healthcare, water supply, administration and accounting<sup>18</sup>.

United Nations Mission in Nepal (UNMIN) entered Nepal as a special mission to support the peace process upon the request of the GoN and the CPN (Maoist)<sup>19</sup>. UNMIN also carried out verification of the ex-combatants. Out of 32,250 ex-combatants, 19,602 were verified by UNMIN and recommended them for integration, rehabilitation or voluntary retirement<sup>20</sup>. UNMIN coordinated the discharge process of 4,008 Verified Minors and Late Recruits (VMLRs). The UN also established five regional offices where discharged VMLRs were offered one of four rehabilitation choices: (i) vocational skills training; (ii) training and start-up capital for a micro-enterprise; (iii) education (i.e., returning to school); and (iv) health- sector training.

UNMIN's role is undeniable in completing these tasks. However, UNMIN faced widespread criticism in the process regarding the verification process and non-transparency in financial matters. UNMIN disregards its financial accountability to the people of Nepal. As a neutral international organization, UNMIN has a responsibility of maintaining transparency and

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<sup>17</sup>'Peace Accords Matrix' published by Kroc Institute for International Peace Studies, University of Notre Dame. **(Online Web)**, URL <[https://peaceaccords.nd.edu/matrix/status/67/donor\\_support](https://peaceaccords.nd.edu/matrix/status/67/donor_support)>, accessed on 10.01.2015.

<sup>18</sup>"Supporting Measures to Strengthen the Peace Process", (Online Web), URL, <http://www.giz.de/themen/en/23441.htm>, accessed on 28.12.2014.

<sup>19</sup>Collection of Understandings, Agreements and CPA, GoN, MoPR, Singha Durbar, Kathmandu, 2007, p. 45.

<sup>20</sup> "Putting the record straight," *The Kathmandu Post*, February 12, 2012, (Online Web), URL, <http://www.highbeam.com/doc/1P3-2583802511.html>, accessed on 23.12.2014.



accountability which has been left questionable owing to its controversial performance in the peace process of Nepal. The role of international community in Nepal has provided enough strength to the peace process and reaches its final goal. The constant policy response provided by the international community has to some extent, helped the domestic political actors to take the peace process towards a logical conclusion.

#### **4.5 Integration and Reintegration of the Maoists**

In the broader framework of peace process, integration and reintegration is a complex combination of political and technical processes. The process is highly technical which demanded support of major stakeholders, concrete planning and implementation. According to Wagle and Sharma 2009, globally 45 integration programmes have been implemented during 1945 to 2004, out of which 23 were in Africa. Some of the examples can be cited in case of former Soviet Union, China, North Korea, Cuba, Vietnam etc. However, the practice varies from country to country depending upon the context and nature of conflict. The varying level of integration includes group integration, individual integration or setting up of flexible standard norms for integration.

Integration and reintegration of the Maoists encompasses political, societal, economic, military and humanitarian dimensions which makes the process a multi-dimensional one. The process involves the involvement of all the stakeholders ranging from politicians, individuals, families and communities to the societies. Indeed, this marks the primary goal in transition from conflict to peace.

Theoretically, the process of integration/reintegration is multifaceted. This has short term, medium term and long term goals and implications. Establishing peace, security and stability exercising immediate actions are counted as short term goal. Integration of the militants into security forces falls under the medium term goal. Finally, long term goals include sustained socio-economic balance for the stabilization of society at large.

As mentioned in chapter 1, DDR and SSR are the internationally accepted practices followed in the process of integration and reintegration. Briefly, DDR focuses on specific target groups `especially putting the ex-combatants and their dependents at the centre and aims to take opportunity for their orderly integration into agreed future defence forces for their disarmament,

demobilization and Reintegration into civilian life. SSR is about reforming the security system and its component parts to promote the prospects for effective, legitimate and accountable provision of justice and security services in the countries as it emerges from conflict.<sup>21</sup>

Therefore, both the processes aims at; Sustainable dismantlement of armed groups; restructuring of defence forces and; addressing the security and other needs of the militants; military and defence reforms. These tools have been the major international practices in the conflict affected countries. With the advancement of the DDR programmes by United Nations, the Stockholm initiative and Multi donor re-integrative programme, DDR has been a long term development programme including political, social and economic dimensions.

Generally, integration means the placing of the ex-combatants into the new military or security forces in positions similar to the one which they held while in combat, or with adjustment in ranks.<sup>22</sup>Contextualizing Nepal in this case, the peace process is broadly influenced under the broader SSR model with certain exceptions. CPA became the base for the integration and reintegration process along with the Constitutional provisions and political agreements. This section will be discussed at length in the upcoming chapter. Hence, going by the broader understanding of the concept of integration, in case of Nepal it is about the entry of Maoist Army combatants into the national security organizations i.e. Nepal army, Nepal police, armed police force and National intelligence department. They also proposed for the establishment of new security bodies. Initially, even after the extension of the tenure of Constituent Assembly by one year.

Cross party negotiation was at the stalemate and could not reach to any conclusion. The major issue of contention between the Maoists and other parties regarding integration was; the number of combatants to be integrated into the security forces; whether to follow normal standard of security forces or create new norms; and the rehabilitation package that should be offered to the combatants.

The integration of Maoist combatants into the national army was the major source of disagreements among political leaders in the whole process of peace building. Each party seemed to have their own opinion regarding integration and rehabilitation of the Maoist combatants.

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<sup>21</sup>Greene, Owen and Ryan, Simon (2008), “Linking and Coordinating DDR and SSR for Human Security after Conflict: Issues, Experience and Priorities”, Saferworld and University of Bradford, pp-11-12.

<sup>22</sup> Knight, Mark and Hendrickson, Dylan (2009), “Security Sector Reform: Post-conflict Reform”, Helpdesk Query, Commissioned by the Global Facilitation Network for Security Sector Reform, University of Birmingham, p-8.

There were arguments and counter arguments about integration and reintegration. Therefore, integration seemed as the most challenging step of peace process. Political parties were of various opinions on the same issue. CPN (M) preferred the formation of new national army after PLA integrated into the Nepal Army. Nepali congress was hesitant to integrate Maoists into Nepal army and other security forces. CPN (UML) preferred partial integration into the Nepal Army. They favoured the integration of combatants into Army and also reintegration into society. The other view comes from regional Tarai Madesh based political parties like MJF, SP and TMLP which demanded group entry of Madesh origin people in Nepal Army. Other views represented the inclusion of some groups that was historically marginalized and underrepresented in the National Army. This meant the inclusion of women, Dalit, Madeshi etc. So, these are the varying opinion which led to contention and was a hindrance in the initial phase of integration process in Nepal.

Maoists also wanted 'mass entry' of its combatants into creation of separate army within the security forces. This was another point of disagreement. The opposition party (Congress and UML) believed that creating a separate group would be unfavourable to national sovereignty. There were confusions regarding the number of Maoist fighters to be integrated into the national army and the rank to be given to them.

Reintegration or Rehabilitation on the other hand is the process by which the former combatants regain Civilian status and reintegration in the society. Fundamentally this process includes vocational training, micro- enterprise support, education, health etc. Rehabilitation or reintegration in this case, does not mean the other conflict affected people such as IDPs and refugees.

Although the word "rehabilitation" is mentioned in the CPA, there was little assistance provided by the government in the name of rehabilitation. There were seven main camps and five other surrounding camps in different parts of Nepal. The Peace Ministry and the UN had been providing them with certain packages until there was negotiation on integration and rehabilitation. The UN agencies had their own view and programmes in the name of rehabilitation. UNDP and UNICEF were providing the returned combatants and with certain relief packages.

According to UNDP, the individuals should choose a rehabilitation option suitable to their abilities and personal interests. However, there are no data available on how many have

returned to their villages and how many of have received access to rehabilitation packages. Similarly, these are some of the ground realities which can lead to the possibilities of them into taking back the arms again if their expectations are not matched and if they are thrown back into poverty, discrimination and vulnerability yet again, as they were before they took arms to join the Maoists.

Even after negotiation of the peace process, political parties are having hard time developing trust amongst each other. The former insurgents who were fighting against the government before are now the largest elected political party of Nepal. This mistrust among the parties had stagnated the issue of rehabilitation and integration initially. The parties were head to head regarding the issue of combatant's integration into the national army, whereas Congress and UML wanted different strategies for integration of Maoists into the security forces, but Maoists were again demanding their own agenda of integration into the army. Despite intense discussions and debates, the Seven Point Agreement on integration and rehabilitation was signed between the political parties to end the process.

As per the agreement (CPA), the Maoists army combatants were kept in the cantonment for six years but they stayed for more than three years inside transitory sites. There were suggestions coming up for the rehabilitation packages in the form of formal and informal education, vocational trainings etc. Mentioning these few features, now this chapter shall give an overview of the challenges regarding the issue of integration and reintegration. These challenges are centrally focused upon the possibilities that other political parties feared from the Maoist's side.

Since, Maoists claimed equal positions in all ranks and files of the Nepal Army, following were some of the worries which were a topic of scholarly and political debates. This included; integration of more number of combatants than agreed upon among the senior leaders and also the politicization of the issue; Misuse of the uniform which gave them legitimacy to freely intermediate the public after integration; issues of indiscipline, disobedience, loss of weapons; Exerting its influence over the integrated forces; loss of professionalism within the security forces and leadership credibility etc.

Keeping these challenges and worries, it was of dire necessity to deal with the issue of integration/reintegration if the peace process was to be concluded. Major political parties, government, civil society and international community were thought to be the key actors in the

process. Debates were going around regarding the overall initiative which included the role of government institutions and also the non-governmental actors. Political parties were assigned with the vital task to come out with agreements to address the issue of integration. Some of the recommendations for policy making arrangements were; Management Mechanism which gave high regard to the flexible and adoptable representation of political parties<sup>23</sup>; inclusive integration in terms of equal representation of political parties and also taking into consideration about the socio- economic marginalization based on caste, region and gender<sup>24</sup>; Community stabilization which assists the ex-combatants to lead a normal life<sup>25</sup>; involvement of private sector in rehabilitation which can provide employment opportunities to the ex-combatants<sup>26</sup>.

These were some of the measures suggested to deal with the issues and challenges of integration process in Nepal. Above all, the political leadership was considered to have special responsibility in this regard. However, the integration of the qualified Maoist combatants has been completed, but there are issues regarding the rehabilitation of disqualified combatants with regards to the opinion of major political parties of Nepal.

#### **4.6 The Seven-Point Agreement on Integration and Reintegration<sup>27</sup>**

The Seven-Point Agreement is a historic document that paved the way for completion of managing the ex-combatants which is one of the major tasks of the peace process. Ultimately, the major political parties took a historic decision on 1 November 2012 and signed a Seven-Point Agreement on integration and rehabilitation of the ex-combatants to settle all contentious issues. The major political parties who represented the SC showed flexibility by putting aside their previous positions and finally made an agreement. Therefore, the major political parties have made positive contribution in making the peace process a success.

The Seven-Point Agreement was drafted in line with the Interim Constitution 2007<sup>28</sup>, the CPA, the AMMAA and subsequent other agreements following fundamental principles of international practices. The agreement was the outcome of the continuous dialogues and negotiation processes among the political parties especially the SC members and its Secretariat.

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<sup>23</sup>Bhatt, Deepak P. (2015),“Challenges and Complexities of Supervision, Integration and Rehabilitation of the Combatants of the Maoist Army”, (Online Web), URL: inseconline.org, accessed on 23.11.2014.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> See Appendix VI

<sup>28</sup> The Interim Constitution of Nepal 2007, (Online web), [http://www.worldstatesmen.org/Nepal\\_Interim\\_Constitution2007.pdf](http://www.worldstatesmen.org/Nepal_Interim_Constitution2007.pdf). Accessed on November 2014.

The Agreement has addressed the unique situation on integration and rehabilitation process. The agreement reflects the political, social, economic, security and military context of Nepal. Based on the of integration and rehabilitation of ex-combatants agreed on the Seven-Point Agreement, the peace process finally found a base to move towards a logical conclusion.

### **Timeline of integration**

On 5 July 2013, 1,352 former Maoist combatants officially joined the Nepal Army. Settled in cantonments, their registration and verification was undertaken by the United Nations Mission in Nepal (UNMIN). Verification by UNMIN was completed in December 2007<sup>29</sup>, with 19,602 verified as regular members, and 4,008 individuals disqualified as verified minors and late recruits (VMLRs)<sup>30</sup> and thus ineligible for potential/possible integration into the Nepal Army. While the discharge of the VMLRs was to start immediately, the lack of consensus, inter and intra political party power struggles and the overall climate of political distrust resulted in the discharge process only taking place in January 2010. At that time, only 2,394 (60 percent) of the VMLRs were present. One result of this delay was to confirm accusations from the main political parties that the Maoists did not fulfill their commitments and could not be trusted. This contributed to the climate of political mistrust whereas the prompt dismissal of the disqualified from the cantonments would have potentially helped the momentum of the peace process.

UNMIN departed from Nepal in January 2011, and the Special Committee for Supervision, Integration and Rehabilitation of former Maoist combatants formed in October 2008 was transformed into a Secretariat and given responsibility over the PLA weapons. However, due to disputes on power sharing agreements, it was not until 1 November 2011 that a deal was made on integration. Three options were provided to former PLA combatants – integration into the army, voluntary retirement and rehabilitation. According to the agreement, a maximum of 6,500 personnel would be integrated, with those to meet the standard norms of the Nepal Army with some concessions made on age (three years), education level (one level) and marital status. The highest rank was stated to be Major, with the Special Committee to decide on demands for higher ranks. For those choosing voluntary retirement, payment of Rs. five-eight

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<sup>29</sup>United Nations Mission in Nepal (UNMIN) press statement, 22 December 2007, (Online Web),<http://un.org.np/unmin-archive/downloads/pressreleases/2007-12-22-UNMIN.Press.Statement.End.of.Second.Phase.Verification.ENG.pdf>; accessed 9 July 2014.

<sup>30</sup>The AMMAA had defined “minors” as those born after 25 May 1988, i.e., those under 18 in May 2006 and “late recruits” as those who joined the Maoist army after the 25 May 2006 ceasefire. Of the 4,008, 2,973 were minors and 1,035 late recruits.

lakhs<sup>8</sup> based on rank in two instalments were to made. Lastly, there was also agreement to create a new Directorate in the Nepal Army to accommodate the recruits<sup>31</sup>.

This led to a first phase of regrouping (November-December 2011) in which out of the 19,602 verified by UNMIN, only 17,076 showed up. Out of this number, 9,705 combatants opted for integration and 7,365 chose voluntary discharge. Only six combatants registered their name for rehabilitation, an indication of CPN (Maoist) control over the decisions. However, after the handover of the cantonments and arms to the Nepal Army on 10 April 2012, the numbers opting for integration declined drastically<sup>32</sup>. The Maoist party leadership had hastened handover to the Nepal Army as the residing ex-combatants were on the verge of mutiny due to the issue of corruption tied to payments made to cantonments and combatants and factionalism within the Maoist party. The manner of the handover, low morale, and unresolved issues of rank and education qualifications as well as loss of faith in the Maoist leadership resulted in mounting numbers opting for voluntary retirement leaving in the end a total of 1,422 joining the army<sup>33</sup>. The speed with which the Maoist leadership lost moral authority and control after five years is the background of the disorganized dispersal of the ex-combatants.

Initially conceived as a six-month transition period before army integration, the transfer of command to the Nepal Army took some five years in total. The Special Committee for Supervision, Integration and Rehabilitation of former Maoist combatants formed in October 2008 closed on 12 April 2013<sup>34</sup>. The “national unity” government put in place to facilitate power-sharing as a means to end violence during the peace process was successful in that violence between the two signatories of the CPA did not erupt. However, the ambiguities of the CPA, and the failure to hold discussions later to clarify issues and the concentration solely on the demobilization of the Maoists brought fault lines to the fore.

The climate of political distrust led to struggles over leading government, political stalemates and various unhelpful posturing. Non-Maoist parties such as the Nepali Congress and the Communist Party of Nepal (Unified-Marxist-Leninist) demanded that the PLA be disbanded

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<sup>31</sup>Simkhada, Shambhu Ram (2013),“Home Making”,*República*, 21 April, p-9.

<sup>32</sup>Dahal, Phanindra (2012),“Number of NA Aspirants See a Free Fall”,*The Kathmandu Post*, 18 April, p-1.

<sup>33</sup>According to an agreement made on 13 March 2013, the highest rank to be attained will be Colonel – one – 2 Lieutenant Colonels, 13Majors, 30 Captains and 24 Lieutenants. The newly formed General Directorate for National Development headed by a Major General willhouse the new entrants in various positions. The Kathmandu Post. 2013. 1352 Ex-Combatants Now Army Personnel. 6 July, p. 1&4.

<sup>34</sup>Dahal, Op.cit (2013),p-1,4.

before the Maoists are allowed back into power. The Maoists had always opposed the use of the DDR terminology – a term seen as positioning the Maoists as ‘the defeated’ who were to be dismantled<sup>35</sup>. They had argued that the integration process should be part of a wider security sector reform. Given the lack of clarity on the modalities for how combatants were to be integrated into the security sector, dismantling their forces appeared premature to the Maoists. For the latter, demobilization was also linked to the constitution-writing process, with the cantonments and the ex-combatants used to influence the structuring of the ‘New Nepal.’ It is in these larger political calculations, negotiations, bargains and agreements in which the ex-combatants in the cantonments were ensnared either as tools of leverage or key obstacles to the peace process. All were following partisan approaches and none seeing the demobilization of a large number of militarily trained youth to be a national issue affecting long-term peace and stability. Calculations of best interests for the ex-combatants appeared of low, if any, priority for both CPA signatories during this process. Unsurprisingly, after release, ex-combatants have been removed from the national political and development vision.

#### **4.7 Salient Features of Integration**

Nepal's peace process is unique in many ways given the political, social, economic and military context of the country. The Seven-Point Agreement paved way for completion of the integration and rehabilitation process. According to the contents of the Seven-Point Agreement, there are some significant features of the model that Nepal adopted for the completion of the process of integration and rehabilitation<sup>36</sup>.

The joint efforts of political parties did away with the king’s despotic regime and establish democracy by signing the Twelve-Point Agreement. The conflict in Nepal also proved that the armed party which waged an armed struggle and un-armed civilian parties could fight together for peace and democracy, and can achieve success. The continuous dialogues and negotiation brought Nepal’s conflict to an end. The then armed rebellion party gave up the decade-long armed struggle by renouncing violence and embracing the peaceful democratic process through the CPA. The CPN (Maoist) not only joined the political mainstream, but also

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<sup>35</sup>Gautam, Kulchandra(2009),“The Rehabilitation and Integration of Maoist Combatants as Part of Nepal’s Security Sector Reform”, In *Changing Security Dynamics in Nepal*. RajanBhattarai and Rosy Cave, eds., pp. 95-111. London: Saferworld.

<sup>36</sup>Wagle, Geja Sharma (2010), “ Nepali model of integration,” *Kantipur*.



transformed itself into a civilian party by dissolving its army and handing over arms to the government.

Though the involvement of the international community is undeniable, Nepal's peace process is basically a domestic actors-led process. Broadly, it was the political parties who initiated, led and concluded the entire process. The government and political parties came together to deal with the issues of integration, demobilization of the ex-combatants in the cantonments, registration and verification of the ex-combatants and arms, monitoring of the arms of the containers and cantonments, etc with the help of the international community. The contents of the peace process were incorporated by the joint initiatives of the political parties themselves and concluded processes according to the agreement. It is a great success of the government and political parties to have been able to complete the process by themselves.

As already mentioned the door of dialogue was always open despite divergent views and contentious issues. Because of the continued dialogue process, they could work out their differences and come to an agreement. Therefore, if it was not for these dialogue processes and agreements, it is unlikely that the process would have completed as it did. Political parties followed the principle of 'consensus through dialogue' which is a positive and also a unique case from the Nepal's peace process.

Nepal learnt many lessons from other countries' practices on peace process including integration and rehabilitation. However, Nepal did not copy any of the models. Instead, Nepal developed a mechanism according to the Interim Constitution 2007, the CPA, the AMMAA and subsequent political agreements among the political parties. Nepal did not follow the exact technical process of Disarmament, Demobilization and Reintegration (DDR) applied by many countries in their peace building and peace-making processes which are mentioned at length in chapter one of this study. Nepal technically defined the process as -management of arms and armies instead of calling it DDR model or SSR model during the peace process. In fact, Nepal has contextualized the content according to its own context.

Nepal introduced a new concept of voluntary retirement as part of the reintegration process in society unlike other international practices. It is worth mentioning that out of the 19,602 ex-combatants, 15,624 chose voluntary retirement rather than integration or rehabilitation. Likewise, 1,422 ex-combatants had been selected for integration into the NA. Only six ex-combatants have chosen rehabilitation.

One of the most significant features of integration and rehabilitation process is Nepal mobilized Nepali tax payers' money for integration and voluntary retirement process. Most of the post-conflict countries were supported monetarily by international community for the integration and rehabilitation process. But Nepal might very well be the first-ever post-conflict developing country to complete the integration and rehabilitation process by mobilising the internal resource across the world.

According to the article 146 of the Interim Constitution 2007, the GoN constituted the cross party SC comprising representatives from the major political parties (i.e. the UCPN (Maoist), the NC, the CPN-UML and the Madhesi Parties) entrusting them to complete the peace process. The SC constituted a Secretariat comprising representative from the political parties, security agencies (i.e. the NA, the Nepal Police and the Armed Police force) and a representative from the ex-combatants to execute its policy decisions. Even after the exit of UNMIN, the SC and its Secretariat took the additional and technical responsibilities of supervision, integration and rehabilitation of the combatants and also the monitoring of the arms and cantonments.

The Nepal Army played a positive and active role for integrating its former enemy against whom it had fought a bloody war. Even when political parties had contradictory opinions and adamant stands in the given political context that resulted in widening and deepening their differences, the NA gave momentum to the process by proposing integration of the ex-combatants into a new National Security and Development Directorate under it. The political parties agreed to the proposals of the NA. Had the NA not been flexible and positive, the integration would have been more difficult and complex. Therefore, the NA played an important role in the process.

By and large, all stakeholders including the NA and the ex-combatants abide by the CPA, the AMMAA and subsequent political agreements. There were no major events of breaking the terms of ceasefire and violating the code of conducts agreed earlier. Also the role of Nepali people at large cannot be ignored as they were the one to pressurize that prevented all the stakeholders from violating the peace process. Furthermore, the vibrant civil society and the media also played a worthy role by making and shaping public opinion in favour of completion of the process from the signing of the Twelve-Point Agreement itself. They played the role of a 'watchdog' and exerted pressure on the government and political parties for the success of the process. This is how the peace process in Nepal completed under the larger framework of peace

building initiatives. Technically the conflict came to an end but there are critiques in actually measuring the degree of peace faced by Nepal.

#### **4.8 Integration and Reintegration: Issues and Challenges**

Even though it was agreed in the CPA that the peace process would be concluded within six months, it took more than six years to complete the peace process which largely met its objective but failed to address some major aspects. This fact, to an extent, questions the process as well as poses problems for future of those directly affected by conflict and also the country at large. From the beginning of the process, there seemed distinct differences and contradictions of perception of the GoN, political parties and other stakeholders on ex-combatants and the victims. Due to these differences, the victims were neglected and prevented from getting any long term relief and justice.

One of the biggest setbacks of the Nepali peace process is its failure to form the Truth and Reconciliation Commission (TRC) and the Commission on Disappeared Persons. As a result, the thousands of victims and their families are still waiting for justice, affirming the phrase-justice delayed is justice denied. The many violations of human rights from both the ex-combatants and security agencies during the conflict are left unaccounted for, fuelling fire of anger, desperation and hopelessness amongst the victims. Despite their commitments, political parties have remained reluctant to address this most painful aspect of the armed conflict. In addition, under the human rights law, state has a particular obligation to adopt specific measures to protect the rights of victims and witnesses when they consent to participate in judicial, quasi-judicial or other remedial proceedings. However, there are currently no formal state mechanisms for protection of witnesses and victims in Nepal posing a major threat to their security.

Follow up on ex-combatants who chose voluntary retirement has not been made by any of the government agencies. There is limited knowledge about them, on how and if they are being accepted back into society. In case monetary assistance they received hasn't been used properly and given their knowledge with arms and ammunition, there remains a possibility of them joining criminal groups that might pose problem on social as well as security front. And precisely so, in the recent times there have been reports of increasing numbers of criminal activities that directly link ex-combatants to it. Some reports link ex-combatants who opted

voluntary retirement involved in crimes such as murder, robbery, extortion and illegal Voice over Internet Protocol (VoIP) among others<sup>37</sup>

Similar case can be cited for VMLRs. The VMLRs who were not satisfied with the vocational and educational programmes and schemes offered to them were left with few options to making a living. This combined with their knowledge of arms; some VMLRs have already been associated with crimes like robbery and extortion. Most importantly there have been reports of ex-combatants forming their own criminal groups. An outfit of ex-combatants calling itself the People's Liberation Army Former Soldiers' Unity Organization has been suspected of running various crime rackets in Jhapa district. The Nepal Police believe that the organization is largely comprised of disqualified combatants and is involved in crimes like extortion, abduction and robbery in the district<sup>38</sup>

Pervasive culture of impunity, increasing politicization of crime in addition to the failure in properly rehabilitating the ex-combatants and failure to form the TRC and the Commission on Disappeared Persons has further deteriorated the security situation. Two of such high profile cases of impunity and politicization of crime are of the convicted murderer Balkrishna Dhungel , former CA Member and Agni Sapkota, spokes person of the UCPN(Maoist), who is also accused of murder. Balkrishna Dhungel owing to his association to the UCPN (Maoist) walks free in spite of Supreme Court's sentence for his imprisonment. Furthermore, then Prime Minister Babu Ram Bhattarai recommended to President Dr. Ram BaranYadav for Dhungel's amnesty. Similarly, Agni Sapkota became minister, in spite of District Court of Kavre's sentence for his imprisonment for a murder. The Cabinet meeting held on 4 December 2012 decided to withdraw different charges on Maoist cadres and leaders such as murder, abductions, loot, vandalism etc<sup>39</sup>. Such highly controversial cases have not only shaken the very foundation of justice system in the post-conflict Nepal but are also sending wrong message of lawlessness and insecurity encouraging the wrong doers.

Proper integration and rehabilitation of women and children affected during the conflict into society and programmes to secure their future has not been executed which is one of the major challenges to the post-conflict Nepal. Women and children bore most of the social,

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<sup>37</sup>"Ex-maoist fighters behind crimes in valley : Police", *The Himalayan Times*, July 6, 2013.

<sup>38</sup>"Ex-combatants into crime say police," *The Kathmandu Post*, January 9, 2011.

<sup>39</sup> Ibid.

psychological and economic brunt of the conflict. Earlier, during the course of the armed conflict, the CPN (Maoist) claimed that women comprised half of its army. However, the final figures offered by UNMIN revealed, 3,846 were women, that is, 19.6 percent of the ex-combatants making it clear how this issue had been used by the armed group in order to legitimize itself. Among them, many are married now and at least half of them have children; thus, labelled not to be eligible for integration. Not only integration process but throughout all the mechanism of the peace process women's participation was negligible owing to which issues concerning women and children were not addressed during the peace process. Children, too, suffered immensely during the conflict. Hundreds of children were recruited by the CPN (Maoist) during the conflict. A proper strategy to rehabilitate them and give them education and skills for better future seems lacking. In addition, women and children with special needs i.e. disabled, traumatized by conflict etc need special programmes to address their difficulties. The post-conflict Nepal needs to address this volatile issue in order to establish a foundation for sustained peace and prosperity.

In addition, hundreds of civilian and about 10-15 percent of ex-combatants have disabilities of some form or the other owing to the conflict. The rehabilitation and treatment for them hasn't been on the priority list of the planners at any level. Setting a course for better and secure lives for these people and their families is also pertinent challenge that the GoN must overcome in the post-conflict context.

During the armed conflict, the CPN (Maoist) cadres seized many lands and properties throughout the country. The Twelve-Point Agreement, the CPA and other agreements signed by political parties repeatedly pledged to create environment conducive for the displaced to return and that the seized land and properties would be handed back to rightful owners. However, the commitments of Twelve-Point Agreement have not been fulfilled. Due to internal displacement caused by the conflict, hundreds of people have been left without shelter and other basic necessities.

Although issues relating to displacement were repeatedly raised during the peace process, those issues were left unaddressed. This has left the displaced persons feeling neglected and disheartened. Returning and reintegrating these people to their native lands and ensuring their safety is a major challenge in the post-conflict Nepal. On top of it, various factions of the UCPN (Maoist) including the ones led by Mohan Baidya, MatrikaYadav and ethnic groups like

Limbuwan continue to illegally occupy and harvest public and private land<sup>40</sup>. These seizures are major hurdles to the sustained peace of the country as they continue to add to the displacement of hundreds of people, impunity and widespread lawlessness. The GoN in 2007 established Post Conflict Peace and Reconstruction Project (PCPRP) and Relief and Rehabilitation Unit (RRU) to accomplish the tasks of reconstruction and relief distribution in three years. However, progress to that end has not even met half of the target till the date, because of lack of adequate budget.

#### **4.9 Conclusion**

As Nepal entered a decade of armed conflict, the human as well as economic losses reached an all time high. The security of the people was most vulnerable in the history of Nepal; the effects of which could be seen in socio-cultural, economic, political and development facets. The state of continued violence and insecurity caused by armed conflict ended with the signing of the CPA and was followed by many agreements and negotiations among the government and political parties. The GoN, political parties, security agencies, international community, civil society and the media played their respective parts in Nepal's peace process which also led to successful integration, rehabilitation and voluntary retirement, and in addition, was able to set up a relief fund to release monetary support to the victims and their families.

The management of ex-combatants and handing-over of weapons to the GoN has been a significant development in Nepal's peace process. It has not only effectively ended the pervasive violence, disarmed - the CPN (Maoist) and restored peace in the country, but also successfully returned a large number of ex-combatants back into society. Despite a cumbersome prolonged process, the major parties of the country must be credited for ending the violence and managing the armed group.

Despite its many downsides, Nepal's peace process has significant positive dimensions. Its uniqueness lies in the fact that it was largely a domestic actors-led process where all the stakeholders played their parts in bringing it to a logical conclusion. Despite differences, none of the stakeholders, including the NA and the UCPN (Maoist) strayed away from the process instead developed a culture of dialogue to resolve the differences and meet a point of agreement. Although Nepal learnt valuable lessons from international practices, the entire peace process of

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<sup>40</sup><http://www.cartercenter.org/resources/pdfs/peace/democracy/nepal-land-062012-eng.pdf>, accessed on 10.01.2015.

Nepal was built upon foundation of Nepal's unique socio-political background. Nepal, in the process also developed an option for voluntary retirement in addition to integration and rehabilitation. In fact, Nepal's peace process was concluded respecting the popular aspiration of the Nepali people to see an end to violence and begin a chapter for peace and prosperity.

Nepal's peace process indeed is unique that can serve as a lesson for other post-conflict countries but financial misappropriation is a major flaw of the process. The financial cost of the process seemed very high. According to the financial statement of the MoPR, Rs 19.7 billion were spent in the whole process excluding those expended on the relief fund. This is a big amount of money even when most expenses made by UNMIN as well as other donors like GIZ, Norway and many other countries are not included. And upon adding the amount released as relief fund for the victims so far the total amount comes to more than Rs 23 billion till date which will further increase as the distribution of relief fund is yet to be completed. Likewise, lack of transparency and misappropriation of funds could be found in many areas. Such as the costs for infrastructure construction and management does not match with the quality and quantity of constructions and also the infrastructure costs have been overlapping in various subtopics. The costs for electricity bills have been paid by both the Cantonment Management Office as well as through NPTF and seem exceedingly high for Nepali standard. These are the only few examples and there are many more like this. The issue was raised by the ex-combatants themselves time and again inside and outside the party. The issue has also been brought up by the members of dissolved SC and decision was made for thorough investigation. However, none of the state mechanisms have taken concrete steps towards addressing such a huge mishandling of state's funds. Lack of sincerity of the concerned government agencies in this area only encourages impunity and malpractices.

Although peace process has concluded, there are many challenges threatening the longevity of peace and development. Inability of the stakeholders in forming the TRC and the Commission for Disappeared Persons, lack of financial transparency and accountability of the process, failure in being all inclusive and sensitive to issues of women, children, dalits and other minorities, disabled and ex-combatants, inability to return the many seized lands to their rightful owners are major drawbacks of the peace process that continue to threaten overall peace and prosperity of the country. In addition, growing culture of impunity owing to politicization of crime, and formation of many armed groups around the country might pose challenges for

another kind of conflict in the future. Moreover, the prolonged transition, instability and uncertainty has held hostage the overall growth of Nepal. The only way forward in overcoming these challenges is addressing them without further ado. The government and major political parties should address those challenges to ensure sustained peace, development and prosperity by drafting of a new constitution and restructuring of the state in line with democratic principles and values and popular aspirations of the Nepali people.



## CHAPTER V

### CONCLUSION

This study has discussed the theoretical underpinnings of peacebuilding including the dimensions, perspectives and actors; the socio-economic and political history of conflict, an overview of peace process in Nepal with special focus on the provisions relating to the process of integration and reintegration of the Maoists, role of Comprehensive Peace Agreement and other agreements i.e Twelve point agreement, Seven point agreement etc that successfully concluded the process of integration and reintegration of Maoists. We have extensively discussed how Nepal had witnessed conflict throughout its history in forms of various inequalities, discrimination and alienation. Since the prime focus of this study lies on understanding peacebuilding process in Nepal; to analyze the history of conflict in Nepal; to explore the process and provisions on the issue of integration/ reintegration; to examine the issues and challenges regarding integration/ reintegration in the post conflict Nepal. The following section will detail at length with the major findings and analysis.

We have described the globally accepted theoretical consideration of peacebuilding and its practices. This involves the changing dimensions and practices in the process because of the changing nature of war. In case of Nepal, the nature of war has been a protracted one with series of discontent with the then existing government. As chapter III discusses that the socio –economic reality was the root cause of conflict throughout the history of Nepal. However, this study has focused on the 1990s political development in Nepal as the main cause of conflict instigated by the Maoists. Despite the democratic opening in 1990s, the political leaders failed to address the democratic norms which provided fertile ground for the Maoists to go for armed conflict. Nevertheless, the armed conflict in Nepal formally ended in 2006 with the signing of the CPA and the peace building initiative was successful upto a large extent. These include the Maoists' integration into mainstream politics; the establishment of an interim constitution and the election of the 2008 CA; and demobilisation processes that included the integration of Maoist soldiers into the national army. In the upcoming section we shall contextualize the peacebuilding in Nepal under the larger framework provided in chapter II of this study.

As discussed in Chapter II, the process of peacebuilding involves strengthening social institutions, processes and mechanisms as a means of preventing the violent conflict and establishing the foundations for a durable peace. Keeping this as the base, this study tries to

contextualize Nepal's peace process in the larger peacebuilding framework. Since, Chapter IV has discussed at length the role of political parties, agreements and mechanisms that led to the end of armed conflict in Nepal, which included the disarming of military faction under the provision of AMMAA and the supervision of the UNMIN.

Out of various dimensions of peacebuilding, the role of peace agreements has been instrumental in the overall achievement of likely peace in Nepal. An overview of Chapter IV gave a detailed account on the provisions, agreements and institutional responses to the process of integration/reintegration in Nepal. The CPA, AMMAA, 12- point Agreement and 7 point Agreement and also the Constitution has provision for the integration/reintegration of the Maoists in Army and Civilian life.

As political perspective on peacebuilding includes the building of new political institutions and the reform of the old, independent judiciary, free speech, active Civil society and overall the spreading of good governance. The important element of peacebuilding under this perspective has been the reconstruction of State institutions. Contextualizing Nepal in this context, we see, there were efforts to bring democracy but the practices failed to address the grievances of the country at large. Nepal is still fighting for the constitution making and other political issues which has directly to do with the democratic norms. What we could see in Chapter I and Chapter III is, the society of Nepal is a blend of heterogenous community, where in the democratic setup could not weave the population under one umbrella.

In case of Nepal, civil war started after the re-establishment of democracy in 1990s which shows flaw in the process of democratic setup in Nepal. The lack of fruitful realization of democracy could be because of the failure to address the long pending social, economic and political dimensions of conflict in Nepal. As the economic perspective of peacebuilding see, 'Relative Deprivation' as the cause of violence. In case of Nepal, poverty is the major indicator of such deprivation. The peacebuilding initiatives include giving loans and grants. In case of Nepal, there were donors like Germany, Denmark, Finland, UK, Norway, Switzerland and the European Union (EU), whose financial support has been worth mentioning in the peace process of Nepal.

Coming to the peacebuilding actors in Nepal, we see a blend of both the internal and external actors. The peace process in Nepal was domestically driven under the joint efforts and guidance of the international community. There are controversies regarding the involvement of international and regional actors which shall be discussed in the upcoming section of this chapter.

Regarding the Disarmament, Demobilization and Reintegration (DDR), the CPA, Seven-point Agreement and AMMAA guided the peace process. Based on the seven point agreement, the peace process finally formed a base to move towards a logical conclusion. Under this we see; 1352 former Maoists combatants officially joined the Nepal Army. UNMIN verified 19602 as regular members, out of which, 4008 individuals disqualified as VMLRs and thus ineligible for the potential/possible integration into the Nepal Army. It is also seen that out of 19602 verified by UNMIN, only 17076 showed up. Out of this number 9705 combatants opted for integration and 7365 chose voluntary discharge. Only 6 combatants registered their name for reintegration or rehabilitation. Later the number opting for integration declined and finally 1422 joined the army. Hence the huge gap in the number of unturned ex-combatants hints at the measure of success of the peace process in Nepal. The following sections will deal with the issues and challenges related to the integration/reintegration in particular and the peace process in general in the context of Nepal.

Although peace process has concluded, there are many challenges threatening the longevity of peace and development and there were many challenges to post conflict integration and reintegration/rehabilitation. The CPA, which explicitly laid down principles for the country's transition, envisioned the establishment of Truth and Reconciliation Commission (TRC), Commission on Disappearances (CoD), and High Level Peace Mechanism, Interim Relief and Local Peace Committees (LPCs). These structures were meant to ensure the five elements of transitional justice: i) truth seeking; ii) prosecuting perpetrators; 3) providing reparations or rehabilitation to victims; iv) shaping collective memory to facilitate reconciliation processes; and v) reforming abusive or inequitable institutions. <sup>1</sup>The CPA also promised to make public the status of 'disappeared' persons within 60 days. This was further reinforced by the Supreme Court's order to the government, in June 2007, to form a high-level commission of inquiry into enforced disappearances. However, there has been no progress on this front.

Of the abovementioned four commissions envisioned, only the LPCs have been established. These committees were designed to locally implement national peace agreements by bringing together political parties, non-governmental organisations (NGOs), and relevant local government agencies to prevent potential conflict, resolve them as they arise, and

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<sup>1</sup> Russell, Andrea (2012), "Transitional Justice and the Truth Commission in Nepal", Senior Honors Projects, Paper 272, (Online Web), URL, <http://digitalcommons.uri.edu/srhonorsprog/272>.accessed on 13.12.2014.

promote peace at the local level. In principle the political parties have supported the idea of the LPCs, but, there has been very little commitment for its implementation<sup>2</sup>. One of the biggest setbacks of the Nepali peace process is its failure to form the Truth and Reconciliation Commission (TRC) and the Commission on Disappeared Persons.

Follow up on ex-combatants who chose voluntary retirement has not been made by any of the government agencies. There is limited knowledge about them, on how and if they are being accepted back into society. Some reports link ex-combatants who opted voluntary retirement involved in crimes such as murder, robbery, extortion and illegal Voice over Internet Protocol (VoIP) among others.<sup>3</sup> Most importantly there have been reports of ex-combatants forming their own criminal groups. The Nepal Police believe that the organization is largely comprised of disqualified combatants and is involved in crimes like extortion, abduction and robbery in the district.<sup>4</sup>

The failure in properly reintegrating the ex-combatants and failure to form the TRC and the Commission on Disappeared Persons has further deteriorated the security situation. Proper integration and rehabilitation of women and children affected during the conflict into society and programmes to secure their future has not been executed which is one of the major challenges to the post-conflict Nepal. Women and children bore most of the social, psychological and economic brunt of the conflict. Not only integration process but throughout all the mechanism of the peace process women's participation was negligible owing to which issues concerning women and children were not addressed during the peace process.

During the armed conflict, the CPN (Maoist) cadres seized many lands and properties throughout the country. The Twelve-Point Agreement, the CPA and other agreements signed by political parties repeatedly pledged to create environment conducive for the displaced to return and that the seized land and properties would be handed back to rightful owners. However, the commitments of Twelve-Point Agreement have not been fulfilled.

On top of it, various factions of the UCPN (Maoist) including the ones led by Mohan Baidya, Matrika Yadav and ethnic groups like Limbuwan continue to illegally occupy and

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<sup>2</sup><http://asiafoundation.org/in-asia/2009/05/20/local-peace-committees-in-n...> accessed on 20.01.2015.

<sup>3</sup>"Ex-maoist fighters behind crimes in valley: Police", *The Himalayan Times*, July 6, 2013.

<sup>4</sup>Nepal's Peace Process: A Brief Overview - Nips, Available at [nipsnepal.org](http://nipsnepal.org).

harvest public and private land.<sup>5</sup> Lack of financial transparency and accountability of the process, failure in being all inclusive and sensitive to issues of women, children, dalits and other minorities, disabled and ex-combatants, inability to return the many seized lands to their rightful owners are major drawbacks of the peace process that continue to threaten overall peace and prosperity of the country.

Regarding the international involvement in the peace process, India, US, and UN spokespersons uniformly summoned the Agreement, but obviously for different reasons and agenda. Nepal's history has been shaped by its position as a buffer between China and India. Current challenges in consolidating peace must be understood within the context of this historical position and of increasing strategic competition between China and India for influence in Nepal and more broadly across the South Asia region. Nepal is a traditional ally of India and there are close political, security, economic and cultural ties between the two countries.<sup>8</sup> India offers Nepal economic opportunities through an open border in return for high levels of influence over its foreign and security policies.

However, following the overthrow of Nepal's monarchy, this Indian dominance has been threatened by a number of factors. These include the integration of the Maoists (who held a strong anti-Indian agenda) into political and security institutions previously dominated by elites close to India, as well as China's growing engagement in Nepal. Deeply concerned at this loss of influence, India has consistently obstructed peacebuilding progress by attempting to micro-manage Nepali politics; blocking the implementation of key aspects of the CPA, such as Maoist integration into the national army; and undermining international actors who it views as too supportive of the Maoists (including pushing for the UN Mission in Nepal's (UNMIN) mandate not to be renewed in 2011). India's priority appears to have been retaining Nepal as a client state even at the cost of significant instability in the country. However, a partial rapprochement between India and the Maoists earlier this year could reduce India's anxieties and encourage it to play a more positive role.

China has traditionally played a limited role in Nepal, where its priority is stability and a strong regime that can suppress political activity by Tibetan refugees and co-operate on border security. However, since 2008 China has expanded its political, economic and security

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<sup>5</sup><http://www.cartercenter.org/resources/pdfs/peace/democracy/nepal-land-062012-eng.pdf>, accessed on 15.01.2015.

footprint in Nepal. It has dramatically scaled up its economic and military assistance, increased trade and investment, expanded its diplomatic and military missions in Kathmandu, and promoted people-to-people exchanges. Some new Chinese investments, such as a Nepal-Tibet rail link, are viewed by New Delhi as directly threatening Indian security. For its part, Nepal's government – particularly under Maoist leadership – has sought stronger ties with China as a “disinterested neighbour and remarkably attractive alternative to ‘Big Brother’ India”<sup>6</sup>. China has developed relations with all of Nepal's political parties and repeatedly urged them to finish the peacebuilding process in order to ensure stability. Nepal's position between an expanding China and defensive India clearly shapes its prospects for peace. Campbell also argues that: “If India [has] a destabilising influence on Nepal's peace process while China has a broadly stabilizing influence, then China's increasing engagement should have a positive effect in terms of peace and stability”<sup>7</sup>. However, despite Chinese claims of “non-interference”, it seems that both regional powers want to shape Nepal's political settlement in their interests. While India wants a federal state that gives more power to the Terai region and its Madhesi population, *The Economist* (2013) claims that China “has made known its opposition to ethnic-based federalism in Nepal, fretting that Tibetans, just over the border, might get similarly uppity ideas”. In order to be viable the future Nepali state must ultimately take a form that is acceptable to both its neighbours.

The international community has played an important role in establishing peace (notably through UNMIN) and supporting Nepal's post-conflict development. Since the conflict ended, international aid to Nepal has risen dramatically to 34% of government spending by 2009. International donors have largely prioritised areas that are important for peacebuilding, including delivering basic services, promoting economic growth, ensuring the rule of law and fostering inclusion. In 2011 Nepal's donors developed the Nepal Peace and Development Strategy to help focus and harmonise their support towards full implementation of the CPA.

Despite these efforts, Pandey argues that international actors in Nepal “struggle to effectively tackle the underlying structural, political and security obstacles to ensure aid

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<sup>6</sup>Bajpai, Kanti (2010), “The Chinese are Coming.” *The Times of India*, December 11<sup>th</sup>, (Online Web), URL [http://articles.timesofindia.indiatimes.com/2010-12-11/edit-page/28238775\\_1\\_chinas-gdp-powerful-neighbour-indian-economy](http://articles.timesofindia.indiatimes.com/2010-12-11/edit-page/28238775_1_chinas-gdp-powerful-neighbour-indian-economy), accessed on 26.11.2014.

<sup>7</sup> Campbell, Ivan et al. (2012), *China and Conflict Affected States: Between Principle and Pragmatism*. London: Saferworld.

effectively supports peace and development”<sup>8</sup>. The impact of international support is undermined by political party capture of aid and interference in the distribution of state resources, the state’s low absorption capacity, and weak rule of law. A particular criticism of international donors is that they have not engaged effectively with the political process or found ways to link other agendas, such as development and justice, to it. Adhikari argues that “India led in the political process and Western donors in peace-building efforts (such as on human rights and justice). However the calibration of these two efforts was sorely absent.”<sup>9</sup>

The engagement of China and India has undoubtedly reduced the influence of the international community in Nepal. International actors have been particularly frustrated at India’s undermining of the internationally supported peace process. While China has played a more positive role, its growing assistance to Nepal (it is one of the country’s five largest donors) has reduced the leverage of Nepal’s traditional donors. This alternative source of investment has helped Nepali leaders resist international pressure on issues such as transitional justice. Traditional donors have largely failed to engage with China regarding Nepal, despite the former’s growing influence.

According to Upreti, “Nepal’s peace and constitution-making processes are inherently interconnected. The success of Nepal’s peace process is largely determined by the promulgation of public ownership of the new constitution. Many potential benefits of the peace process have to be institutionalised, such as the creation of a federal republic, measures to enhance social inclusion, restructuring of the bureaucracy, and security sector reform.”

In the light of the above statement, it can be concluded and understood that though the armed conflict ended peacefully, peace process in Nepal is subject to many contradictions and controversies. The success or failure of the process is determined by a range of factors including key political decision-makers, and vested interests of major political parties, the emergence of resistance and counter-forces within political parties to prevent change, external interests, and the deviation of political leaders from their commitment to implement provisions of the Comprehensive Peace Agreement (such as security sector reform, land reform, transitional justice, federalisation, and the inclusion of women, *dalits* and other socially excluded groups into the mainstream).

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<sup>8</sup>Pandey, Nisha (2011), *Insights: International Institutions, Aid Effectiveness and Peacebuilding in Nepal*. London: International Alert.

<sup>9</sup>Adhikari, Monalisa (2012), “Political stalemate and transitional justice in post-conflict Nepal.” IDSA Issue Brief. New Delhi: IDSA.





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## APPENDIX I

### NEPAL PROFILE

#### CHRONOLOGY OF KEY EVENTS

**1768** - Gurkha ruler Prithvi Narayan Shah conquers Kathmandu and lays foundations for unified kingdom.

**1792** - Nepalese expansion halted by defeat at hands of Chinese in Tibet.

**1814-16** - Anglo-Nepalese War; culminates in treaty which establishes Nepal's current boundaries.

**1846** - Nepal falls under sway of hereditary chief ministers known as Ranas, who dominate the monarchy and cut off country from outside world.

**1923** - Treaty with Britain affirms Nepal's sovereignty.

#### Absolute monarchy

**1950** - Anti-Rana forces based in India form alliance with monarch.

**1951** - End of Rana rule. Sovereignty of crown restored and anti-Rana rebels in Nepalese Congress Party form government.

**1953** New Zealander Edmund Hillary and Nepal's Sherpa Tenzing Norgay become the first climbers to reach the summit of Mount Everest.

**1955** - Nepal joins the United Nations.

**1955** - King Tribhuvan dies, King Mahendra ascends throne.

**1959** - Multi-party constitution adopted.

**1960** - King Mahendra seizes control and suspends parliament, constitution and party politics after Nepali Congress Party (NCP) wins elections with B. P. Koirala as premier.

**1962** - New constitution provides for non-party system of councils known as "panchayat" under which king exercises sole power. First elections to Rastrya Panchayat held in 1963.

**1972** - King Mahendra dies, succeeded by Birendra.

#### Multi-party politics

**1980** - Constitutional referendum follows agitation for reform. Small majority favours keeping existing panchayat system. King agrees to allow direct elections to national assembly - but on a non-party basis.

**1985** - NCP begins civil disobedience campaign for restoration of multi-party system.

**1986** - New elections boycotted by NCP.



**1989** - Trade and transit dispute with India leads to border blockade by Delhi resulting in worsening economic situation.

**1990** - Pro-democracy agitation co-ordinated by NCP and leftist groups. Street protests suppressed by security forces resulting in deaths and mass arrests. King Birendra eventually bows to pressure and agrees to new democratic constitution.

**1991** - Nepali Congress Party wins first democratic elections. Girija Prasad Koirala becomes prime minister.

### **Political instability**

**1994** - Koirala's government defeated in no-confidence motion. New elections lead to formation of Communist government.

**1995** - Communist government dissolved.

**1995** - Start of Maoist revolt which drags on for more than a decade and kills thousands. The rebels want the monarchy to be abolished.

**1996 Feb-** Armed struggle instigated by the CPN(M)

**1997** - Prime Minister Sher Bahadur Deuba loses no-confidence vote, ushering in period of increased political instability, with frequent changes of prime minister.

**2000** - GP Koirala returns as prime minister, heading the ninth government in 10 years.

### **Palace killings**

**2001 1 June** - King Birendra, Queen Aishwarya and other close relatives killed in shooting spree by drunken Crown Prince Dipendra, who then shoots himself.

**2001** - Prince Gyanendra crowned King.

**2001 July** - Maoist rebels step up campaign of violence. Prime Minister GP Koirala quits over the violence; succeeded by Sher Bahadur Deuba.

**2001 November** - Maoists end four-month old truce with government, declare peace talks with government failed. Launch coordinated attacks on army and police posts.

### **Emergency**

**2001 November** - State of emergency declared after more than 100 people are killed in four days of violence. King Gyanendra orders army to crush the Maoist rebels. Many hundreds are killed in rebel and government operations in the following months.

**2002** May - Parliament dissolved, fresh elections called amid political confrontation over extending the state of emergency. Sher Bahadur Deuba heads interim government, renews emergency.

**2002** October - King Gyanendra dismisses Deuba and indefinitely puts off elections set for November.

**2003** January - Rebels, government declare ceasefire.

### **End of truce**

**2003** August - Rebels pull out of peace talks with government and end seven-month truce. The following months see resurgence of violence and frequent clashes between students/activists and police.

**2004** April - Nepal joins the World Trade Organisation (WTO).

**2004** May - Street protests by opposition groups demanding a return to democracy. Royalist Prime Minister Surya Bahadur Thapa quits.

### **Direct royal rule**

**2005** February - King Gyanendra assumes direct control and dismisses the government. He declares a state of emergency, citing the need to defeat Maoist rebels.

**2005** April - King lifts the state of emergency amid international pressure.

**2005** November - Maoist rebels and main opposition parties agree on a programme intended to restore democracy.

**2006** April - King Gyanendra agrees to reinstate parliament following weeks of violent strikes and protests against direct royal rule. Maoist rebels call a three-month ceasefire.

**2006** May - Parliament votes unanimously to curtail the king's political powers.

The government and Maoist rebels begin peace talks, the first in nearly three years.

### **Peace deal**

**2006** November - Government and Maoists sign a peace accord - the Comprehensive Peace Agreement (CPA) - declaring a formal end to a 10-year rebel insurgency.

**2007** January - Maoist leaders enter parliament under the terms of a temporary constitution.

### **Maoists join government**

**2007** April - Maoists join interim government, a move that takes them into the political mainstream.

**2007** September - Three bombs hit Kathmandu in the first attack in the capital since the end of the Maoist insurgency.

Maoists quit interim government to press demand for monarchy to be scrapped. This forces the postponement of November's constituent assembly elections.

### **End of monarchy**

**2007** December - Parliament approves abolition of monarchy as part of peace deal with Maoists, who agree to re-join government.

**2008** January - A series of bomb blasts kill and injure dozens in the southern Terai plains, where activists have been demanding regional autonomy.

**2008** April - Former Maoist rebels win the largest bloc of seats in elections to the new Constituent Assembly (CA), but fail to achieve an outright majority.

**2008** May - Nepal becomes a republic.

**2008** June - Maoist ministers resign from the cabinet in a row over who should be the next head of state.

**2008** July - Ram Baran Yadav becomes Nepal's first president.

**2008** August - Maoist leader Prachanda forms coalition government, with Nepali Congress going into opposition.

### **Maoists leave government**

**2009** May - Prime Minister Prachanda resigns in a row with President Yadav. Maoists leave government after other parties oppose integration of former rebel fighters into national army.

Veteran Communist leader Madhav Kumar Nepal named new prime minister.

Gurkha veterans with at least four years' service in the British army are given permission to settle in the UK.

**2009** December - Four people are killed in clashes triggered by Maoist-led land grab in far west, giving rise to fears for peace process.

### **Impasse over constitution**

**2010** May - Governing coalition and Maoist opposition extend deadline for drafting of new constitution to May 2011.

**2010** June - PM Madhav Kumar Nepal quits under Maoist pressure.

**2011** January - UN peace monitoring mission ends.

**2011** February - Jhalaath Khanal elected premier, ending a seven-month stalemate during which Nepal had no effective government.

**2011** May - Constituent Assembly fails to meet deadline for drawing up new constitution.

**2011** August - PM Jhalaath Khanal resigns after government fails to reach compromise with opposition on new constitution and fate of former Maoist fighters.

Parliament elects the Maoist party's Baburam Bhattari as prime minister. He vows to forge a cross-party consensus over the new constitution and the Maoist fighters issue.

**2012** May - Prime Minister Bhattari dissolves parliament, calls elections for November after politicians miss a final deadline to agree on a new constitution. Mr Bhattari remains in charge of a caretaker government.

**2013** March - Chief justice Khil Raj Regmi is appointed head of an interim unity government.

**2013** April - Supreme Court suspends government plan to set up a Truth and Reconciliation Commission to investigate crimes committed during the civil war, citing concerns it could allow amnesties for serious crimes.

**2013** May - Celebrations to mark 60th anniversary of first ascent of Mount Everest.

**2013** November- Election for an assembly which will write a new constitution. Political deadlock as no party wins a majority.

**2014** February - Sushil Koirala, the leader of the Nepali Congress, the country's largest political party, is elected as prime minister after securing parliamentary support.

## **APPENDIX II**

### **Comprehensive Peace Agreement 2006**

#### **Preamble:**

Respecting people's mandate for democracy, peace and progress expressed through repeated historic people's movement and struggles since 1951,

Reaffirming commitments to the 12-point and 8-point agreements, and 25-point code of conduct between the seven parties and the Maoists; decisions taken during the meeting of the top leaders of the seven parties and the Maoist on November 8 along with other agreements, understandings, code of conducts and letter sent to the United Nations stating identical viewpoints by the Maoists and the Nepal government,

Pledging for progressive restructuring of the state by resolving prevailing problems related with class, ethnicity, regional and gender differences,

Reiterating commitments to competitive multiparty democratic system, civil liberties, fundamental rights, human rights, complete press freedom, rule of law and all other norms and values of democratic system,

Pledging commitments to Universal Declaration of Human Rights 1948 and other international humanitarian laws and values and principles of the human rights,

Guaranteeing the fundamental rights of the Nepalese people to cast their votes in the constituent assembly polls without any kind of fear,

By putting democracy, peace, prosperity, progressive social and economic transformation, independence, integrity, sovereignty and prestige of the state in the centre-stage, implement the commitments made by both the sides to hold the election to constituent assembly by mid June 2007 in a free and fair manner,

Declaring the end of armed conflict prevailing in the country since 1996 and beginning the new era of peace and co-operation as per the understanding reached between both the sides for guaranteeing the sovereignty of the Nepalese people, progressive political solution, democratic restructuring of the state and social, economic and cultural transformation of Nepalese society through the constituent assembly,

Committing to transforming the ceasefire between the Nepal government and the Maoists into permanent peace, the following comprehensive peace agreement has been reached between the Nepal government and the Communist Party of Nepal (Maoist).

#### **1. Preliminary**

1.1. This agreement shall be called 'Comprehensive Peace Agreement, 2006'. In short this shall be called peace agreement.

1.2. This agreement shall come into effect through public announcement by both the government and the Maoists.

1.3. Both the sides shall issue directives to all the agencies under them to follow and implement this agreement immediately and shall implement it .

1.4. All agreements, understandings, code of conduct and decision taken by the government, the Maoists and the seven parties enlisted in the appendix shall be inseparable part of this agreement .

1.5. The agreements and understanding to be signed later to implement this agreement shall also be regarded as part of this agreement

## **2. Unless the subject or context otherwise requires, in this agreement:**

a. Ceasefire shall mean restriction of all kinds of attacks, abduction, disappearance, imprisonment, mobilisation and strengthening of the armed force, attacking or armed actions targeted against each other between the Nepal government and the Maoists and any form of destructive, provoking or inciting activities in the society.

b. 'Interim constitution' shall mean the 'Interim Constitution of Nepal 2006' to be promulgated and exercised until a new constitution is written through Constituent Assembly.

c. 'Interim cabinet' shall mean the council of minister formed as per the interim constitution.

d. 'Both Parties' shall mean Nepal government and the Communist Party of Nepal (Maoist).

e. 'Prevailing laws' shall mean the interim constitution and other existing Nepalese laws that are not inconsistent with this constitution. However, this definition shall not affect the existing legal system in the country before the announcement of the interim constitution.

f. 'Verification' would mean the preparation of the detailed situation of the army, combatants and arms by the United Nations after verification.

## **3. Political, social, economic transformation and conflict management**

Both parties have agreed to formulate following programmes and policies for political, social and economic transformation and management of the existing conflict through positive means:

3.1. Based on the decision taken by the meeting of the top leaders of the seven parties and the Maoists (schedule 6) on November 8, guarantee progressive political, economic and social transformation.

3.2. Form the interim legislative – parliament, as per the interim constitution, the interim government shall hold election to constituent assembly elections by mid-June 2007 in free and fair manner and make the Nepalese people feel their inherent sovereign right.

3.3. No rights of state administration shall remain with the King. Bring the properties of late King Birendra, late Queen Aishwarya and their family members under the control of the Nepal government and use it for the welfare purposes through a trust. All properties acquired by King Gyanendra by the virtue of him being the King (like palaces of various places, forests and conservation areas, heritage having historical and archaeological importance) shall be nationalised. Determine the fate of the institution of monarchy by the first meeting of the Constituent Assembly through simple majority vote.

3.4. Promulgate the political system that fully comprehends with the concepts of universally adopted principles of fundamental human rights, multiparty competitive democratic system, sovereign rights inherent in the people and supremacy of the citizens, constitutional balance and control, rule of law, social justice and equality, independent judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the citizens, transparency and accountability of the activities of the political parties, people's participation, fair, able and uncorrupted administrative mechanism.

3.5. End the existing centralised and unitary state system and restructure it into an inclusive, democratic progressive system to address various problems including that of women, Dalits, indigenous community, Madhesis, oppressed, ignored and minority communities, backward regions by ending prevailing class, ethnic, linguistic, gender, cultural, religious and regional discrimination.

3.6. End all forms of feudalism and prepare and implement a minimum common programme of socio-economic transformation on mutual understanding.

3.7. End feudal land ownership and formulate the policies for scientific land reforms.

3.8. Adopt policies for protection and promotion of national industries and resources.

3.9. Adopt policies for establishment of civil rights in education, health, shelter, employment and food security.

3.10. Adopt policies to provide land and socio-economic security to backward groups like landless, bonded labourers, tillers, Haruwa-charuwa and other such groups, which are socio-economically backward.

3.11. Adopt policies to take strict actions against the people who have worked in government positions and have amassed huge amount of properties through corruption.

3.12. Prepare a common development concept that will help in socio-economic transformation of the country and will also assist in ensuring the country's economic prosperity in a short period of time.

3.13. Follow policies ascertaining the professional rights of workers and increase investment on sectors like promoting industries, trade and export and increase employment and income generating opportunities.

#### **4. Management of armies and arms**

To hold the election of constituent assembly in free, fair and peaceful environment and democratisation and restructuring of the army, the following works shall be done as per the 12-point and 8-point agreements, and 25-point code of conduct, 5-point letter sent to the United Nations and decisions taken during the meeting of the top leaders on November 8:

##### **Relating to Maoist army –**

4.1. As per the commitments expressed in the joint letter sent to the United Nations by the Nepal government and the Maoists on August 9, the combatants of the Maoists would remain in the following temporary camps. United Nations would do their verification and monitoring.

1. Kailali, 2. Surkhet, 3. Rolpa, 4. Nawalparasi, 5. Chitwan, 6. Sindhuli 7. Ilam. There would be three smaller camps located in the periphery of each of these main camps

4.2. All the arms and ammunitions would be securely stored in the camps except those needed for providing security of the camp after the Maoist combatants are sent to the cantonments. They will be put under a single lock system and the concerned side would keep the key of this lock. For the UN to monitor it, a device with siren as well as recording facility will be installed. When there is need to examine the stored arms, the UN would do so in the presence of the concerned side. Prepare the details of technology including camera for monitoring as per the agreement among the Nepal government, the Maoists and the United Nations.

4.3. On completion of cantonment of the Maoist combatants, Nepal government would take up the responsibility for providing ration and other facilities to them.

4.4. The interim cabinet shall form a special committee to carry out monitoring, integration and rehabilitation of the Maoist combatants.

4.5. Make arrangement for the security of the Maoist leaders as per the agreement with the Nepal government.

### **Relating to the Nepali Army**

4.6. The Nepali Army would be confined to the barracks as per the commitments expressed in the letter sent to the United Nations. Guarantee that its arms would not be used for or against any side. Keep similar quantity of arms of the Nepali Army in the store, seal it with single-lock system and give the key to the concerned side. For the UN to monitor it, a device with siren as well as recording facility will be installed. When there is need to examine the stored arms, the UN would do so in the presence of the concerned side. Prepare the details of technological arrangement including camera for monitoring as per the agreement among the Nepal government, the Maoists and the United Nations.

4.7. The cabinet would control, mobilise and manage the Nepali Army as per the new Military Act. The interim cabinet would prepare and implement the detailed action plan of democratisation of the Nepali Army by taking suggestions from the concerned committee of the interim parliament. This includes works like determination of the right number of the Nepali Army, prepare the democratic structure reflecting the national and inclusive character, and train them on democratic principles and human rights values

4.8. Continue the works of the Nepali Army such as border security, security of the conservation areas, protected areas, banks, airport, power house, telephone tower, central secretariat and security of VIPs.

### **5. Ceasefire**

5.1. End of armed rebellion and mobilisation of armed forces:-

5.1.1. Both parties commit not to carry out the following activities:-

- a. Acts of attacking or using arms directly or indirectly against each other
- b. Seizing or raiding places where the arms of other side has been stored as per the mutual understanding, with or without arms
- c. Acts that would cause mental pressure or loss to any individual person



- d. Acts to place ambush targeting each other
- e. Actions involving killing or violence
- f. Acts of abduction, arrest, imprisonment, disappearance
- g. Destruction of public, private, governmental or military properties
- h. Aerial attacks or bombarding
- i. Mining or sabotaging
- j. Acts of spying each other's military activities

5.1.2. Both parties shall not carry on further recruitments, shall not transport the arms and ammunition or pose difficulties militarily against each other.

But the interim cabinet shall mobilise the security forces for search and patrol to stop the acts like illegal transportation of arms, explosives or their parts or raw material in borders or customs points.

5.1.3. No individuals or groups shall travel with arms, ammunition or explosives

5.1.4. Both parties shall inform each other about the demarcation and storage of ambush or mines planted during the war period within 30 days and help each other to diffuse or dispose them off within 60 days.

5.1.5. Armies of both parties shall not appear with arms or combat dresses in any civil meeting, political gathering or public programmes.

5.1.6. Nepal Police and Armed Police force shall continue to work for maintaining peace and investigation into the criminal activities as per the spirit and content of the peace agreement and prevailing laws.

5.1.7. Both parties shall instruct their armed forces directing them to stop telling or behaving with the other side's armed personnel as 'enemy'.

5.1.8. Both parties agree to prepare the details of the governmental, public, private building, land or other properties captured, locked or restricted from being used during the period of armed conflict and return these things immediately

5.2. Ways of normalising the situation:

5.2.1. There won't be cash or kind collection or tax collection against anyone's will or existing laws.

5.2.2. Both parties agree to publicise and release all the person kept under detention within 15 days.

5.2.3. Prepare the details of the disappeared persons or those killed in the conflict with their real name, surname and residential address and publicise it within 60 days from the day of signing this agreement and inform the family members of concerned persons.

5.2.4. Both parties agree to form a national peace and rehabilitation commission to initiate process of rehabilitation and providing relief support to the persons victimised by the conflict and normalise the difficult situation created due to the armed conflict.

5.2.5. Both parties agree to form a high level Truth and Reconciliation Commission on mutual understanding to conduct investigation about those who were involved in gross violation of human rights at the time of the conflict and those who committed crime against humanity and to create the situation of reconciliation in the society.

5.2.6. Both parties vow to renounce all forms of war, attacks, counter-attacks, violence and counter violence existing in the country and commit to guarantee the democracy, peace and progressive changes in the Nepali society. It has been agreed that both parties shall help each other for maintaining peaceful situation.

5.2.7. Both parties guarantee to withdraw accusations, claims, complaints and under-consideration cases levelled against various individuals due to political reasons and immediately publicise the status of those imprisoned and immediately release them.

5.2.8. Both parties express the commitment to allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed during the conflict and rehabilitate and socialise the displaced people into the society.

5.2.9. Both parties agree to take individual and collective responsibility of resolving, with the support of all the political parties, civil society and local institutions, any problems arising in the aforementioned context on the basis of mutual consensus and creating an atmosphere conducive for normalisation of mutual relations and for reconciliation.

5.2.10. Both parties express the commitment not to discriminate against or exert any kind of pressure on any member of the family of either side on the basis of them being related to one or the other side.

5.2.11. Both parties agree not to create any kind of obstacle and allow any kind of obstruction to be created in the independent travelling, assuming of duties and executing of work by the Government of Nepal and public bodies' employees and assist them in their work.

5.2.12. Both parties agree to allow unrestricted travelling as per the law within the state of Nepal to the personnel of the United Nations, international donors agencies and diplomatic missions working in Nepal, national and international non-government organisations, press, human rights activists, election observers and foreign visitors.

5.2.13. Both parties commit to operate publicity campaigns in a decent and respectable manner.

## **6. The end of war**

6.1 On the basis of the historic agreement between the seven political parties and the Maoists on November 8th, giving permanency to the ongoing ceasefire between the government and the Maoists, we declare the end of the war that has been going on since 1996.

6.2 The decisions made by the meeting of the senior leaders of the seven political parties and the Maoists on November 8 will be the principal basis for the establishment of permanent peace.

6.3 After the Nepali Army is placed in the barracks and the Maoists' combatants are contained in the cantonments, possession of arms, display of arms, creating terror, use of weapons or such acts against the agreement or law will be punishable by the law.

6.4 The army on both sides shall not be allowed to campaign in favour of any group or shall not be allowed to express their support towards any of the sides but they shall not be deprived from their rights to vote.

## **7. Human rights, fundamental rights and following humanitarian laws**

Both parties express their commitment towards universal declaration of human rights 1948 and international humanitarian law and basic principle and values of human rights.

### **7.1 Human Rights**

7.1.1 Both parties reaffirm their commitment to respect and protect human rights and international humanitarian law and accept that no individual shall be discriminated on the basis of caste, gender, language, religion, age, ethnic groups, national or social origin, property, disability, birth or any other status, thoughts or conscience.

7.1.2 Both parties have agreed to create an environment where the Nepali people can utilize their civic, political, economical, social and cultural rights and are committed to create an environment in which these rights will not be violated in the future under any circumstances.

7.1.3 Both parties express their commitment and state that necessary investigation will be undertaken against any individual involved in violating the rights mentioned in the agreement and action will be taken against ones that are found guilty. Both parties also ascertain that they will not protect impunity and along with it, the rights of the people affected by the conflict and torture and the families of the people who have been disappeared will be safeguarded.

7.1.4 Both parties shall not be involved in activities like torturing civilians, abducting, forcing them to work and shall take necessary action to discourage such activities.

7.1.5 On the basis of secularism, both the sides shall respect social, cultural and religious sensitivity, and shall respect the religious conscience of a religious place or an individual.

### **7.2 Right to live**

7.2.1 Both parties shall respect and protect the right of an individual to live. No one shall be deprived of this basic right and no law including capital punishment shall be formulated.

### **7.3 Individual prestige, freedom and freedom of movement**

7.3.1 Both parties shall respect the right of individual prestige and freedom. In this context, even the people who have been legally deprived from enjoying their freedom shall also not be subjected to torture or punished with inhumane behaviour or disrespectful behaviour. The right of privacy of an individual shall be protected legally.

7.3.2 Both parties, respecting the individual's freedom and right to security shall not place anyone under whimsical or illegal detention and shall not abduct or imprison any individual. Both parties shall release the details of the condition of the people who have been disappeared

or have been kept captives and an agreement has also been reached to inform about their status to their family members, legal consultant or any other authorised person.

7.3.3 Both parties shall respect and protect the individual's freedom to move freely and right to choose a place to reside within the legal periphery and also expresses commitment to respect the right of the people who have been displaced to return home or to live in any other place they choose.

#### 7.4 Civil and political rights

7.4.1 Both parties express their commitment to respect and protect an individual's freedom of opinion and expression, freedom to form unions and associations, freedom to assemble peacefully and shall work against exploitation.

7.4.2 Both parties shall respect the right of every individual to participate in public matters directly or through representatives, right to vote and be elected and the right of equality to enter public service.

7.4.3 Both parties are committed to respect the right of the people to be informed.

#### 7.5 Socio-economic rights

7.5.1 Both parties are committed to respect and protect an individual's freedom to practice any profession.

7.5.2 Both parties are committed to respect and guarantee the people's right to food security. It also ascertains that the issues like food, food production, utilisation of food, its transportation and distribution shall not be interfered with.

7.5.3 Both parties accept the need to respect and protect the health rights of the people. Both parties shall not disrupt the supply of medicines, assistance and health campaigns and also express its commitment towards treatment of the people who have been injured due to the conflict and shall also initiate rehabilitation process.

7.5.4 Both parties accept the need to respect and guarantee the right of education to all and express commitment to maintain adequate educational environment in educational institution. Both parties have agreed to ascertain that the right to education is not violated. An agreement has been reached whereby, incidents like capturing educational institution, using these institutions, abducting, detaining or disappearing teachers and students shall be stopped immediately and military barracks shall not be constructed near schools and hospitals.

7.5.5 Both parties have agreed not to illegally seize or capture anyone's private property.

7.5.6 Both parties believe in not disrupting the industrial environment of the country and to continue production, protect the right of group bargaining in industrial institution and respecting social security intends to encourage resolving the disputes between the labour and the industrial institution peacefully and respects the right to work determined by the International Labour Organisation (ILO).

#### 7.6 Rights of women and children

7.6.1 Both parties completely agree on the need to specially protect the rights of women and children and the need to stop all forms of sexual exploitation and other forms of misbehaviour on women and child labour and other violent act against children and not to include children below the age of 18 in any form of military force. The children who have already been affected shall be rescued immediately and adequate provisions shall be made for their rehabilitation.

#### 7.7. Right of Individual Liberty

7.7.1. Both parties agree to the freedom of opinion and expression; freedom to assemble peaceably and without arms; freedom of movement; freedom to practice any profession, or to carry on any occupation, industry or trade; press and publication rights; the freedom to take part in peaceful political activities; the right of equality before the law; and to implement and have a tolerable system of justice implemented.

### **8. Dispute Settlement and Implementation Mechanism**

8.1. Both parties agree to become responsible and accountable in an individual and collective manner and not repeat in future mistakes committed in the past and also correct these mistakes on a gradual basis.

8.2. The National Peace and Rehabilitation Commission shall be set up as per the need for making the campaign for peace successful. The composition and working procedures of the Commission shall be as determined by the interim Council of Ministers.

8.3. Both parties are committed to settle all kinds of present or possible future mutual differences or problems through mutual talks, understanding, consensus and dialogue.

8.4. Both parties express commitment that the interim Council of Ministers shall constitute and determine the working procedures of the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, the High-level State Restructuring Recommendation Commission and other mechanisms as per the need to implement this agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the Seven-party Alliance, the Government of Nepal and the CPN (Maoist).

### **9. Implementation and Follow-up**

Both parties have agreed to make the following arrangements for the implementation of the understandings mentioned in this agreement and for their follow-up –

9.1. Both parties agree to give continuity to the task of monitoring of the human rights provisions mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.

9.2. Both parties agree for the monitoring of the management of arms and the armies by the United Nations Mission in Nepal as mentioned in the five-point letter send to the UN earlier and in the present agreement.

9.3. Both parties agree to get the United Nations supervise the election to the Constituent Assembly.

9.4. The National Human Rights Commission shall also carry out works related to the monitoring of human rights as mentioned in this agreement together with the responsibility assigned to it as per the laws. In connection with carrying out its works, the Commission can take the help of national and international human rights organisations after maintaining necessary coordination with them.

9.5. Both parties agree to accept the reports submitted by the above-mentioned bodies, to provide the information requested by them, and to implement the suggestions and recommendations given by them on the basis of consensus and dialogue.

## **10. Miscellaneous**

10.1. Both parties agree not to operate parallel or any form of structure in any areas of the state or government structure as per the letter of the decisions of November 8 and the spirit of the peace agreement.

10.2. Both parties accept to sign any complementary agreements, as necessitated, for the implementation of the present agreement.

10.3. This agreement can be revised any time with the consent of both parties. Both parties agree to provide to each other prior written information if they wish to make any change. The amendments could be made to the agreement with the consent of both parties after receiving the information. The provisions to be made by such an amendment would not be below the minimum standards of the accepted international human rights and humanitarian laws.

10.4. If any disputes arise in any interpretation of this agreement, a joint mechanism comprising both parties shall make the interpretation on the basis of the preamble and the documents included in the schedule of this agreement, and this interpretation would be final.

10.5. The concept of 'two parties' as mentioned in this agreement would automatically cease to exist after the constitution of the Interim Legislature -Parliament. Thereafter, all the responsibility of implementing the obligations stated in this agreement shall be as per the arrangements made by the Interim Council of Ministers. It would be the duty and responsibility of all the political parties to extend cooperation in the compliance and implementation of the agreement.

10.6. We heartily appeal to one and all to extend cooperation for resolving their problems and demands through talks and dialogue and for holding the election to the constituent assembly and maintaining the law and order, at a time when the entire country is focused on the main campaign of the election of the Constituent Assembly.

10.7. We heartily appeal to the civil society, the professional groups, the class organisations, the media, the intellectual community and all the Nepali people to actively participate in this historic campaign of building a new Nepal and establishing lasting peace through the election of the Constituent Assembly by ending the armed conflict.

10.8. We heartily urge all the friendly countries and the United Nations, as well as the International Community to extend support to Nepal in this campaign of establishing full democracy and lasting peace.

## **APPENDIX III**

### **12-point understanding reached between the Seven Political Parties and Nepal Communist Party (Maoists)**

1. The democracy, peace, prosperity, social advancement and an independent, sovereign Nepal is the principal wish of all Nepali people in the country today. We are fully agreed that the autocratic monarchy is the main hurdle for this. We have a clear opinion that the peace, progress and prosperity in the country is not possible until and full democracy is established by bringing the absolute monarchy to an end. Therefore, an understanding has been reached to establish full democracy by bringing the autocratic monarchy to an end through creating a storm of nationwide democratic movement of all the forces against autocratic monarchy by focusing their assault against the autocratic monarchy from their respective positions.

2. The agitating Seven Political Parties are fully committed to the fact that the existing conflict in the country can be resolved and the sovereignty and the state powers can completely be established in people only by establishing full democracy by restoring the parliament through the force of agitation and forming an power full - party Government by its decision, negotiating with the Maoists, and on the basis of agreement, holding the election of constituent assembly. The CPN (Maoists) has the view and commitment that the aforesaid goal can be achieved by holding a national political conference of the agitating democratic forces, and through its decision, forming an Interim Government and holding the election of constituent assembly. On the issue of this procedural agenda, an understanding has been made to continue dialogue and seek for a common agreement between the agitating Seven Political Parties and the CPN (Maoists). It has been agreed that the force of people's movement is the only alternative to achieve this goal.

3. The country, today, demands the establishment of a permanent peace along with a positive resolution of the armed conflict. We are, therefore, firmly committed to establish a permanent peace by bringing the existing armed conflict in the country to an end through a forward-looking political outlet of the establishment of the full democracy by ending the autocratic monarchy and holding an election of the constituent assembly that would come on the basis of aforesaid procedure. The CPN (Maoists) expresses its commitment to move forward in the new peaceful political stream through this process. In this very context, an understanding has been made to keep the Maoists armed force and the Royal Army under the United Nations or a reliable international supervision during the process of the election of constituent assembly after the end of the autocratic monarchy, to accomplish the election in a free and fair manner and to accept the result of the election. We also expect for the involvement of a reliable international community even in the process of negotiation.

4. Making public its commitment, institutional in a clear manner, towards the democratic norms and values like the competitive multiparty system of governance, civil liberties, fundamental rights, human rights, principle of rule of law etc., the CPN (Maoists) has expressed its commitment to move forward its activities accordingly.

5. The CPN (Maoists) has expressed its commitment to create an environment to allow the people and the leaders and workers of the political parties, who are displaced during the course of armed conflict, to return and stay with dignity in their respective places, to return

their homes, land and property that was seized in an unjust manner and to allow them to carry out the political activities without any hindrance.

6. Making a self-assessment and a self-criticism of the past mistakes and weaknesses, the CPN (Maoists) has expressed its commitment for not allowing the mistakes and weaknesses to be committed in future.

7. Making a self-assessment towards the mistakes and weaknesses committed while staying in the Government and parliament in the past, the seven political parties have expressed their commitment for not repeating such mistakes and weaknesses now onwards.

8. The commitment has been made to fully respect the norms and values of the human rights and to move forward on the basis of them, and to respect the press freedom in the context of moving the peace process ahead.

9. As the announcement of the election of municipality is pushed forward for an ill-motive of deluding the people and the international community and of giving continuity to the autocratic and illegitimate rule of the King, and the rumour of the election of the parliament are a crafty ploy, announcing to boycott it actively in our own respective way, the general public are appealed to make such elections a failure.

10. The people and their representative political parties are the real guardians of nationality. Therefore, we are firmly committed towards the protection of the independence, sovereignty and the geographical integrity and the national unity of the country. It is our common obligation to maintain friendly relations based on the principle of peaceful co-existence with all countries of the world and a good-neighborhood relationship with neighboring countries, especially with India and China. But we request all the patriotic peoples to remain cautious against the false attempt of the King and the monarchists to create confusion in the patriotic people by projecting the illusory the fake ('Mandale') nationalism to prolong the autocratic and illegitimate rule of the King and to raise question mark over the patriotism of the political parties, and we appeal to the international powers and the communities to support the democratic movement against the autocratic monarchy in Nepal in every possible way.

11. We heartily invite the civil society, professional organizations, various wings of parties, people of all communities and regions, the press community, intellectuals all the Nepali people to make the Movement succeed by actively participating in the peaceful People's Movement launched on the basis of these understandings reached by keeping the democracy, peace, prosperity, forward-looking social transformation and the independence, sovereignty, and dignity of the country in centre.

12. Regarding the inappropriate conducts that took place among the parties in the past, a common commitment has been expressed to investigate the incidents raised objection and asked for the investigation by any party and take action over the guilty one if found and make informed publicly. An understanding has been made to resolve the problems if emerged among the parties now onwards through the dialogue by discussing in the concerned level or in the leadership level.

Source: Government of Nepal Ministry of Peace and Reconstruction (Official Website).



## **APPENDIX IV**

### **The Code of Conduct for Ceasefire agreed between the Government of Nepal and the CPN (Maoist) on 25 May 2006**

#### **Preamble**

Respecting the popular mandate expressed through the historic people's movement in favor of full democracy, progress and peace; Remaining committed towards the Universal Declaration of Human Rights 1948, and the basic principles and norms concerning international humanitarian law and human rights;

Expressing commitment to fully comply with the 12 points understanding reached between the seven political parties and the CPN (Maoists);

Expressing commitment towards democratic values and norms, including a competitive multi-party system of governance, civil liberties, fundamental rights, human rights, press freedom and the concept of the rule of law;

Guaranteeing the fundamental rights of the Nepali people to participate in the process of framing a constitution through participating in the election of constitution assembly without being influenced by any fear, threats, or violence;

Placing in centre the democracy, peace, prosperity, and progressive social change, and the independence, sovereignty, and dignity of the country;

Code of Conduct as follow has been issued as per the desire of the Nepali people in order to transform the ceasefire between the Government of Nepal and the CPN (Maoists) into a permanent peace and resolve the problem peacefully through negotiations.

#### **Ensuring a fearless civic life**

1. Not to make any public statement or do any other activities which may provoke each other.
2. Both the parties shall not mobilize, demonstrate or use their armed forces in a manner that may spread fear amongst the people -in-general.
3. Not to attack or commit disruptive acts in each other's military or security units, not to carry out actions like laying down land mines or setting up ambushes, not to recruit new people in their respective armies and not to spy.
4. Extend mutual cooperation from both parties in order to maintain peace and order.
5. Regarding the issue of management of arms and armies, the discussion and understanding will be continued on the basis of mutual consent.

#### **Creating an environment of trust among the people.**

6. Both the parties will not participate in public meetings, conference or any other political activities in combat dresses or in possession of arms.

7. Not to make any hindrance and give any mental and physical pressure from either side to the workers of political parties and members of social organizations or individuals to disseminate their opinion, to conduct meetings and assemblies, to conduct the act of extending organizations through movement around any part of the country.

#### **On basic services to the people, the development and construction**

8. No programs like general strike and transport strike shall be organized during the period of ceasefire. However, peaceful assemblies and processions may be organized.

9. To allow the essential services and facilities to the people to be operated without any restriction.

10. Not to create any hindrance in peacefully carrying out the regular development works and other works for the interest of the people.

11. No restriction imposed nor hindrance created transport food, medicines, development and construction materials and goods for daily consumption.

#### **Operation of educational institutions, Hospitals and industrial enterprises**

12. To create an environment for the smooth operation of schools, colleges, universities, hospitals, health centers and industrial enterprises from both the sides.

#### **Support from media for the peace talks**

13. To circulate information in favor of ceasefire, code of conduct, and while conducting to peace process and political dissemination use cultured and dignified language.

14. No one shall express one's statement through media in a manner of having adverse impact to the negotiations and the peace process.

#### **Not to collect donation and financial support forcefully**

15. Not to collect or mobilize donation or financial support, in cash or in kinds or services against one's will.

#### **Release and rehabilitation**

16. To withdraw the accusation, prosecution and cases induced against various individuals by both the parties and release the detainees gradually.

17. To disclose, as soon as possible, the whereabouts of the citizens who have been disappeared thereof.

18. To assist to the displaced persons to return to their respective houses and on the act of peaceful, comfortable and dignifiedly rehabilitation thereof.

19. To return the properties that are seized, locked up or prohibited to use during the conflict, of the leaders and the workers of political parties and public -in- general, to the concerned persons or families and to allow them to consume. To resolve the problems through the mutual agreement, this may arise while returning the properties.

### **Facilitating in the Negotiations**

20. No hurdle or of any obstruction shall be created in the movement and activities of individuals of both the parties involving in the negotiations.

### **Monitoring**

21. Monitor of ceasefire by national and international monitoring teams shall be caused to be done on the basis of mutual agreement between both the parties.

### **Miscellaneous**

22. If any dispute arises in the interpretation of this code of conduct, the problem shall be resolved through the agreement of both the parties.

23. Alternation or amendments in the code of conduct may be made through the agreement of both the parties in accordance with the spirit of the preamble.

24. This code of conduct shall commence immediate after its signature.

25. This code of conduct shall be made in public after its signature.

## **APPENDIX V**

### **Agreement on Monitoring of the Management of Arms and Armies, 28 November 2006**

#### **Preamble**

In keeping with the letters to the United Nations (UN) Secretary-General of 9 August and the Comprehensive Peace Accord of 21 November 2006;

Guaranteeing the fundamental right of the Nepali people to take part in the constituent assembly elections in a free and fair environment without fear;

Declaring the beginning of a new chapter of peaceful democratic interaction by ending the armed conflict taking place in the country since 1996, based on the Comprehensive Peace Accord between the two parties in order to accomplish, through the constituent assembly, certainty of sovereignty of the Nepali people, progressive political outlet, democratic restructuring of the state, and social-economic-cultural transformation; and,

Affirming the will to fully observe the terms of this bilateral agreement witnessed by the United Nations:

The parties agree to seek UN assistance in monitoring the management of the arms and armies of both sides by the deployment of qualified UN civilian personnel to monitor, according to international norms, the confinement of Maoist army combatants and their weapons within designated cantonment areas and monitor the Nepal Army (NA) to ensure that it remains in its barracks and its weapons are not used against any side.

#### **1 Modalities of the Agreement**

##### **1.1 Principles**

Neither of the parties shall engage in movement or redeployment of forces resulting in tactical or strategic advantage.

Any claims or reports of violations of this agreement will be reported to UN monitors, substantiated or not substantiated, and subsequently reported to the parties through the appropriate representative of the UN Mission in Nepal.

The security forces deployed by the interim government shall have authority to conduct routine patrol, explore in order to prevent illegal trafficking of the weapons, explosives or raw materials used in assembling weapons at the international border or custom points and seize them.

Both parties agree to allow the United Nations, international donor agencies and diplomatic missions based in Nepal, national and international non-governmental organizations, press, human rights activists, election observers and foreign tourists to travel unrestricted according to law in the state of Nepal. The parties will respect the security, freedom of movement and well-being of UN Mission and associated staff, goods and services in all parts of Nepal.

The parties shall immediately take all necessary measures to cooperate with efforts aimed at controlling illicit trafficking of arms and the infiltration of armed groups.

Both parties fully agree to not include or use children who are 18 years old and under in the armed forces. Children thus affected would be immediately rescued and necessary and appropriate assistance will be provided for their rehabilitation.

## **1.2 Definitions**

The following definitions are accepted:

1. Cantonment (Maoist army) is a temporarily designated and clearly defined geographical area for encampment and provision of services for the Maoist combatant units including weapons, ammunition and equipment. The cantonments are provided for all echelons of the Maoist army.
2. Barracking (NA) is the deployment of Nepal Army units to barracks, including weapons, ammunition and equipment. No units below a company level will be independently deployed unless for activities specified elsewhere in this agreement or otherwise mutually agreed by the parties.
3. Secure arms storage areas are either military barracks with regular armoury stores used for storage of weapons, munitions and explosives, or storage containers established in special perimeters at cantonment sites controlled and guarded by the responsible unit.
4. The parties" refers to the party of Government of Nepal (including the Nepal Army) and the party of the Communist Party of Nepal (Maoist), (including the Maoist Army.)
5. UN Monitoring refers to all efforts by the United Nations to determine relative compliance with the terms spelled out in this agreement and to report to all the parties and others concerned its findings.
6. The Joint Monitoring Coordination Committee (JMCC) is the monitoring, reporting and coordinating body chaired by the UN with membership of the parties. The JMCC is responsible for supervising compliance by the parties to this agreement.
7. Joint Monitoring Teams (JMTs) are the bodies which will assist in monitoring the cessation of hostilities. The Joint Monitoring Teams will be active at the regional and local level and in mobile teams. Each team will be comprised of one UN monitor serving as team leader, one monitor from Nepal Army and one monitor from the Maoist Army. Joint Monitoring Teams will not be used for weapons storage inspections. Inspections at Maoist army cantonments will take place with a UN monitoring team and a representative of the Maoist army. Inspections at Nepal Army barracks will take place with a UN monitoring team and a Nepal Army representative.
8. Maoist army combatants: For purposes of this agreement this will include regular active duty members of the Maoist army who joined service before 25 May 2006, who are not minors and who are able to demonstrate their service, including by CPN(M) identity card and other means agreed by the parties.

## **1.3 Promotion**

The parties shall promote awareness of this agreement, and adherence to its provisions, among their commanders, members and affiliated groups.

The parties, Government of Nepal, Nepal Army (NA), CPN(M) and the Maoist army, shall design, in cooperation with the UN Mission, an awareness programme to ensure that local communities and the parties' commanders, members and affiliated groups understand the

mandate of the UN Mission and all of the obligations of the parties spelled out in this agreement. The information programmes shall include the use of meetings and print and electronic media in local languages.

#### **1.4 Phases**

This agreement shall come into force upon signing. These phases shall occur in the following sequence:

1. Reporting and verification
2. Redeployment and concentration of forces;
3. Maoist army cantonment, NA barracking and arms control; and,
4. Full compliance with the agreement.

A full and practical timeline will be established by the parties for all of these activities to take place in consultation with the UN.

#### **2 Reporting and verification**

The parties will report detailed information about their troops and this information will be treated with appropriate confidentiality by the United Nations. The parties will provide maps and sketches showing current dispositions, including:

1. Order of battle/military structure, organisation, deployment and number of troops;
2. Minefields, landmines, unexploded ordnance, standard explosives, improvised explosive devices and exact location of such items;
3. All necessary information about roads, tracks, trails and passages related to encampments;
4. Information regarding armed or unarmed groups working along with the parties, the Nepal Army (NA) and the Maoist army, including their responsibilities; and,
5. Other information required by the UN for proper monitoring of the disposition of arms and armies

The UN Mission shall check this information immediately after monitors are deployed.

#### **3 Redeployment and concentration of forces**

Comprehensive plans, timelines and routes for the redeployment and concentration of forces will be provided by both the NA and Maoist army to the UN Mission.

The redeployment and concentration of all combatants in Nepal -- with the NA in barracks and the Maoist army moving in to cantonment sites -- shall be carried out in consultation with the UN. The redeployment and cantonment of forces will be monitored by the UN monitors after they are deployed.

Both sides express an understanding to create a record of government, public and private buildings, land and other properties and return them immediately.

The parties will withdraw all military and paramilitary checkpoints (unless explicitly permitted in this agreement) to promote and guarantee free movement and create an environment free of fear and intimidation.

The Nepal Police and Armed Police Force shall continue the task of maintaining law and order and conduct criminal investigations as per the spirit and sentiment of the Jana Andolan and peace accord as well as the prevailing law. Both parties agree not to operate parallel or other forms of mechanism in any areas of the state or state machinery as per the spirit of the decisions of November 8, 2006 and the essence of the peace accord. All sides agree to let employees of Nepal Government and public agencies travel freely to any part of the country, to fulfill their duties and not to create any obstacle or obstruction while executing their work or not to let obstructions to arise and to facilitate their work.

#### **4 Maoist Army cantonment, barracking of the NA and arms control**

##### **4.1 Maoist army cantonment**

In accordance with the commitment expressed in the letter sent to the United Nations, Maoist army combatants and their weapons shall be confined within designated cantonment areas. The cantonment shall be based on comprehensive planning and preparation before implementation. After the Maoist army combatants stay in the temporary cantonments, the Government of Nepal will provide food supplies and other necessary arrangements. When implemented, the comprehensive concept shall ensure good communications and proper logistics. UN monitors will have access to any and all cantonment sites for purposes of monitoring.

##### **4.1.1 Commanders' responsibilities**

The normal Maoist army chain of command, control, communication and information will be utilised to control the Maoist army cantonment, using the normal Maoist army structure in administration of the sites.

There will be seven main cantonment sites and 21 satellite cantonment sites of three per main cantonment site. The satellite sites will be clustered no more than two hours driving distance from the main sites unless otherwise agreed by the parties.

The designated seven main sites will be under command, control, communication and information of the Maoist army site commander and the satellite sites by the designated satellite commanders. The site commanders shall provide the following information in detail for each site to the UN Mission:

1. Command structure for the unit and sub-units plotted on a map;
2. Names of commanders down to company level;
3. Communication system;
4. Complete list of personnel;
5. Complete list of weapons, i.e. types, numbers, serial number and calibre under storage at the main cantonment sites;
6. Ammunition inventory type, lot number and amount; and,
7. List of names for the site security guards detachment, and complete list of weapons and ammunition for the detachment (main and satellite cantonment levels).

Site commanders' responsibilities include:

1. Camp security, including access control to the site;

2. Respect of the security, freedom of movement and well-being of UN and associated staff, goods and services;
3. Providing information in cooperation with the UN Mission;
4. Maintenance of discipline, morale and normal training in the spirit of the Comprehensive Peace Accord, excluding live fire exercises;
5. Daily routines and control of troops; and,
6. Logistics and camp services (in cooperation with the Government of Nepal and other assisting agencies).

#### **4.1.2 Weapons storage and control**

The parties agree upon the safe storage of all Maoist army weapons and ammunition, in the seven main cantonment areas under UN monitoring, except as provided below for perimeter security purposes. Both sides shall assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and to defuse and remove/lift and destroy them within 60 days. All improvised explosive devices will be collected at designated sites a safe distance from the main cantonment areas. Unsuitable devices will be destroyed immediately. Stable devices will be stored safely and under 24-hour armed guard. The parties, in consultation with the UN, will determine a timeline and process for the later destruction of all improvised explosive devices. To ensure the safety of both monitors and Maoist army personnel, no improvised explosive devices or crude bombs will be brought inside the cantonment sites.

In the main cantonment sites the weapons and ammunition storage area will be secured by the following system:

1. A solid fence will surround the specified area, including a gate with a lock. There will be signs on the fence clearly identifying the restricted area.
2. The weapons storage depot will be composed of storage containers painted white and furnished with shelves for safe weapons storage and easy control, and with a complete inventory (weapon type, calibre and serial number).
3. A single lock provided by the UN will secure each storage container. The key will be held by the designated main cantonment site commander. A 24-hour surveillance camera will cover the storage site and will be monitored from the UN office in the cantonment site. Floodlights will be switched on automatically during hours of darkness.
4. The UN will provide an inspection registration device mounted on each container door indicating when the storage container has been opened.
5. An alarm system will be connected to sirens in both the UN office and the camp commander's office. The system will be activated if the container door is opened without a "safe button" having been switched off in connection with regular inspections.
6. UN monitors will carry out the inspections of the arms storage area and containers in the presence of a Maoist army representative.

Each main cantonment site will be allowed 30 weapons of the same make and model to be used only for clearly defined perimeter security by designated guards, with each satellite allowed 15 such weapons under the same conditions. These weapons will all be properly registered with make and serial number and locked in a guardhouse when not in use. The



parties, in consultation with the UN, will periodically review the number of weapons needed for perimeter security purposes on the basis of a shared threat assessment.

Security provisions will be made for CPN(M) leaders through understanding with the government.

The UN Mission shall monitor these commitments with a full-time presence at the Maoist army main cantonment sites and through field visits and regular inspections. These inspections will be carried out randomly and without warning.

#### **4.1.3 Registration of Maoist army combatants at cantonment sites**

All Maoist army combatants will be registered at the main cantonment sites. This registration will include the provision of age, name, rank, responsibilities within unit/formation, date of entry into service and will provide the basis for a complete list of personnel. Maoist combatants will be registered regardless if they are in possession of weapons or not. If with weapon, the type and condition of weapon will be specified. The total number of weapons will be categorized by unit/formation. Only those individuals who were members of the Maoist army before 25 May 2006 will be eligible for cantonment. The parties will agree as to how this pre-existing service is to be confirmed in consultation with the UN.

As part of this registration, all Maoist army combatants will present their Maoist army identity card to be marked by the UN. The process for marking the cards will be determined. This registration card will be the basis for any assistance received by Maoist army members. Unregistered persons will not be eligible for assistance or permitted to remain in cantonments.

Only those Maoist army combatants who have been properly registered at cantonment sites will be eligible for possible integration into the security forces fulfilling the standard norms. Any discharged personnel will be ineligible for possible integration. Those who are eligible for integration into the security forces will be determined by a special committee as agreed in the Comprehensive Peace Accord. This integration process will be determined in subsequent agreement with the parties.

Upon registration Maoist army combatants, if found to be born after 25 May 1988, will be honourably and automatically discharged.

Discharged Maoist army combatants must: release all weapons, uniforms and other military gear; and, agree not to return to cantonment sites unless mutually agreed by UN monitors in consultation with the parties. The assistance packages to be provided to voluntarily discharged personnel will be agreed by the parties in advance of cantonment.

The Interim Council of Ministers will form a special committee to supervise, integrate and rehabilitate the Maoist army combatants.

## **4.2 Barracking of the Nepal Army**

### **4.2.1 General regulations**

In accordance with the commitment expressed in the letter sent to the United Nations, the Nepal Army shall remain in its barracks and its arms are not to be used in favour of or against any side. UN monitors will have access to any and all NA barracks for purposes of

monitoring whether Nepal Army forces or weapons are being used for or against any party. Upon visiting any Nepal Army barracks for inspection, the site commander will be duly notified, and UN inspections will relate only to matters regarding the disposition of forces and weapons.

The Council of Ministers will control, mobilise and manage the Nepal Army as per the Army Act of 2006 (Sainik Ain 2063) or its successor legislation. The Interim Council of Ministers to prepare and implement the detailed action plan of the Nepal Army's democratization by taking suggestions from the concerned committee of the Interim Parliament/legislature. Under this to carry out activities like assessing the appropriate number of the Nepal Army, to train the army in democratic and human rights values while developing democratic structure, national and inclusive character.

#### **4.2.2 Commander responsibilities**

The normal NA chain of command, control, communication and information will be utilised to monitor the NA deployment to barracks. The commanders shall provide the following information in detail to the UN Mission:

1. Command structure for the unit and sub-units plotted on a map;
2. Names of commanders down to company level;
3. Communication system;
4. Order of battle/military structure, organisation, deployment and number of troops;
5. Minefields, landmines, unexploded ordnance, standard explosives, improvised explosive devices and exact location of such items; and,
6. Other information required by the UN for proper monitoring of the disposition of arms and armies.

The NA will respect the security, freedom of movement and well-being of UN and associated staff, goods and services, and provide information in cooperation with the UN Mission according to Section 2.

The UN Mission shall monitor these commitments through daily presence in selected NA barracks, field visits and regular inspections.

#### **4.2.3 Weapons storage and control**

The Nepal Army will remain within the barracks as per the commitment expressed in the letter sent to the UN to ensure that their arms are not used for or against any party. The Nepal Army to store arms in equal numbers to that of the Maoist army, to seal it with a single-lock and give the key to the concerned party. In the process of installing the lock, to assemble a mechanism including a siren and register for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN will do so under the presence of the concerned party. The barrack where NA arms will be monitored under the conditions spelled out in section 4.1.2 will be identified and agreed by the parties. The arms will be stored in storage containers.

#### **4.2.4 Deployment and Concentration of Forces – NA permitted activities**

In accordance with the spirit of the Comprehensive Peace Accord, continuity will be given to functions of the Nepal Army including border security, security of the conservation areas, protected areas, banks, airports, power houses, telephone towers, central secretariat and security of VIPs. A detailed list of these institutions and installations will be kept by the NA, along with the number and types of forces assigned to such duties. The list of such institutions and installations will be kept by the NA under seal, and this information will be made available to UN monitors when deemed necessary in a case-by-case basis.

Permitted NA activities include:

1. Routine military activities within the barracks and regular training in barracks and camps. The JMCC will be notified 48 hours in advance before undertaking limited live fire exercises at designated live firing ranges.
2. Participation in official ceremonies, parades, etc. as directed by the Government.
3. Provision of Border Security as directed by the Government.
4. Relief of troops on a one-to-one basis, including transport as mentioned.
5. Regular maintenance and replacement of non-lethal equipment, including transport as mentioned. Maintenance and replacement of lethal weapons will take place only with the determination of the interim government or agreement by both parties.
6. Execution of development and construction tasks as directed by the civilian authorities, on central, regional and local levels
7. Provision of support in relief work in times of natural and other disasters as directed by the Government.
8. Participation in Peacekeeping Operations called for by the United Nations, and all preparations, transport, training, transfer of equipment, etc. connected to this.
9. Provision of security for VVIPs and VIPs.
10. Provision of security of vital installations as directed by the Government.
11. Provision of security of transportation of Nepal Rastra Bank funds.

For all of the above activities the rules regarding notification of troop, air movements and exercises spelled out in section 5.2 apply.

## **5 Compliance with the Agreement**

### **5.1 Prohibited Activities**

In the spirit of the Comprehensive Peace Accord, and in light of this agreement, after the placement of the Nepal Army in the barracks and the Maoist Army combatants in cantonment, the parties shall scrupulously refrain from the following activities:

1. Holding and carrying arms is in violation of the law. Displaying arms, intimidation and any type of use of violence is prohibited, and use of arms is legally punishable.
2. Any type of arms and weapons targeted against each other in a direct or indirect way or any act of attack.
3. Harming or intimidating any person, including internally displaced persons, humanitarian and development workers and other non-combatants, and any seizure of their equipment and property. .
4. Ambushes, murder or violent operations.
5. Kidnapping, unlawful detention or imprisonment, disappearances;
6. All offensive military flights in and over Nepal.

7. Damaging or seizing public/private/government, military or UN property and all attacks on UN personnel and installations.
8. Planting mines or improvised explosive devices, conducting sabotage or military espionage.
9. Recruiting additional armed forces or conducting military activities against each other, including transporting weapons, ammunitions and explosives (unless mutually agreed by the parties and notified in advance according to the terms of this agreement.)
10. Collecting cash or goods and services or levying tax against one's wishes and against the existing law.
11. Any actions that impede or delay the provision of humanitarian assistance or protection to civilians.
12. Any restrictions on the safe, free and unimpeded movement of humanitarian or development agencies undertaking activities approved by the interim government or its successor.
13. Any restrictions on the safe, free and unimpeded movement of humanitarian or development agencies undertaking activities approved by the interim government or its successor.
14. Any restrictions on the free movement of people and goods.
15. All activities that obstruct the efforts of the UN Mission and amount to a failure to cooperate with the UN Mission, including the prohibition of the UN Mission patrols and flights over any location.
16. Any attempt by a party to disguise its equipment, personnel or activities as those of the UN Mission, other United Nations agencies, the International Committee of the Red Cross/Crescent or any other similar organisation.
17. Any attempt to redeploy military forces and equipment or occupation of any positions out of their respective deployment positions without the consent of the Joint Monitoring Coordination Committee.
18. The use of children who are 18 years old and under in the armed forces.
19. The use of children who are 18 years old and under in the armed forces.

The parties shall also refrain from all activities that are prohibited elsewhere in this agreement.

## **5.2 Permitted activities**

The key principle that shall underpin permitted activities for both sides shall be to alleviate the effects of the armed conflict on civilians and the war-affected areas and to galvanise popular support for peace. Permitted activities for both sides will be conducted as per the decisions of the interim government. Troop, air movements and exercises have to be properly notified and approved by the Joint Monitoring Coordination Committee at least 48-hours in advance.

Permitted activities include:

1. De-mining and decommissioning of military hazards;
2. Development activities to include improvement and opening of roads, rehabilitation of bridges and passages and airstrips according to the decisions of the interim government;
3. Humanitarian relief;

4. Socioeconomic activities such as assisting free movement of people, goods and services;
5. Free movement of unarmed soldiers in plain civilian clothes who are on granted leave, medical referrals, or visiting families – no more than 12 percent of the total retained force at a given cantonment or barracks will be on authorised leave at any given time unless mutually agreed by the parties;
6. Supply of non-lethal items to military units, food, water, medicine, petrol, oil and lubricants, stationary, uniforms etc; and,
7. Medical evacuation.

### **5.3 Violations**

The following acts shall constitute violations of the agreement:

1. Any act that contravenes this agreement;
2. Unauthorised troop movements;
3. Unauthorised recruitment, conscription or mobilisation;
4. Unauthorised replenishment of military equipment;
5. Violation of human rights, humanitarian law or obstruction of freedom of movement of people, goods and services;
6. Violation of human rights, humanitarian law or obstruction of freedom of movement of people, goods and services;
7. Violation of human rights, humanitarian law or obstruction of freedom of movement of people, goods and services;

## **6 The United Nations Mission**

### **6.1 The Joint Monitoring Coordination Committee**

The Joint Monitoring Coordination Committee (JMCC), the chairman of which will be appointed by the UN mission and the delegates from the parties determined by the parties themselves. The nine-member JMCC shall be composed of representatives from the UN, NA and Maoist Army. The neutral Chairman will be appointed by the United Nations. There will be two Vice-Chairmen, one each from the Maoist Army and the NA. The remaining six members will be two UN, two NA and two Maoist army, all as selected by the parties.

The JMCC shall reach its decisions by consensus. In the event of a deadlock, the representative of the UN Secretary-General shall have final authority for reporting on the compliance of the parties with this agreement to the Secretary-General and to the interim government for resolution. The Chairman shall report regularly to the representative of the Secretary-General and to the designated representatives of the parties regarding the activities of the JMCC.

The JMCC shall serve three main functions:

1. To assist the parties in implementing this agreement. The JMCC shall be the central coordinating body for monitoring arms and armies in accordance with the terms of this agreement.

2. To serve as a dispute resolution mechanism. The JMCC shall resolve all disputes and military or operational difficulties, complaints, questions or problems regarding implementation of this agreement.
3. To assist in confidence building. The JMCC shall work to gain the trust and confidence of the parties and promote the overall goals of this agreement among the people in Nepal.

In order to achieve these goals, the JMCC shall operate according to the following basic principles:

1. Resolve all problems and disputes at the lowest level possible, i.e. delegation of authority to the JMTs;
2. Promote joint problem-solving and build trust and confidence through active efforts to appropriately investigate and report on all incidents of concern to the parties; and,
3. Build on lessons learned in the process.

The Joint Monitoring Teams (JMTs), will assist the Joint Monitoring Coordination Committee at the local level and through site visits. The JMTs will comprise one international monitor as the team leader and one monitor from Nepal Army and one monitor from the Maoist Army. The number of JMTs and their deployment will be determined by the chair of the JMCC in consultations with that body. The tasks of the JMTs will include:

1. Village and community visits and liaison with the civilian community;
2. Cooperation with other UN-agencies, and liaison with international organisations and non-governmental organisations;
3. Assistance to the parties in creating a favorable operational environment for the conduct of the ceasefire by information sharing and defusing local tension;
4. A pro-active concept for initiation of conflict management at the local level; and,
5. Investigation of complaints linked to possible alleged violations of the agreement, reference paragraph 5.1, and to recommend measures to ensure compliance.

## **7 Miscellaneous**

This agreement can be revised at any time with the consent of both parties. Both parties agree to provide to each other prior written information if they wish to make any change. The amendments can be made to the agreement with the consent of both parties after receiving the information. The provisions to be made by such an amendment will not fall below the minimum standards of accepted international human rights and humanitarian laws.

Both parties consent to sign any complementary understandings, as necessary, for the implementation of the present agreement.

This agreement will be signed by both parties in Nepali and English. The United Nations will witness the English language version of this agreement and, accordingly, the English-language version of this agreement will be considered as authoritative in matters of dispute.

The spirit of the Comprehensive Peace Accord shall guide the interpretation and implementation of this agreement by all the parties.

## APPENDIX VI

### THE SEVEN POINT AGREEMENT

#### 1. Integration and rehabilitation of the Maoist combatants

a) Existing records of the Maoist combatants residing in cantonments will be updated. The number of the Maoist combatants to be integrated will be 6,500 at the maximum. Integration will be done under a directorate of Nepal Army and 65 percent of the personnel of the directorate will come from Nepal Army while remaining 35 percent from the Maoist combatants. The directorate will have the mandate of carrying out development related activities, forest conservation, industrial security and crisis management.

c) Combatants of the Maoist army opting for integration will have to meet the standard norms of the security agency on an individual basis. However, the existing recruitment policy on age bar, educational requirements and marital status will be made flexible. In this regard, one level in the educational requirements fixed for a specific post of the security agency will be relaxed. Similarly, age bar has also been relaxed up to three years of the maximum age set for entry into the security agency.

d) The rank harmonization of the Maoist army opting for integration will be done as per the standard of the security agency. Integration of the Maoist combatants into the security agency will be done in such a way that it does not bring any negative consequences in the career development of existing officers and other ranks.

e) Maoist combatants opting for integration will get responsibilities in the security agency after completing bridge course and training.

f) All the weapons stored in cantonments will automatically come under the government's ownership once the process of integration begins.

#### 2. Rehabilitation of Maoist Combatants

a) An alternative package of education, training and vocational opportunity will be provided to combatants opting for rehabilitation. Depending on the nature and timeframe, the cost of the package will vary from Rs 600,000 to Rs 900,000.

b) Depending upon their responsibilities, the combatants opting for voluntary retirement and cash instead of the package will be categorized into four levels and those falling in the highest category will get Rs 800,000 while remaining three levels in the descending order will get Rs 700,000, Rs 600,000 and Rs 500,000 respectively. The amount will be made available in two installments in two fiscal years. A formal decision to this effect will be made at a meeting of the Special Committee within two days.

### **3. Regrouping**

The task of regrouping the combatants opting for integration and those for rehabilitation will begin after the Special Committee takes a procedural decision in this regard within seven days and this will be completed by Nov 23.

### **4. Formation of commissions as per previous agreement**

- a) As per the CPA, the bill on the Truth and Reconciliation Commission (TRC) and the Commission to Investigate Forced Disappearances would be endorsed by the legislature parliament after building consensus in the spirit of reconciliation. These commissions would be formed within a month.
- b) The legal cases of the conflict period would be looked into as per the letter and spirit of the Comprehensive Peace Agreement and the Interim Constitution, 2007.

### **5. Relief packages for conflict victims**

Relief packages would be made available without discrimination to the kin of those killed and disappeared, maimed, displaced and those whose properties were damaged in the armed conflict. The relief packages to be distributed after the signing of the Comprehensive Peace Agreement would be provided equally and without discrimination.

### **6. Implementation of past agreements and trust-building**

- a) The UCPN (Maoist) would take an official decision to return the private and public properties seized by the party during the armed conflict to the rightful owners for their use by Nov 23. Due compensations would be paid to the owners for the loss caused by the seizure of properties.
- b) The rights of the peasants would be guaranteed as per the letter and spirit of the Comprehensive Peace Agreement, Interim Constitution 2007, and scientific land reforms.
- c) The paramilitary structure of the YCL would be dismantled, while all the public and private properties seized by the YCL would be returned to the rightful organizations and individuals by Nov 23.
- d) Vehicles used by the Maoists and recorded at the Transport Management Department as per the earlier agreement would be regulated as per the existing rules and regulations by Nov 23. Unregistered vehicles would be seized.
- e) The local administration would monitor - and enforce if necessary -- the implementation of the agreement on returning the seized properties to the rightful



owners. The political parties should cooperate with the government for its implementation.

#### **7. Constitution-drafting and national consensus government**

- a. In order to take the ongoing peace process to a logical end and to complete the task of writing a constitution, the ongoing dialogues among the political parties will be continued. For that, a high level political mechanism will be formed.
- b. The process of writing the new constitution will be accelerated. In order to make recommendations on state restructuring, a team of experts will be formed immediately on the basis of consensus in Constituent Assembly and the process of formulating a draft of the new constitution will be initiated within a month.
- c. In line with the progress made in the peace process and constitution writing, the process of formulating a national consensus government will move forward.