Architecture of peace in Nepal

Bishnu Sapkota

The Nepal Government and the Maoist insurgents announced mutual ceasefires at key points in the war, in 2001 and again in 2003, with a great deal of hope. But in each instance, fighting resumed after three rounds of peace negotiations. Part of the problem was the lack of support structures for the talks: even basic elements such as the agenda, the minutes of discussions and proposals presented went undocumented.

In June 2003, as negotiations appeared to be headed nowhere, newly appointed Prime Minister Surya Bahadur Thapa formed the Peace Talks Coordination Secretariat – or the Peace Secretariat as it was later called. The Secretariat was the first formal institution of Nepal's peace infrastructure. Its primary purpose was to buttress the peace process, serving as the main coordinating body for the initiation and management of dialogue, both formal and informal. The Secretariat was subsequently elevated to the Ministry of Peace and Reconstruction (MoPR) in April 2007, following the formal end of the war in late 2006.

A number of other structures were also created to support the peace process and political transition: Local Peace Committees (LPCs), the Nepal Peace Trust Fund (NPTF), the Nepal Transition to Peace (NTTP), and the Centre for Constitutional Dialogue (CCD). The politicisation of some of the core elements of the peace architecture has been a common challenge to its effective operation, especially with the establishment of the MoPR. A related problem has been the lack of engagement with the architecture by senior Nepali leaders, who hold fundamental leverage over the political process and transition. This article assesses how these initiatives have functioned, what has worked and what has not, and the lessons that can be drawn.
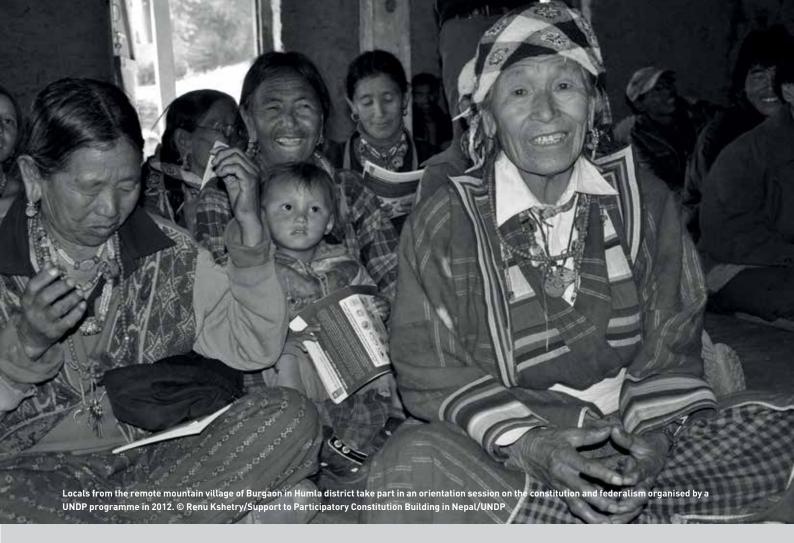
Secretariat to ministry

The *Comprehensive Peace Accord* (CPA) of 2006 provided for a National Peace and Rehabilitation Commission (NPRC), envisaged as an inclusive national body to oversee the implementation of the CPA and other aspects of the post-war transition, including the LPCs. But the government instead opted for the MoPR, as this formulation would give political parties control over the immense resources that would be mobilised for post-conflict rebuilding through the NPTF. The NPRC, on the other hand, would have had civil society representation and, hence, more independence from the government.

The MoPR has been a key instrument in the peace process, overseeing activities ranging from managing the NPTF to hosting committees monitoring the ceasefire code of conduct, and regarding the integration and rehabilitation of former Maoist combatants. The MoPR has also overseen the reconstruction of physical infrastructure damaged during the conflict, such as police posts, schools and government buildings. As a government ministry led by successive politicians affiliated to one or other political party, however, it has not escaped charges of partisanship. Whenever out of government, the major political parties have failed to cooperate with it and have shown little commitment towards its initiatives.

Local Peace Committees

LPCs were envisaged as inclusive local authorities to manage post-conflict issues and promote peace, providing a strong, locally led institution to implement the CPA. Because the NPRC was never formed, the LPCs ended up effectively being district branches of the MoPR despite their stated role as autonomous peacebuilding mechanisms. Some LPCs worked well while others did not. In districts where there was effective leadership and an understanding of its role and mandate, the respective LPC became an impartial moral authority, trusted by district heads to resolve contentious issues; where the LPCs were overtly partisan, they failed to work.

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Locals from the remote mountain village of Burgaon in Humla district take part in an orientation session on the constitution and federalism organised by a UNDP programme in 2012. © Renu Kshetry/Support to Participatory Constitution Building in Nepal/UNDP

Nepal Peace Trust Fund

The NPTF was a multi-donor funding mechanism to support reconstruction and peace promotion activities. It was managed by the MoPR with participation from other relevant government ministries and donors. The presence of the international community gave it legitimacy and it was highly successful in mobilising the required funds.

Its operational modality, however, could have been more transparent and the funding priorities more inclusive, and because ultimate executive authority remained with the MoPR, the NPTF was in practice a partisan body and neither parliament nor civil society have had any oversight role over it.

Nepal Transition to Peace Initiative

The NTTPI was established in 2005 at a time when there was no other peace initiative in place to support a dialogue process that could bridge official and non-official representation – ie at the 'Track 1.5' level, connecting Track 1 and Track 2. Providing financial and technical support through a joint international effort, and led by two national civil society facilitators, Daman Nath Dhungana and Padma Ratna Tuladhar, the NTTPI worked with influential second-tier leaders from the major political parties. It helped set up formal dialogue channels between the Seven-Party Alliance (a coalition of political parties that negotiated the end of the war) and the Maoists.

Following the 2006 People's Movement, the NTTPI began working with all the major actors, holding structured meetings to work out details and generate options for deadlocks in the peace process, with international experts providing comparative insights from other contexts. These actors also provided technical support to the MoPR in the design and implementation of LPCs and drafted the initial terms of reference for structures such as the NPRC and the proposed Truth and Reconciliation Commission.

The NTTPI was most active from late 2005 to 2013. Although not all the agreements reached with the help of the NTTPI were implemented, when dialogue was struggling the NTTPI often brought actors together to try to re-open channels of communication, restore trust and create an environment for formal talks. Among its significant contributions is facilitating a series of dialogues, including a major meeting in Switzerland in 2011, which resulted in an agreement among the political parties on the form of government that was eventually adopted by the 2015 constitution. The 2011 meeting also forged consensus on a mixed electoral system while helping resolve differences over the use of the term 'pluralism', which was threatening to derail the constitution-drafting process during the first Constituent Assembly.

Centre for Constitutional Dialogue

The CCD, inaugurated in 2009 and supported by UNDP, provided capacity-building support to the Constituent Assembly. It also made substantive technical inputs into the constitution-writing process and provided a participatory space for consultations on constitutional issues. However, as time went by, the CCD did not enjoy full engagement from the major political parties as it was increasingly perceived as favouring particular views and arrangements, particularly by encouraging discussion on the ethno-federal provinces proposed during the first Constituent Assembly.

Looking forward and lessons

Nepal's peace process – like politics in Nepal in general – has ultimately been driven by its top leaders. Leaders with real power have in fact given little thought to what the various mechanisms to promote peace can really offer. Whenever trust among political leaders is at a high level, they tend to undermine or neglect the existing peace apparatus. Simply creating peace structures is not enough, however well conceived. Success is only possible if leading political figures engage with them and appreciate their roles in contributing to peace.

One of the key weaknesses of Nepal's peace structures is that they have often lacked a coherent approach for effective coordination. The absence of political will to create the NPRC was a significant blow to the entire process since it undermined the role of the LPCs. The NPRC should have been a neutral and, hence, legitimate body to monitor the CPA, and even interpret it, if required. An inclusive Consultative Committee comprising political and civil society actors that had been formed to advise the MoPR also succumbed to political affiliation and was rendered similarly ineffective.

A major problem has been that when the initial euphoria and trust for peace recedes, as it often does, the role of peace actors becomes more vital in sustaining the process and bringing participation, ownership and legitimacy to national dialogue. The structures in place in Nepal to oversee the peace process have sadly often become another vehicle for political patronage. In the end, politicisation succeeded in sidelining peace actors and civil society, and their input into the transition.

Bishnu Sapkota managed the Nepal Transition to Peace Initiative (NTTPI) from 2005 to 2013. He is editor of *The Costs of War in Nepal* (2003) and *Nepali Security Sector: An Almanac* (2009). He was a visiting fellow at the Kroc Institute for International Peace Studies, University of Notre Dame (2011), and was head of UNDP Nepal's Conflict Prevention Programme, leading its redesign as the Social Cohesion and Democratic Participation programme (2014–16). An MPhil from the University of Cambridge, he taught at Tribhuvan University and is currently Chief of Party for USAID's Civil Society: Mutual Accountability Project.