Conclusion

More forward than back?

Next steps for peace in Nepal
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Opinion differs as to whether Nepal is ‘post-conflict’, or if the decade-long transition since the Comprehensive Peace Accord (CPA) represents another phase of struggle, animated by the attempt to radically overhaul a system that has marginalised large sections of society. Given the episodic violence that has gripped parts of the country over the past 10 years, there is a strong argument in favour of the latter. But, that would also ignore how fundamentally the Nepali state has been transformed.

The CPA laid the ground for this change since it not only formally ended the Maoist insurgency, but also provided specific guidance on the reconfiguration of the state. Yet, the Interim Constitution of 2007 that resulted from the CPA also gave rise directly to the Madhes Movement and the associated scourge of armed groups in the southern Tarai plains. At the same time, the promise of a new constitution prompted the rise of different identity groups, which saw an opportunity to force the pace and direction towards a new kind of state.

The balancing act of political deals that have sustained the transition in Nepal have had to offset the differing priorities of stability and reform among elites in Kathmandu, but also in the peripheries – where the Maoist revolt had actually played out. Different agreements reached by the government in the post-CPA period, with the Maoists and also with various agitating groups, indicated a desire to institutionalise peace – seemingly at any cost. This willingness to compromise also recognised that while the CPA represented the primary post-war political settlement, its promise would not be realised without a number of subsidiary arrangements worked out mainly with forces operating at the sub-national level.

Federalism may have been implicit in the idea of ‘state restructuring’ as expressed in the CPA, but it was the first Madhes Movement that managed to actually insert it into the Interim Constitution. And federalism was further re-emphasised in agreements reached with various Janajati groups, as a concession to ensure that the election to the first Constituent Assembly would not be disrupted.

Other types of settlement had to be agreed in the run-up to the CA election. The two major international instruments on indigenous peoples, the UN Declaration on the Rights of Indigenous Peoples and the Indigenous and Tribal Peoples Convention 1989 of the ILO, were
endorsed by the government to placate the Janajatis. Republicanism was accepted for the sake of keeping the Maoists in the political process. Even later came the concession from the Maoists on the decision to hand over control of the cantonments to the Special Committee, leading to the eventual disbandment of the Maoist army; the compromise reached by the main parties to allow a non-party government to conduct the election to the second Constituent Assembly; and then the earthquake-induced agreement among the three major parties on the 2015 Constitution.

**Peace by chance?**
The manner in which the Maoist insurgency ended – with the removal of the monarchy – was far from inevitable. Indeed, chance was a recurrent motif in political developments in Nepal stretching from the early 1990s all the way to the 2006 CPA, facilitated by the capriciousness of the political parties and power struggles among political leaders. Nearly all the principal actors involved in the end of the war did little to address the insurgency in its early stages, and their paramount role in winding it down was not so much a deliberate strategy as following the old maxim that ‘the enemy of my enemy is my friend’.

Internal tussles in the Nepali Congress (NC) in particular accompanied significant developments in the Maoist conflict and how it ended. Factionalism began after the 1991 election, in which the NC won a majority. The three and a half years of the Girija Prasad Koirala-led government was the longest any had lasted in the post-1990 period, but the latter stages were marred by bitter infighting. After losing a parliamentary vote in mid-1994, rather than step down, Koirala dissolved parliament in order to rein in his party’s dissidents. Significantly, this also spelt an end to parliamentary politics for the third largest force in the House of Representatives – the United People’s Front, the political wing of the semi-underground far-left party, a faction of which evolved into the insurgent Communist Party of Nepal–Maoist (CPN-M).

Koirala’s call for mid-term polls turned out to be a miscalculation. The NC was beaten by the CPN–Unified Marxist-Leninist (UML), but with only a plurality of parliamentary seats, the minority UML government lasted just nine months. Its removal set in motion a process of extremely unstable politics that saw a number of coalition governments, a situation that suited the Maoists and their budding insurgency very well.

The NC came back to power with a majority in 1999 and Koirala began his third term as prime minister in 2000. Factionalism was by now more or less institutionalised in the party and Sher Bahadur Deuba emerged as the leader of the anti-Koirala faction of the NC. Within a year of Koirala’s return to power, the Maoists clearly began favouring Deuba as someone with whom they could do business. Deuba had been prime minister when the insurgency began, but he had also been appointed to a committee to seek ways to bring a peaceful solution to the Maoist conflict.

The Deuba-Maoist detente played out in the 2001 ceasefire. However, when the Maoists quite suddenly resumed fighting, Deuba unleashed the full might of the state against the rebels, deploying the army for the first time. Now it was Koirala who moved closer to the Maoists, pressing for an end to the state of emergency in place at the time. The Koirala-Deuba feud ultimately resulted in Deuba dissolving parliament, just as Koirala had done nine years earlier. But, this time Deuba was expelled from the party, and he responded by splitting the NC itself.

In the meantime, the monarchy had become much more prominent in politics. King Gyanendra pounced on the opening provided by the disarray in the NC and the absence of parliament, but over the first years of his reign he managed to thoroughly alienate the political parties. The Maoists had hoped to exploit this gulf by striking a deal with Gyanendra, but the February 2005 royal takeover ensured an end to all overtures they had been making towards the king.

The king’s manoeuvres succeeded in bringing the parties and the Maoists to the realisation that their principal adversary was the palace. New Delhi also felt let down by the king studiously ignoring the long-held Indian position on what it viewed to be the twin pillars of political stability in Nepal: multiparty democracy and constitutional monarchy. The king’s snub came at a time when India had thrown itself firmly into the fight against the Maoists, such as by providing much-needed materiel to the Nepali Army. And although India had not realised the depth of popular anger against the palace, it had no choice but to go along with events that unfolded in the wake of the second People’s Movement and the complete sidelining of the monarchy.

Thus, political one-upmanship created the conditions for the Maoist movement to take off. But, its continuation over a decade also laid the foundations for the end of the conflict and the entry of the Maoists into mainstream politics.

**Peace through inclusion**
The government and political parties sought to undercut the Maoists’ progressive agenda with the introduction of a number of competing measures for reform. Many of these were what various social movements had long
been agitating for. Steps such as the formation of the Committee for the Neglected, Oppressed and Dalit Class and the National Foundation for Development of Indigenous Nationalities were taken partly in response to pressure from social activists. But the insurgency brought home the depth of dissatisfaction with the status quo.

The Maoist movement pushed successive governments into adopting ever more inclusive provisions. Hence, while the Deuba government in 2001 had responded with a National Dalit Commission and the National Women’s Commission, among others, within a few years the idea of affirmative action policies had more or less become the accepted norm. The Maoists, too, were taken to task over the issue of inclusion, for despite their demands for gender equality, not a single woman was involved in their five-member negotiating team for the 2003 ceasefire.

By the time of the 2006 People’s Movement, it had been generally recognised that the state would have to become much more inclusive. The notion of state restructuring outlined in the CPA was clearly meant to accomplish that, but the momentum granted by the People’s Movement extended much further. When the First Madhes Movement erupted in early 2007, the public discourse was overwhelmingly in favour of Madhesis with a general excoriation of the state for the long subjugation they had experienced, and calls for addressing the sources of their dissatisfaction. Likewise, when the government later introduced reservations in elections and also in public sector jobs, the move met with hardly any opposition.

Such government policies have been instrumental in sustaining peace in the long term. The form of federalism may have been contested but despite misgivings expressed by more than a few influential people, there have been no considered attempts so far to roll back the achievements made towards a more inclusive state, whether through job reservations or electoral quotas – although the recent reduction of the number of seats to be elected through proportional reservations in the federal and provincial legislatures is considered by many to be exclusionary, as are steps such as the narrow definition provided for secularism, among others.

The integration of the Maoists into competitive politics may not have been achieved so easily had it not been for these measures. Their agenda was in part achieved even if their larger goal of a complete transformation of the socio-political structure could never be met, since the conflict was ended through a negotiated settlement with give and take from both sides. The core of the Maoist fighters who sustained the war against the state have been the most disappointed with the outcome. But, the training that had formed an intrinsic part of the party organisation, in which the military wing remained subservient to the political side, ensured compliance to all party decisions.

**Peace and external support**

While the push for greater inclusion came with the 1990 political change and was carried forward by the social movements and the Maoist insurgency, the government and its donor partners later became equally invested in supporting such an outcome. The government’s periodic plans in the 1990s had outlined ambitions to reach out to population groups that were increasingly being recognised as excluded from the development mainstream. But as the Maoist insurgency grew stronger and more widespread, there was a rising call from the donor community that it would also have to be countered by addressing the root causes of the conflict, which by definition meant opening up the state to greater levels of inclusion.

External actors have also had a more direct role in the unfolding of the peace process. Most consequential was the involvement of the United Nations, beginning with the Maoists’ initial response to the UN’s offer in 2002 to provide help in reaching a negotiated settlement to the conflict. For a group that had managed to isolate itself through its pronouncements (calling India ‘hegemonic’ and the United States ‘imperialist’) and its actions (killing Nepali staffers employed by the US embassy and targeting programmes funded by western countries, particularly by the US), an international guarantor was required for any agreement reached, not to mention for the Maoists’ personal safety.

But UN involvement would have been impossible without the acquiescence of India. The two countries routinely vilified by the Maoists, India and the US, had both labelled the CPN-M a terrorist organisation. India still clung to its ‘twin-pillar’ policy while the US had tried without success to effect a rapprochement between the palace and the mainstream parties. King Gyanendra’s obduracy slowly pushed India towards acceptance of UN involvement in bringing the conflict to a close. That the UN was even mentioned in the 12-Point Understanding signed in New Delhi...
in November 2005 is instructive of this change. Even earlier, India had gone along with setting up the Office of the UN High Commissioner for Human Rights in Kathmandu. Established in May 2005, soon after the royal coup, its presence in the streets has been credited with the comparatively restrained response by the security forces during the April 2006 People’s Movement.

The UN Mission in Nepal (UNMIN) was deployed in January 2007 with the mandate to monitor arms, armies and the ceasefire, and to oversee the election of the Constituent Assembly. This limited mandate was primarily to allay Indian concerns. But contradictory interpretations of UNMIN’s role proved highly controversial over the four years of its tenure – on the one hand the failure to fully appreciate the specific tasks UNMIN had been given, and on the other the perception that the UN was somehow all-powerful. Thus, a meeting by the head of UNMIN with Madhesi leaders was criticised for overreach. At other times, UNMIN was accused of doing too little to rein in the Maoists. And the Maoists spoke out against UNMIN’s intrusive scrutiny of their activities. To its credit, UNMIN succeeded in seeing through the election to the 2008 Constituent Assembly, and even though the Maoist combatants were still in the cantonments by the time its mission ended, it preserved the peace between the two sides and laid the ground for the eventual disbandment of the Maoist army.

Over time there has been some concern about the direction the country has taken. Conflating the related but separate concepts of federalism and inclusion, influential sections in the government, the political parties and the media have pressured donors to ease off on the social inclusion agenda. Even India has not been able to make much headway in its call for a more inclusive polity. New Delhi’s position today is a far cry from the post-2006 period, when it was viewed almost as an arbiter of Nepal’s fate, having stood with the political parties and the Maoists against the monarchy and enforcing an end to the second People’s Movement by leaning hard on the king. But, India continued with its political games, such as engineering the formation of a political party, the Tarai Madhes Loktantrik Party, to counter the Madhesi Janadhikar Forum Nepal, which was viewed as being too independent with its own power base. It coddled the NC and the UML, to act as a counterpoise to the Maoists and their radical agenda, only to realise later that the NC-UML combination is in general a conservative force, and that this conservatism would affect how they would deal with the grievances of Madhesis as well.

The fracas over the 2015 constitution, including the blockade at the border with India, and the tepid concession to Madhesi demands granted by the UML government with the first amendment to the constitution, has laid bare the limits of India’s power. There is no sign at the time of writing that the second amendment, introduced in November 2016 to further assuage Madhesis, is going to get anywhere. But although India has lost a lot of leverage recently, geopolitical reality dictates that New Delhi will always remain a major player in Nepal’s politics. And, the terms and conditions of that engagement that will be decided by political developments on the Madhes issue.

Whether one sees Nepal as post-conflict or in a new period of intense transition, it is clear that the war and the peace process have brought significant change. Communities on the periphery of Nepali politics and society – whether marginalised by culture, class, geography, gender or caste and ethnicity, or some configuration of these – have been at the centre of the struggle. But social justice is still a long way off for many Nepalis outside the prevailing elite. With the new constitution in place, which has been so symbolic as the culmination of Nepal’s transition ‘from war to peace’, advocates for inclusion may need to find new forums in which to negotiate change.