

THE PATH TO PEACE: A CRITICAL ANALYSIS OF THE NEPAL PEACE PROCESS AFTER THE SIGNING OF THE COMPREHENSIVE PEACE AGREEMENT 2006

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Introduction

The decades-long civil war between Maoists and the government created vast damages to the social, political and economic sectors in Nepal. With the termination of the rule of King Gyanendra's regime in 2006, Nepal transformed itself into the democratic republic of Nepal. It was a big turning point for Nepal and its people since it could end the insurgency ended with signing the comprehensive peace accord on 21 November 2006.

Though Nepal signed the peace agreement it could not fulfil all the points they agreed to while signing the peace agreement. According to Lederach (1997: xvi) "Building peace in today's conflicts calls for long-term commitment to establishing an infrastructure actors the levels of a society, an infrastructure that empowers the resources for reconciliation from within that society and maximizes the contribution from outside". The consequence of war is that a chance is given to transform negative behaviours and attitudes to create justice, peace, compassion, freedom, development and sustainability of the country and its people. For Nepal this can be done through implementing what both parties promised in the peace agreement. Though the peace agreement is not a premium package for Nepal to reach a sustainable peace, it can help it find the path to peace.

Implementing and monitoring the peace process enables achieving justice for war victims and human development. It gives an opportunity for Nepal to work towards sustainable peace-building, eliminating future antagonisms.

Methodology

The method utilized for data collection was to utilise secondary sources of information, comprising books, journals, articles in newspapers, the internet and magazines. Literature was reviewed mainly to analyse findings.

This research is a qualitative study, based on observations and the researcher's personal experience. Nevertheless, simple methodologies of data tabulating and tables have been used where needed.

Results and Discussion

The Comprehensive Peace Agreement signed by Maoist and an alliance of political parties was a crucial outcome of year-long negotiations to agree on electing people to a constitutional assembly through a constitutional assembly election.

(1) Implementation of Comprehensive Peace Agreement

Both parties agreed on an Interim Council of Ministers which would get all the responsibility to “*determine 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 may be necessary for the implementation of this Agreement [...]*” (CPA, 2006:Section 8.4).

(2) National Peace Rehabilitation Commission (NPRC)

However, though the CPA agreed to establish a NPRC to protect security, political life and governance, it has not yet been established by the Council of Ministers.

(3) Truth and Reconciliation Commission (TRC)

Though the government prepared a TRC Bill to be included in the interim constitution, there were only minor actions towards the establishment of the TRC. UNSC (2008/454) reported that council minister recommitted himself on June 25, 2008 to establishing several commissions including the TRC within one month. Nevertheless, unfortunately though the parties agreed of implementation within one month due to delay of state reformation it did not happen.

(4) High-Level State Restructuring Recommendation Commission (HLSRRC)

The government of Nepal established the HLSRRC on 23 November 2011 to suggest a suitable federal model for Nepal. But due to debate about what kind of federalism is best for Nepal, the commission was divided into two parts. A majority of members proposed 10 province federal models based on ethnicity while a minority rooted for six provinces from North to South.

(5) Monitoring of the management of arms and armies

CPA has given power to the government bodies to "*carry out monitoring, adjustment and rehabilitation of the Maoist combatants*" (CPA, 2006: Section 4.4). But still parties have to reach agreement on the modalities of integration into security force and rehabilitation of remainders (National Planning Commission, 2011).

(6) Reintegration and Rehabilitation

There are no accurate statistics regarding the number of Internally Displaced Persons (IDPs), but the UN estimates it at approximately 100,000-250,000 and 50,000 are thought to remain displaced. Most of the IDPs registered in the government list have already returned or have been compensated with the support of respective authorities (National Planning Commission, 2011).

(7) Drafting the constitution and implementation of federalism

International bodies have given their support to the constitution writing process providing various kind of assistance (National Planning Commission, 2011). The new constitution has been submitted to the CA with the proposed structure of seven states' federal system. All major parties agreed to accept the federal structure suggested by the new constitution though the minority and marginalized groups offence for proposed federalism.

Conclusion

After going through a long political negotiation process, parties agreed on a finalized draft constitution which introduces secularism to Nepal. As it took several years to draft a constitution it has negatively affected peace-building. Therefore, there is high risk for the country to reverse back to the insurgency, as there is no responsible authority to take action in an emergency. In the Nepalese context the most challenging issue for them to reach for a durable peace is unstable government and a constitutional vacuum.

In Nepal political, economic, and social powers were shared by the majority caste groups, especially Brahman. Culturally, there are some caste groups called untouchables. Therefore, power sharing gives them an acceptance in society without discriminations. However, it is the task of Nepal to find out what kind of power-sharing mechanism will work in the Nepal context. As 'no one size fits all', what Nepal can do is to learn

about political structure from other countries and find new mechanisms for their own context.

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