

Obstacles of the Peace Process

Dhruba Simkhada

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With the signing of the 12-Point Agreement between parliamentary political parties and the then CPN(M) on 22nd November 2005, the CPN(M) entered into open politics, by ending the decade-long insurgency started on 13th February, 1996, targeted against the multiparty democratic system. The peace process that had started with the agreement of adopting multiparty democratic system by then CPN(M) and accepting the issue of a constitution assembly by other political parties had continued till the CA election albeit in a slow pace. The Comprehensive Peace Accord was signed on 21st November, 2006, between then Prime Minister Girija Prasad Koirala and Prachanda, chairperson of the then CPN(M); however, the consensus politics ended with the CA election.

Despite the various agreements and understandings, but their implementation was found to be wanting. When the UCPN(M) formed the government with the support of CPN(UML) and Madhesi Janadhikar Forum, there was no more the state and rebels (the Maoists) in the peace process. However, the situation became more complex as the UCPN(M) continued its radical activities even after leading the government. Specifically, there were two obstacles in the peace process: the reaction of status quoists, and the UCPN(M) extremist thinking of them being winner of the CA and other political parties as losers. And the peace process fell into the clutches of these two extremist behaviours.

The People's Movement of 2006 with anti-monarchy sentiment was made only possible after the unity and collaboration between political parties and the UCPN(M). As a result of that, the first meeting of the CA had formally declared Nepal as federal democratic republic by ending the Shah Dynasty on 28th May 2008. Finally, on 11th June, 2008, then King Gyanendra Shah organised a press meet at Narayanhiti Palace and gave up this throne declaring the return of the crown entrusted to his ancestors to the people. thus, the monarchy came to an end.

Even after the declaration of Nepal as federal democratic republic, the political parties could not stand together in the process of managing the transition to the federal democratic republic. This has imperilled the Nepali people's desire of drafting the new Constitution through the Constitution Assembly. The mistrust between the senior leaders of political parties had continued since the 12-

Point Agreement, which would come to the fore at different times. The agreements and understandings took place when there was low mistrust, and heightened mistrust created tensions. at this time, the political parties realised the need of a neutral observer to continue the peace process, and agreed to invite the United Nations. Thus, the United Nations Mission in Nepal (UNMIN) got involved in Nepal's peace process.

Role and presence of UNMIN

UNMIN got involved in the peace process of Nepal due to lack of trust between the actors involved in the peace process after signing the 12-Point Agreement and requested UNMIN to monitor the peace process. Specifically, UNMIN is involved in the management, integration and rehabilitation of the Maoist combatants. Already, UNMIN has completed the verification process of the Maoist combatants of various cantonments. In the beginning, UNMIN had made public the number of the Maoist combatants in various cantonments as 19,602. No data have been made public regarding their numbers after that.

In the period of two years, various questions were raised regarding the activities of UNMIN. Generally, the perception towards UNMIN is mixed into two different camps. Political parties accuse UNMIN of being ineffective in monitoring the activities of the Maoist combatants, and not speaking out even as they are breaching the peace agreements by leaving the cantonments carrying arms and continue coercive activities and violence. however, the UCPN(M) has stated the role of UNMIN is neutral and effective.

Lately, the Nepal Army has stated that it will not remain under UNMIN control, which has been stated not only by the spokesperson of Nepal Army but even the Defence Minister Bidhya Bhandari as the Nepal Army is the national army and it should not be put in the same category as the Maoist combatants and has clarified that the National Army should not be put under the UNMIN.

War of 'ism's

In the CA, many long debates and discussions were held on the various themes; however, no decision has been made on any theme. The UCPN(M) wishes to establish "Janabad" (people's democracy), Nepali congress is in favour of parliamentary system, UML seems unclear, Madhes-based political parties are in favour of '*one Madhes one province*', Rastriya Prajatantra Party Nepal

wants to resurrect the monarchy, Rastriya Janashakti Party alone is against federalism. Therefore, the CA is in the shadow of various 'isms' and ideologies.

Due to differing ideologies, a common understanding between the political parties was crucial to draft the new constitution. Due to the ineffective working modality of political leadership and their culture of hasty compromising and decision-making, the constitution-drafting process is stuck on the issue of what will be the form of the governance system under the new constitution. The CA equally represents diverse thoughts and philosophy of the 25 political parties represented there. Therefore, the constitution-drafting process is at a difficult turn.

Challenges of the Constitution-drafting Process

The main objective of the peace process is to write the new constitution through the CA. The political parties and the UCPN(M) attempted to take the peace process forward through compromises and collaboration in the period between 22nd November, 2005 and May 28, 2008. However, the constitution-drafting and the peace process have suffered after the first meeting of the CA has endorsed majority system by amending the Interim Constitution 2007 on May 28, 2008.

On the one hand, the UCPN(M) reneged on its earlier promise of making Girija Prasad Koirala the president after it gained double the number seats of other parties in the CA. at the same time, the Nepali congress and UML also could not easily accept large win of the UCPN(M). Thus, the politics of compromise and collaboration eroded after this point.

With UNMIN's involvement in Nepal's peace process, there was a class of interests of big powers including India, China, U.S.A., and countries of the European Union. The failure of the prime minister selection process through the CA and legislature-parliament can be seen as an example of influence of external powers, where the prime minister has not been selected even after six rounds. Realising this impact on the government formation on the political parties, it is anyone's guess that the constitution-drafting process is not free from external influences. Therefore, the new constitution is impossible without political consensus, even in the extended timeframe as well. The CA is stuck on the discussion of thematic committees while not being able to address any problems faced by the state.

Without finalising the form of government, the draft of the new constitution cannot be prepared. Then, there needs to be consensus on the model of federalism. Without management, integration

and rehabilitation of the Maoist combatants, there can be no end to the peace process and constitution-drafting process. Lastly, the new constitution will be short-lived if it does not incorporate the concerns raised by different ethnic groups. Therefore, these issues have stood as obstacles in the constitution-drafting process.