

CONFLICT PREVENTION AND PEACE FORUM

**MASALA PEACEMAKING:
NEPAL'S PEACE PROCESS AND THE CONTRIBUTION
OF OUTSIDERS**

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October 2008**

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I. INTRODUCTION¹

Nepalis are rightly proud of the ownership of their peace process. The three and a half years between 1 February 2005, when King Gyanendra seized power in a coup, and 18 August 2008, when Pushpa Kamal Dahal, the Maoist leader long known as “Prachanda”, was sworn in as the country’s prime minister, were turbulent, laced with episodes of violence, unimplemented agreements and some dubious political compromises. Yet the distance traveled from war to peace, as Nepalis elected a constituent assembly in which the Maoists represented the largest single party, abolished the monarchy and declared the country a federal republic, was enormous. And the opportunities before a country whose history had been that of an isolated Himalayan kingdom, sandwiched between India and China and held hostage to a feudal form of politics unrepresentative of its diverse population, were quite unprecedented. For this the people of Nepal – who in April 2006 had taken to the streets in their masses in a “people’s movement” that forced the king to cede power - as well as its leaders, deserve great credit.

It is, however, a characteristic of the peace process in Nepal that, although both led and driven by Nepalis, it has been consistently open to assistance of different kinds from a wide range of external actors. Non-governmental and bilateral peacemakers, as well as the United Nations, in communication to different extents with India, as well as China, the United States and European Union and other donors, have been variously involved since 2000. None of them came to fill a role of formal facilitation, or still less mediation. Their efforts to encourage dialogue, introduce expertise gleaned from peace processes elsewhere, or provide other unspecified support served a variety of purposes, yet at times appeared to crowd the peacemaking field in a confusing fashion. In the meantime the positions assumed by India, with its multiple interests in Nepal and strings into Nepali political life, proved a critical factor in a peace process that could not have advanced without its support.

This paper explores these varied involvements in an attempt – necessarily somewhat preliminary given the ongoing nature of Nepal’s transition and the many serious challenges that lie ahead – to assess what the contribution of these external actors has been. In doing so, it seeks to analyze some of the dilemmas the external actors faced with regard to their peacemaking in Nepal. These include issues relating to their entry into peacemaking activities, which for the most part were undertaken on an entrepreneurial basis rather than in response to a clear invitation; the extent to which their efforts were articulated within a long-term strategy of engagement; the confidentiality of their efforts; and questions of coordination and even competition between and amongst them.

After a brief summary of the contours of Nepal’s conflict and the efforts to end it, the paper provides an overview of the circumstances that drew external actors to peacemaking in Nepal and some of the obstacles they encountered. It then analyzes the efforts they made during four distinct phases of Nepal’s progression towards peace: that of dialogue promotion, between 2000 and the coup instigated by King Gyanendra on 1 February 2005; the period between the coup and the people’s movement, or *jana andolan*, of April 2006 that saw Nepalis’ demands for change take centre stage; the development of the peace process, through negotiations culminating in the signing of a comprehensive peace agreement in November 2006; and the complex period between

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that time and the April 2008 elections to the constituent assembly, which was accompanied by a variety of international support.

The paper focuses on the most prominent and committed of the international peacemakers involved – among them the Swiss-based non-governmental organization (NGO), the Centre for Humanitarian Dialogue, or HD Centre, that worked in Nepal from 2000 – 2006; the United Nations, whose secretary-general first offered his “good offices” in 2002, and whose presence later grew into a large Office of the UN High Commissioner for Human Rights (from 2005) and a special political mission, the United Nations Mission in Nepal (from 2007); the Carter Center, whose conflict resolution program engaged with Nepal from 2004 – 2006; and the government of Switzerland, which dispatched a special adviser for peacebuilding to Nepal in mid-2005 – whilst also including attention to the role played by India. The latter’s presence as an unseen arbiter of much of what does and does not transpire in Nepal has, of course, been a central factor in both Nepal’s receptivity to potential third party actors as well as the limits with which they were confronted. While reference is made to the engagement of other international actors – among them China, the United States, the United Kingdom and other EU donors – in Nepal’s transition to peace, a concentration on peacemaking per se and considerations of space preclude a full account of the varied impacts of their policies towards Nepal in this period.

The unique mix of factors that contributed to what is here termed *masala peacemaking* will not be replicated in other circumstances. However the experience of external actors and the challenges they encountered in an environment that was both peculiarly open, and peculiarly resistant, to their advice is one that will resonate elsewhere as outside actors continue to balance issues of national ownership, best practice and competition in the crowded and unregulated field of international peacemaking.

II. FROM CONFLICT TO CONSTITUENT ASSEMBLY

With the exception of a brief interlude between 1959 and 1960, Nepal was ruled by a feudal and exclusionary monarchy for more than 200 years, and from 1846-1951 had hereditary Rana prime ministers as well. The constitution of 1962 declared the country a Hindu state and launched a party-less *panchayat* system of government. This was brought to an end in 1990 when a pro-democracy “people’s movement” forced the then King Birendra to agree to multi-party democracy within the framework of constitutional monarchy.² Elections were held in 1991 and expectations for the new democracy were high. The 1990s saw rapid improvements in many development indicators and healthy economic growth, but also widespread disillusion. The political system was undermined by factionalism, shifting coalitions and alliances among and between parties, and consequently a rapid succession of governments, particularly in the years of a hung parliament between 1994 and 1999. Political parties and their leaders came to be perceived as corrupt, nepotistic and out of touch, even as the population as a whole continued to suffer deep poverty and systemic inequality rooted in exclusion on the grounds of ethnicity, caste, class and gender, as well as geography.

The start of the “people’s war” waged by the Communist Party of Nepal (Maoist), CPN (M), against the Nepali state dates back to February 1996 when the government rejected a forty-point list of demands – for an end to foreign domination and intrusion (especially by India) in Nepal;

² The International Crisis Group points out that the 1990 Constitution suffered from “two critical weaknesses”: the exclusivity of its drafting process and its failure to stabilize relations between the monarchy and democratic forces. International Crisis Group, “Nepal’s Constitutional Process”, *Asia Report No. 128*, 26 February 2007, 2.

for a secular state free of discrimination and oppression; and for a wide range of social and economic reforms – presented on the Maoists’ behalf by their most prominent ideologue, Baburam Bhattarai.³ Under the overall leadership of Prachanda, a violent insurgency was launched in Rolpa and Rukum, Maoist strongholds in the country’s mid-west. Organizing in the east of the country contributed to the conflict’s rapid extension, with the political parties, particularly the dominant Nepal Congress party (NC) and local government structures, the initial objects of Maoist attacks. Over the next ten years the conflict would claim over 13,000 lives – more than 8,000 of which were victims of government forces, even as the majority of casualties on both sides were civilian - inflict severe damage on the country’s infrastructure and economy, and erode the presence of the state across Nepal. By 2006, nearly all of the country’s 75 districts had been affected by the conflict and at least 68 per cent of Village Development Committees, the key basic unit of the state, were not operative.⁴

The government response was confused and inadequate. As the Maoists laid plans for a protracted conflict, it addressed the insurgency as a problem of law and order. Repressive security measures introduced by a poorly trained and equipped police force, supplemented from 2001 by a new armed police force formed specifically for the purposes of counterinsurgency, led to human rights abuses and unnecessary loss of life. Whether to mobilize the Royal Nepal Army (RNA) against the Maoists was a controversial issue, principally because the army – as its name implied - was not under the control of the civilian government, but the king. Nepal’s history fuelled mutual distrust. In 1960 the then king had used the army to launch a coup against the country’s incipient multi-party political system; as the insurgency intensified the political parties, and especially the NC, remained wary of the possible appeal to the palace of some aspects of the Maoist threat to parliamentary democracy. Maoist gains, and in particular the killing of fourteen policemen and seizure of a district police headquarters in 2000, contributed to the realization that countering the insurgency lay beyond police capacity. On 1 June 2001 the crown prince massacred ten members of the royal family, including King Birendra – an event that shook Nepal to the core. The army was finally deployed later that year by Birendra’s successor, his brother Gyanendra. But suspicions of Maoist-palace ties of some kind were not allayed. After the massacre, Bhattarai had claimed that the CPN (M) had had an “undeclared working alliance” with the palace (a claim the palace never denied), and asserted that the late king had never been in favor of the NC Prime Minister G. P. Koirala’s plan to mobilize the army.⁵

The political origins of the Maoist movement, the existence of a wide range of leftist parties within Nepal’s political spectrum – the largest of which, the Communist Party of Nepal (United Marxist Leninist), or UML, was second in strength only to the NC – and the essentially political demands of the Maoists themselves contributed to discussion of the advisability of a political solution to the insurgency. Individual political party leaders and other prominent figures

³ Deepak Thapa, “The Maobadi of Nepal”, in *State of Nepal*, eds., Kanak Mani Dixit and Shastri Ramachandaran (BP Koirala India-Nepal Foundation, 2002), 81-82. The establishment of the CPN (M) followed the merger of a number of smaller political parties and factions the year before.

⁴ The figure reflects an estimate by the UN Office for the Coordination of Humanitarian Affairs (OCHA). On the Maoists, see Michael Hutt, ed., *Himalayan People’s War: Nepal’s Maoist Rebellion* (Bloomington: Indiana University Press, 2004); and Deepak Thapa with Bandita Sijapati, *A Kingdom Under Siege: Nepal’s Maoist Insurgency, 1996-2003* (Kathmandu: The Printhouse, 2003).

⁵ One report revealed a meeting between Ramesh Nath Pandey, a close associate of the king, and Maoist leaders. See Krishna Hachhethu, “The Nepali State and the Maoist Insurgency, 1996-2001”, in *Himalayan People’s War*, ed., Hutt, 70. The International Crisis Group noted that Dharendra, Gyanendra’s younger brother (also killed in the palace massacre), had been the palace contact for secret dealings with the Maoists while Birendra was on the throne. International Crisis Group, “Nepal’s New Alliance: The Mainstream Parties and the Maoists”, *Asia Report No. 106*, 28 November 2005, 5.

maintained links of some sort to several members of the Maoist leadership.⁶ Meanwhile, at the more public level, a commission formed in January 2000 to suggest ways to resolve the conflict, led by Sher Bahadur Deuba, a Congress party leader, made contact with the Maoists and recommended a political settlement. An informal dialogue between the then deputy prime minister, Ramchandra Paudel, and a member of the Maoist politburo took place in October 2000, but was soon disrupted. After the royal massacre the Maoists intensified the conflict. When Prime Minister Koirala resigned and was replaced by Deuba, his government launched the first official dialogue effort. A ceasefire was announced by both sides and three rounds of talks were held before the process collapsed in November 2001. Formal talks would not begin again until 2003, but informally contacts across the conflict lines, between the palace, the Maoists, and individual members of political parties and civil society continued.⁷

In the meantime a separate conflict between the palace, with the RNA behind it, and the increasingly discredited political parties intensified. Parliament was dissolved in May 2002 at the recommendation of Prime Minister Deuba; on 4 October 2002 King Gyanendra dismissed the elected government, replaced it with one of his own choosing led by Prime Minister Lokendra Bahadur Chand and suspended the elections that had been planned for the following month. Chand undertook a new series of talks after both parties declared a ceasefire. But Chand's replacement by Surya Bahadur Thapa in May 2003 - handpicked by the king, amidst widespread protests and strikes (or *bandhs*) supported by the Congress Party and the UML, Thapa was 75 years old, and had been prime minister three times during the *panchayat* era and once in the mid-1990s – did nothing to inspire confidence. The talks collapsed in August 2003, with the government clearly unprepared to countenance the Maoist demand for the country's problems of injustice and discrimination to be addressed by the restructuring of Nepal's feudal state by a constituent assembly.⁸ In the meantime, and with perhaps greater significance for the long term, in the margins of the formal talks the Maoist representatives held unofficial talks with representatives of the Congress party and the UML, aided by the support and initiative of like-minded persons within some political parties and civil society. Although not successful at the time, these talks helped to build confidence and promote interaction with the Maoists that would contribute directly to the peace process's advance after 2005.

Thapa was dismissed in June 2004 after weeks of street protests. Gyanendra reappointed Deuba, who was now the head of his own Nepal Congress (Democratic) party (which had split from the NC in 2002), and tasked him with holding elections. But while Deuba pressed for renewed negotiations, appointing an High Level Peace Committee to this end, his government had little

⁶ Krishna Bahadur Mahara, the CPN (M) spokesman, had, for example, been a member of the 1991 parliament. Devendra Raj Panday, a former finance minister who would become a leading figure in the people's movement of April 2006, recalled a three-hour meeting with Prachanda in 2001; after the meeting he had contacted G. P. Koirala, prime minister at the time, to offer his services as intermediary. Like others who maintained links between the Maoists and the mainstream political parties – including Narayan Kaji Shrestha (Prakash), the general-secretary of both the underground Communist Party of Nepal (Unity Centre) from which Prachanda and Bhattarai had broken away, and later Janamorcha Nepal, and the leftist intellectual Hari Roka - Panday became increasingly active in efforts to promote dialogue in the period following the king's coup of February 2005. Interview, Devendra Raj Panday, March 2008, and email, August 2008.

⁷ In October 2001 senior leaders from six leftist parties, including Madhav Nepal, general secretary of the UML met with Prachanda, Bhattarai and others for talks in Siliguri, West Bengal. Nepal recalled meeting with Prachanda and Bhattarai on at least two other occasions in 2002 and 2003. Koirala held talks with Prachanda and Bhattarai in Delhi in April 2001. Babarum Bhattarai recalled that the CPN (M) "had direct contact with the palace - an emissary from the king and close relatives would come and meet with us, especially in 2003 – 2004. With the political parties we were in constant touch. Always in contact. But they had no legitimacy and no capacity." Interviews, Madhav Nepal and Babarum Bhattarai, March 2008.

⁸ Bishnu Raj Upreti and Daman Nath Dhungana, "Peace Process and Negotiation in Nepal: Revisiting the Past and Envisioning the Future", Kathmandu, March 2004.

credibility in part because the NC (D) was joined in the cabinet only by the UML. Key international players, including both India and the United States, pressed other political parties – particularly the NC – to join it, but they refused to do so.⁹ Meanwhile the king’s increasingly authoritarian ambitions forestalled hope of a return to anything resembling a democratic political system. On 1 February 2005 Gyanendra seized power in a coup, imprisoned the leaders of the political parties and civil society and declared a state of emergency. As he did so, he cited the need to intensify the war against the Maoists and defeat them militarily and bestowed new freedom of action upon the army to allow it to do so.

The coup was to prove an enormous mistake. It precipitated a profound shift in the country’s political forces whilst also triggering the marked displeasure – albeit with important differences between them - of Nepal’s most influential neighbor and partners: India, the United States and the United Kingdom. In the following months, as he defied international pressure to return Nepal to a democratic process and respect the rights of his people, King Gyanendra in effect provided the incentive for the demoralized and divided political parties to come together into a new Seven Party Alliance (SPA),¹⁰ drove that alliance into talks with the Maoists, and mobilized civil society against his regime and the monarchy as never before. The talks, which were held in New Delhi, with the tacit support of India, led to a twelve point agreement that was made public on 22 November 2005. A second “people’s movement” gathered force in the early months of 2006 with a series of violent strikes and protests. These culminated in late April when the king was forced to abandon direct rule and agree to the restoration of the parliament elected in 1999.

Peace talks between the government and the Maoists resumed in May 2006, as the parliament voted unanimously to curtail the king’s political powers. They took an erratic and unstructured form. An inability to delegate prevented anything other than a linear process and rendered all decisions the province of the various parties’ senior leaders, with the octogenarian (and ailing) G.P. Koirala, who was named prime minister for the fourth time in April, the most authoritative among them. Moving through a series of partial agreements – including a twenty-five point code of conduct for the ceasefire reached on 25 May, an eight-point understanding agreed on 16 June 2006, and a request for UN assistance sent to Secretary-General Kofi Annan on 9 August 2006 – they culminated in the comprehensive peace accord (CPA) signed in November 2006. The CPA brought a formal end to the ten year conflict. It provided for the Maoists to enter a transitional government, and an interim constitution to be put in place, while preparations were made for elections to a constituent assembly.

The CPA had looked towards constituent assembly elections that were to be held by mid- June 2007. The agreement had not been as “comprehensive” as its name implied, in that it had left many critical issues, such as security sector reform, to be negotiated at a later date. But its efficacy as a tool to advance the peace process was undermined by inadequate implementation and limited monitoring of the provisions it did contain and, most fundamentally, the rapid erosion of the consensus on which it was based. Consequently, even while the basic framework of the peace process held firm – the ceasefire remained in force; the two contending armies were separated; an interim constitution and interim government were put in place – a struggle for political power within and between the parties in the interim government (in which the NC, the UML and the Maoists quickly emerged as the dominant actors), and a deteriorating security situation consistently undermined progress. Constituent elections were postponed from June to

⁹ At the time, G. P. Koirala was criticized for his stubbornness; he would be praised later for refusing to play into the hands of the king while the UML suffered a loss in credibility from its participation in the Deuba government.

¹⁰ The parliamentary parties composing the seven-party alliance were: the NC, the UML, the Nepal Sadbhavana Party (Anandi Devi), the Nepal Congress (Democratic) party, Janamorcha Nepal, Nepal Workers and Peasants party, and the United Left Front.

November 2007 and then again, after a Maoist withdrawal from the government in September, to early 2008.

Meanwhile the CPA's inadequate attention to the demands and rights of groups long subject to discrimination and exclusion – people of the Madhes (or Tarai plains) that stretches the length of Nepal's southern border and is home to approximately half of Nepal's population; Janajatis, or indigenous peoples; and Dalits, or those deemed “untouchable” under the caste system; as well as women and the young – led to the emergence of regional and ethnic political forces, some of them armed, across the country. These forces transformed the nature of Nepal's peace process in fundamental ways.

Among the various mobilized constituencies the Madhesi stood out. Defined as non-hill origin (or *pahadi*) peoples, with plains languages as their mother tongue, they comprised about two thirds of the residents of the Tarai, with *pahadis* making up the remaining third.¹¹ In early 2007 they launched a robust movement that pushed for greater representation within the constituent assembly and the devolution of power through federal arrangements. A poor response from a government the Maoists had yet to join, and missteps by the Maoists themselves – who believed unrest in the Tarai to be at least in part provoked by Indian and royalist forces bent on undermining their popular support – proved indicative of the reluctance of Nepal's body politic to embrace an inclusive form of politics in anything but name. As the political process struggled forward towards the constituent assembly elections that were eventually held in April 2008, and then to form a government in their wake, the significance of this as an impediment to Nepal's future would gradually become apparent.

III. EXTERNAL ACTORS AND THE APPEAL OF NEPAL

Donor dilemmas

A long history of international assistance to Nepal pre-dated the involvement of external actors in efforts to bring its conflict to an end. But it also brought with it a decidedly mixed legacy. International aid began flowing in to Nepal in the early 1950s, but grew exponentially during the years of the *panchayat*. Assistance nominally directed towards poverty alleviation and development was thus perceived by many to be complicit in strengthening a discriminatory and exclusionary state and to have contributed directly to problems that triggered the armed conflict. This history left a somewhat paradoxical legacy: Nepal maintained a heavy dependency on international assistance, but many Nepalis were instinctively critical of its achievements and wary of those who offered more.

The donor community in Nepal, within which the most important actors have been United Kingdom and other representatives of the European Union, the United States, Japan, the Asian Development Bank, the World Bank and the United Nations Development Programme (UNDP), was slow to understand the implications of the conflict.¹² The early declarations and military

¹¹ International Crisis Group, “Nepal's Troubled Tarai Region”, International Crisis Group, *Asia Report No. 136*, 9 July 2007, 2. ICG further explains that the term Madhesi “encompasses both caste Hindus and Muslims and, in some definitions, the indigenous Tarai ethnic groups. However, many ethnic groups, especially the Tharus in mid-western Tarai and Rajbanshis, claim an independent identity.”

¹² On the evolution of donor responses to the conflict, see the summary of the Department for International Development Conference, “Development Dilemmas: Challenges of Working in Conflict and Post-Conflict Situations in South Asia”, 5-6 March 2007, London; and Stine Heiselberg, Sangeeta Lama, Judith Large, Guy Banim, Riikka Marjamäki, “An Inclusive Peace Process in Nepal and the Role of the EU,” Crisis Management Initiative, December