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**NAVAL
POSTGRADUATE
SCHOOL**

MONTEREY, CALIFORNIA

THESIS

**THE PEACEBUILDING PROCESS IN NEPAL
AND THE END OF THE INSURGENCY**

by

Surendra R. Ranjit

March 2023

Thesis Advisor:

Anshu N. Chatterjee

Second Reader:

Cristiana Matei

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**THE PEACEBUILDING PROCESS IN NEPAL AND THE END OF THE
INSURGENCY**

Surendra R. Ranjit
Superintendent, Armed Police Force Nepal
MAPS, Tribhuvan University, 2010
MSS, Tribhuvan University, 2016

Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(COMBATING TERRORISM: POLICY AND STRATEGY)**

from the

**NAVAL POSTGRADUATE SCHOOL
March 2023**

Approved by: Anshu N. Chatterjee
Advisor

Cristiana Matei
Second Reader

Afshon P. Ostovar
Associate Chair for Research
Department of National Security Affairs

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ABSTRACT

Nepal became engulfed in a civil war when the Maoist insurgency began in 1996. The war lasted almost a decade until 2006, killed 13,000 people, and destroyed a significant amount of the country's infrastructure. Though the government of Nepal and the Maoists initiated talks in 2001 and 2003 to establish peace, both attempts failed due to contentious issues. Therefore, after signing the Comprehensive Peace Agreement, the Maoists' entry into mainstream politics in 2006 surprised the country and international observers. Since then, the Maoist Party has continued participating in elections and shares power with other mainstream political parties. Its participation raises essential questions about which peacebuilding factors encouraged the insurgents to enter mainstream politics, a step that ended the insurgency. To answer such questions, this thesis analyzes the insurgency period from 1996 to 2006 and the post-conflict scenario. Within the context of a theoretical framework derived from a review of the literature on peacebuilding processes, the analysis reveals that the combination of the Comprehensive Peace Agreement; the Disarmament, Demobilization, and Reintegration program implementation; and the promulgation of the new federal constitution in 2015 led to Nepal's successful peacebuilding process. Similarly, the study highlights the electoral setting and public sentiment that produced power sharing among the political parties and enhanced the peacebuilding process.

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LIST OF ACRONYMS AND ABBREVIATIONS

AISC	Army Integration Special Committee
AMMAA	Agreement on Management and Monitoring of the Arms and the Armies
APF	Armed Police Force Nepal
CA	Constituent Assembly
CPA	Comprehensive Peace Agreement
CPM-UML	Communist Party of Nepal (United Marxist and Leninist)
CPN-M	Communist Party of Nepal (Maoist)
CPN-UC	Communist Party of Nepal Unity Centre
DDR	Disarmament Demobilization and Reintegration
EC	Election Commission
GoN	Government of Nepal
JMCC	Joint Military Coordination Council
NA	Nepal Army
NC	Nepali Congress
NCP	Nepal Communist Party
NP	Nepal Police
NRs	Nepalese Rupees
PLA	People's Liberation Army
RNA	Royal Nepal Army
SC	Special Committee
SPA	Seven Party Alliance
TADA	Terrorist and Disruptive Activities
TC	Technical Committee
ULF	United Left Front
UN	United Nations
UNIRP	United Nations Inter-Agency Rehabilitation Programme
UNMIN	United Nations Mission in Nepal
UNPM	United People's Movement
UPFN	United People's Front of Nepal
VMLR	Verified Minors and Late Recruits
YCL	Young Communist League

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I. INTRODUCTION

The Maoist insurgency in Nepal, which lasted from 1996 to 2006, was the most destructive and destabilizing armed conflict Nepal faced in the modern era. Along with numerous other consequences of the civil war, including devastation, displacement, and flagrant human rights violations, the armed struggle resulted in almost 13,000 deaths.¹ The rising conflict made the country a terrible battlefield. The two attempts at ending the war to make peace through ceasefires and peace talks—initiated in 2001 and 2003—failed because of the Royal Government’s actions and the Maoist Party’s demands and resistance to making concessions during the negotiations.² Therefore, it was unexpected when the Communist Party of Nepal Maoists (CPN-M) ratified the Comprehensive Peace Agreement (CPA) in 2006 and came into mainstream politics. The ratification of the CPA was a significant event that led to the end of the armed struggle and began the peacebuilding process in Nepal despite political chaos.

Although there was much mistrust between the Maoists and the other political parties in the initial post-conflict phase, often jeopardizing the peacebuilding process, the insurgency appears to have ended as the Maoists have not taken up arms again. Since the first Constituent Assembly (CA) in 2008 failed to promulgate the new constitution, the Maoist government did not gain support from the other political parties and had to dissolve the assembly within a short period in 2013; nevertheless, political violence remained low.³ Amid the political chaos in the first couple of years after the conflict ended, Maoist leaders continued to maintain their goal of communism. Yet, the insurgency did not resurface, a considerable achievement as insurgencies often emerge after initial accommodation. This research examines the peacebuilding processes that have prevented the reemergence of the rebellion in Nepal despite political chaos.

¹ Mahendra Lawoti and Anup K. Pahari, eds., *The Maoist Insurgency in Nepal: Revolution in the Twenty-First Century*, Routledge Contemporary South Asia Series 20 (New York: Routledge, 2010), 3.

² Lawoti and Pahari, 305.

³ Paul Staniland, “Political Violence in South Asia: The Triumph of the State?” Carnegie Endowment for International Peace, accessed August 27, 2022, <https://carnegieendowment.org/2020/09/03/political-violence-in-south-asia-triumph-of-state-pub-82641>.

A. MAJOR RESEARCH QUESTION

Given the ongoing political instability apparent in the political musical chairs that have ensued since the end of the insurgency, this thesis asks the following research question: What were the peacebuilding processes that have prevented the rebellion from reemerging in Nepal?

B. SIGNIFICANCE OF THE RESEARCH QUESTION

This thesis answers the question by focusing on two aspects of peacebuilding: first, this thesis analyzes why the reintegration of Maoist ex-combatants in the peacebuilding process worked, and second, how political parties implemented successful negotiations with radical insurgents.

The reintegration and de-radicalization of former combatants are familiar processes; several countries, most notably Cambodia in 2006 and East Timor in 2008, successfully applied reintegration, while others, such as Ivory Coast and Angola, faced failure implementing these efforts.⁴ This research considers the issue's implications in states where such incidents have occurred and contributes to security studies' understanding of de-radicalization and reintegration in a holistic context. Specifically, this thesis offers profound insights into peacebuilding in Nepal for future researchers.

Finally, Nepal's post-conflict peacebuilding process provides a conflict resolution paradigm for other states struggling with armed conflict. The radical Maoists' entrance into mainstream parliamentary politics was surprising. Today, the party is actively participating in periodic elections and parliament. It is imperative to understand why the Maoists came to a political settlement and what led them to surrender their arms. Thus, this thesis seeks to explain how the peacebuilding processes contributed to the end of the insurgency in Nepal.

⁴ Ho-Won Jeong, *Peacebuilding in Postconflict Societies: Strategy and Process* (Boulder, CO: Lynne Rienner Publishers, 2005), 45–46.

C. LITERATURE REVIEW

It is of utmost importance to understand peacebuilding approaches in determining which successful process guided the end of the insurrection in Nepal. This literature review provides two types of analysis: first, it examines the scholarly work on peacebuilding definitions and approaches to provide the framework needed for understanding what peacebuilding is and how it works, and second, the review relates a framework for peacebuilding processes based on Nepal's peacebuilding process that has led to peace. Such a framework would lead to future recommendations for the government of Nepal.

1. Peacebuilding Definitions and Approaches

Johan Galtung, Boutros Boutros-Ghali, and Professor John Paul Lederach have all contributed influential definitions of peacebuilding to the field of peace and conflict studies. They have defined peacebuilding in various ways. In 1976, Galtung introduced the concept of “peacebuilding” into academic literature. He stated that peacebuilding “is the process of creating self-supporting structures that remove the causes of wars and offer alternatives to war in situations where war might occur.”⁵ He mainly focused on addressing the causes of violent conflict, bolstering regional capacity for peacekeeping, and mediating disputes.⁶ On the other hand, in 1992, UN Secretary-General Boutros-Ghali also provided a broad definition of peacebuilding and expanded the field by including activities that recognize and support domestic institutions that are likely to enhance and sustain peace to prevent a return to violence.⁷ These domestic institutions include minorities such as marginalized and impoverished people. He stated that peacebuilding is “an action to identify and support structure which will tend to solidify peace to avoid a relapse into

⁵ “Peace Building Initiative – Actors,” accessed August 20, 2022, <http://www.peacebuildinginitiative.org/index702a.html?pageId=1767>.

⁶ Ako Muto and Rui Saraiva, “Assessing Context-Specific Peacebuilding Approaches in Contemporary Armed Conflicts: From High-Level Mediation to Middle-Out Linkage in Syria and from Adaptive Mediation to Nationally-Owned Peacebuilding in Mozambique,” *Asian Journal of Peacebuilding* 8, no. 2 (November 2020): 243, <https://doi.org/10.18588/202011.00a128>.

⁷ Muto and Saraiva, 243.

conflict.”⁸ Even more broadly, Lederach defined peacebuilding more progressively. He stated that peacebuilding is:

[a] comprehensive concept that encompasses, generates, and sustains the full array of processes, approaches, and stages needed to transform conflict into more sustainable, peaceful relationships. The term thus involves a wide range of activities that precede and follow formal peace accords. Metaphorically, peace is seen not merely as a stage in time or a condition. It is a dynamic social construct.⁹

Lederach’s expansive definition is useful because it allows for a more thorough examination of the various ethnic, social, and economic factors that shaped Nepal’s peacebuilding process.

Even though all three scholars present different approaches to attaining peace, their goal is to prevent the breakdown of an agreement and maintain the longevity of peace. According to Galtung, sustainable peace can be achieved through peacemaking, peacekeeping, and peacebuilding, using either one approach or a combination of approaches. Furthermore, he explains that there are two types of peace, negative and positive.¹⁰ He argues that “negative peace is simply the absence of violence.”¹¹ In contrast, Galtung maintained that “positive peace is a stable social equilibrium” in which newly emerging conflicts do not turn violent or lead to war.¹² On the other hand, Boutros-Ghali presented “peacebuilding approaches to preventive diplomacy, peacemaking, peacekeeping, and post-conflict peacebuilding resolution differently.”¹³ Furthermore, he described that these four approaches should be taken together and carried out with the

⁸ Alpaslan Özerdem and Sung Yong Lee, *International Peacebuilding: An Introduction* (London ; New York, NY: Routledge, 2016), 27.

⁹ John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: United States Institute of Peace Press, 1997), 21–22.

¹⁰ Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (Oslo : London ; Thousand Oaks, CA: International Peace Research Institute ; Sage Publications, 1996), 14.

¹¹ Galtung, 14.

¹² Galtung.

¹³ Nathan C. Funk, “Building on What’s Already There: Valuing the Local in International Peacebuilding,” *International Journal* 67, no. 2 (June 1, 2012): 392–93, <https://doi.org/10.1177/002070201206700208>.

support of all stakeholders.¹⁴ This thesis investigates Boutros-Ghali's post-conflict peacebuilding resolution approach alone in relation to the Maoist insurgency in Nepal.

Meanwhile, Lederach presented a different peacekeeping approach. In Lederach's conceptual model, founded on the conflict transformation theory, all individuals have the capacity for peace. While promoting the significance of local settings and local needs, Lederach shifted the focus of peacebuilding from liberal methods to cultural and sociological frameworks as directions to lasting peace.¹⁵ He gave much consideration to indigenous resources, marking a significant change from state-centric to multi-track approaches to peacebuilding in his pyramidal conceptual model for a peacebuilding framework.¹⁶ His framework may apply in the case of Nepal because indigenous behavior and local setting have shaped peacebuilding and the level of success as this research explores.

Still, several conflicts and peace studies scholars have debated a suitable peacebuilding approach for achieving sustainable peace in war-torn societies. Some scholars have claimed that the liberal peacebuilding approach effectively solves post-conflict problems because it enhances liberal democratic institutions and global market-oriented policies. Others have claimed different approaches, like maximalist and minimalist approaches, which focus on maintaining law and order and addressing the root causes of the conflict. According to Michal Naturski, the liberal peacebuilding consensus, which is based on the principles of democratization and marketization, ensures peace in war-torn societies.¹⁷ He has argued that the liberal approach to peacebuilding encompasses a wide variety of concerns about social, economic, and institutional demands that should be addressed in creating stable nations to guarantee stability.¹⁸ According to Sorpong

¹⁴ Funk, 392–93.

¹⁵ Lederach, *Building Peace*, 21–22.

¹⁶ Lederach, 21–22.

¹⁷ Michal Naturski, "The Liberal Peacebuilding Approach: Debates and Models," *The European Union Peacebuilding Approach* (Frankfurt: Peace Research Institute, 2011), 3, <https://www.jstor.org/stable/resrep14480.4>.

¹⁸ Naturski, 3–4.

Peou, the post-Cold War neo-liberal idea of peacebuilding has proven more effective than its detractors believe but less successful than its supporters had anticipated.¹⁹ Regarding its capacity to end violent conflict, peacebuilding, according to Peou, has a good track record and still has much promise.²⁰

In contrast, Roland Paris and Jasmine-Kim Westendorf have argued that democratization and marketization are inherently turbulent developments that may jeopardize a tenuous peace. Scholars like Paris, Edward Newman, and Oliver P. Richmond have claimed peacebuilding need not be liberal. Instead, they have argued that the new security goals are not amenable to a liberal framework and that peacebuilding frequently seeks to stifle or crush dissent in service of world stability.²¹ In understanding post-conflict peace, Westendorf has advised moving away from broad liberal state-building approaches toward a view of peace as the circumstance in which politics or the contestation of power may occur nonviolently in a community.²² She has argued that the success of peace processes depends on each analyst's perception of what a peaceful post-conflict state and society entail.²³ She elaborated that these interpretations can be roughly divided into two camps: the minimalist approach, which emphasizes the absence of outright conflict and violence, and the maximalist approach, which takes a broader view of the degree to which constructive peace has been established and is consistent with the liberal state building approach.²⁴

2. Peacebuilding Process

A helpful starting point for understanding what constitutes the necessary peacebuilding process and its success or failure in building peace is identifying the degree

¹⁹ Sorpong Peou, "The Limits and Potential of Liberal Peacebuilding for Human Security," *Asian Journal of Peacebuilding* 2, no. 1 (May 2014): 38, <https://doi.org/10.18588/201405.000018>.

²⁰ Peou, 39.

²¹ Edward Newman, Roland Paris, and Oliver P. Richmond, eds., *New Perspectives on Liberal Peacebuilding* (Tokyo ; New York: United Nations University Press, 2009), 11–14.

²² Jasmine-Kim Westendorf, *Why Peace Processes Fail: Negotiating Insecurity after Civil War* (Boulder, CO: Lynne Rienner Publishers, 2015), 41.

²³ Westendorf, 25–28.

²⁴ Westendorf.

and the stage of peacebuilding implementation in the conflict zone. According to Michael Barnett et al., several actions “included in peacebuilding vary depending on the situation” and the peacebuilding agent.²⁵ Barnett et al. have categorized the post-conflict peacebuilding process into three areas: stabilizing the post-conflict zone, reestablishing state institutions, and addressing social and economic challenges.²⁶ Meanwhile, Sorpong Peou emphasized that the optimum formula for neo-liberal peacebuilding would be disarmament, democracy, and development.²⁷ Studies suggest that any nation’s military apparatus, internal political environment, and prevailing socio-economic dimension play a dominant role in implementing the peacebuilding process post-conflict.²⁸ This thesis discusses these three peacebuilding provisions to understand what is happening in Nepal and how their degree of implementation shapes the end of the insurgency in Nepal.

a. Military Provision

The most effective peacebuilding process in military provision is the disarmament, demobilization, and reintegration (DDR) program. Without disarmament, violence may occur due to the availability of weapons in society. Peou, in his Disarmament Model, acknowledged DDR as an essential component of peacebuilding and establishing security institutions.²⁹ Furthermore, he asserted that small arms and light weapons are gathered, regulated, and destroyed in the DDR program.³⁰ Through the DDR, armed units are also reduced in size and disbanded. Then, former fighters are reintegrated into the social, economic, and political life of civilian populations.³¹ The programs focus on methods of gathering, documenting, and eliminating various armaments and the systematic

²⁵ Michael Barnett et al., “Peacebuilding: What Is in a Name?,” *Global Governance* 13, no. 1 (2007): 35–58.

²⁶ Barnett et al., 35–58.

²⁷ Peou, “The Limits and Potential of Liberal Peacebuilding for Human Security,” 54.

²⁸ Julian Adolfo Echeverri Martinez, “Which Factors Explain Variation in the Success of Peace Processes after the Signing of a Peace Agreement?” (master’s thesis, Naval Postgraduate School, 2019), 8.

²⁹ Peou, “The Limits and Potential of Liberal Peacebuilding for Human Security,” 40.

³⁰ Peou, 40.

³¹ Peou, 40.

management and disposal of military equipment.³² The DDR mainly entails assembling the armed forces in designated assembly sites, registering them, and collecting weapons from the troops.³³ The implementation of a successful DDR program depends on controlling personnel, ensuring the security of disarmed combatants, and monitoring the arms.³⁴ Thus, the relative effectiveness of peacebuilding initiatives depends on how quickly combatants may turn to the polls and how quickly economic growth can help cement a democratic peace.³⁵ Similarly, Barnett et al. stressed that “the promotion of liberalization and democratization may undermine the peacebuilding process if security and stable institutions are not pursued concurrently.”³⁶ Therefore, this thesis analyzes the DDR program and successful reintegration of Maoist combatants in the Nepali Army and the implementation of the Comprehensive Peace Accord and the eight-point peace agreement between the Seven Party’s Alliance (SPA) and the Maoist Party, signed in 2006.³⁷

b. Political Provision

Another necessary peacebuilding provision is political power sharing among the conflicting parties and the establishment of political institutions. According to Peou, neo-liberal peacebuilding still revolves around political liberalization in the form of democracy in post-conflict states through the staging of free and fair elections.³⁸ In *International Democracy Assistance for Peacebuilding*, Peou defined a democratic regime as one in which the ruling class adheres to liberal values, norms, and election laws. He further claimed that the four case studies of Timor-Leste, Cambodia, Burundi, and Sierra Leone demonstrate that the relative effectiveness of peacebuilding initiatives depends on how

³² Peou.

³³ Özerdem and Lee, *International Peacebuilding*, 114.

³⁴ Özerdem and Lee, 114.

³⁵ Peou, “The Limits and Potential of Liberal Peacebuilding for Human Security,” 53.

³⁶ Barnett et al., “Peacebuilding,” 51.

³⁷ B. C. Upreti, *Maoists in Nepal: From Insurgency to Political Mainstream* (New Delhi: Kalpaz Publications, 2008), 159.

³⁸ Peou, “The Limits and Potential of Liberal Peacebuilding for Human Security,” 40.

quickly armed groups turn to the voting booth; how economic growth can assist in maintaining democratic peace; and how reestablishing state institutions aid in developing or restoring vital government services that can produce real public benefits and legitimacy.³⁹ Similarly, Westendorf has noted that despite the tendency toward inclusive settlements, the security and the political agreement required to build them remain the most critical concerns.⁴⁰ Political provisions were included in 93% of peace deals, and most peace accords involved territorial disputes within the states.⁴¹ A certain kind of post-war polity building a liberal, democratic state based on democracy and the rule of law became inextricably intertwined with achieving peace.⁴²

It has been observed that power sharing and an inclusive political approach by the ruling elite can bring the insurgents into the mainstream political system. In the case of Nepal, Sudheer Sharma has posited that Nepal's political parties initially attempted to restrain the Maoists by denying them access to the political process.⁴³ Still, as the Maoists' republican agenda gained support, the political parties recognized its popularity.⁴⁴ They persuaded Maoists to give up their use of violence and pursue their demands through the democratic process and power sharing.⁴⁵ In a transitional democracy where nations move from one form of governance to another after a remarkable political change like that in Nepal, restoring democratic institutions in a post-conflict scenario lessens the probability of conflict and legitimizes the entire process.⁴⁶ Strengthening of democratic institutions

³⁹ Sorpong Peou, *International Democracy Assistance for Peacebuilding* (London: Palgrave Macmillan UK, 2007), <https://doi.org/10.1057/9780230590809>.

⁴⁰ Westendorf, *Why Peace Processes Fail*, 104–5.

⁴¹ Westendorf, 104–5.

⁴² Christoph Zürcher, “Democratization and Peacebuilding,” *The Oxford Handbook of Peacebuilding, Statebuilding, and Peace Formation*, ed. by Oliver P. Richmond and Gezim Visoka (New York: Oxford University Press, 2021), 449–51, <https://doi.org/10.1093/oxfordhb/9780190904418.013.32>.

⁴³ Sudhira Śarmā, *The Nepal Nexus: An Inside Account of the Maoists, the Durbar and New Delhi*, trans. Sanjay Dhakal (Gurgaon, Haryana, India: Viking, an imprint of Penguin Random House, 2019), 241–54.

⁴⁴ Śarmā, 241–54.

⁴⁵ Śarmā.

⁴⁶ Echeverri Martinez, “Which Factors Explain Variation in the Success of Peace Processes after the Signing of a Peace Agreement?,” 11.

plays an influential role in the peacebuilding process that contains the insurgency from escalating and shaping the larger context.

c. Social and Economic Provisions

According to Peou, economic development contributes to political stability and democracy's consolidation, just as it may contribute to the consolidation of authoritarian control, for instance, in Singapore.⁴⁷ Peou has emphasized that democracies may be threatened when their economies fall into recession or collapse, but democracy aids in preventing military conflict from escalating out of economic crises.⁴⁸ Therefore, political democracy and economic growth must be the foundation of lasting peace in the peacebuilding process.⁴⁹

On the other hand, socioeconomic peacebuilding programs often take longer to succeed than security and political rebuilding programs since socioeconomic problems are linked to basic societal structures.⁵⁰ Such a peacebuilding process may reach crucial points and potentially result in the resumption of hostilities if the necessary finances are not allocated to facilitate its implementation.⁵¹ Before or concurrently with the start of longer-term socioeconomic peacebuilding, urgent rehabilitation programs should be implemented to meet people's basic needs and lay the groundwork for future social activities.⁵² Thus, societies in the aftermath of armed conflicts typically have various issues that put people's livelihoods in danger.⁵³

Finally, scholars in Nepal have highlighted post-conflict political development and issues of grievances and aspirations of people; however, little research has been done on peacebuilding provisions and the implementation of negotiation and peace agreements

⁴⁷ Peou, "The Limits and Potential of Liberal Peacebuilding for Human Security," 41.

⁴⁸ Peou, 41.

⁴⁹ Peou, 41.

⁵⁰ Özerdem and Lee, *International Peacebuilding*, 116–17.

⁵¹ Özerdem and Lee, 116–17.

⁵² Özerdem and Lee.

⁵³ Özerdem and Lee.

after the post-conflict period. Madhav Joshi contended that during the insurgency, Maoists won support by making promises of land reforms, resolving complaints, and creating an equal society wherein those living in rural communities would have greater options for employment.⁵⁴ However, the Maoists did not fulfill the people’s aspirations and resolve their grievances as the party had promised, though the Maoists headed the national government thrice in 2008, 2013, and 2017. Prashant Jha has noted that “the same voters had decisively rejected the former rebels; from 240 seats in a house of 601 in 2008 ... to one-third of their original size, with only 80 members” in the 2013 elections.⁵⁵ The primary criterion to determine trustworthiness is matching saying with doing. According to Bishnu Raj Upreti, politicians in Nepal have a habit of making lofty, divisive promises that they cannot keep, which is a major source of tension in the country.⁵⁶ Even though the government of Nepal and the Maoist Party have signed many understandings and peace agreements since 2006, the success of fulfilling the agreements is limited. As Upreti has observed, post-conflict progress has stalled due to internal and external party disagreements, the absence of a partnership ethos among political parties, and other issues.⁵⁷ He has criticized the fact that “only the elite of the peace process” have benefited from state privileges and authority, leaving ordinary people behind.⁵⁸ Thus, he concluded that politicians in Nepal need to step up with new assurances, fundamental institutional frameworks, and appropriate protocols and processes to facilitate a peaceful resolution to the conflict.⁵⁹ Again, even the government and the political parties, including the Maoists, are less popular and have failed to address the people’s grievances today; nevertheless, the insurgency has not reemerged.

⁵⁴ Madhav Joshi, “Between Clientelistic Dependency and Liberal Market Economy: Rural Support for Maoist Insurgency in Nepal,” in *The Maoist Insurgency in Nepal*, ed. Mahendra Lawati and Anup K. Pahari (London: Routledge, 2009), 107.

⁵⁵ Prashant Jha, *Battles of the New Republic: A Contemporary History of Nepal* (New Delhi: Aleph Book Company, 2014), 335.

⁵⁶ Bishnu Raj Upreti, “Nepal from War to Peace,” *Peace Review* 24, no. 1 (January 2012): 102–7, <https://doi.org/10.1080/10402659.2012.651040>.

⁵⁷ Upreti, *Maoists in Nepal*, 187–99.

⁵⁸ Upreti, 187–99.

⁵⁹ Upreti, 187–99.

The study of the previously defined peacebuilding approaches and processes highlights the need for a combination of strategies to address post-conflict peacebuilding, but this approach needs to include more attention to preventing the reemergence of an insurgency. The design inherent in a holistic approach is the most beneficial for understanding the peacebuilding process in Nepal. As we analyze the road to the peace process and various efforts made by the government apparatus, it is vital to define and examine the key measures instrumental in bringing the radical revolutionists into the mainstream political process.⁶⁰ Thus, this thesis examines the framework and functional elements of the strategies developed by scholars mentioned earlier and analyzes the peacebuilding initiatives and their implementation in post-conflict peacebuilding in Nepal.

D. POTENTIAL EXPLANATIONS AND HYPOTHESIS

The decade-long Maoist insurgency in Nepal came to an end in 2006 with signing of the CPA. This thesis attempts to determine what factors in the peacebuilding process were central to the transition from armed rebellion to mainstream political competition. Even though the popularity of Maoists in Nepal is waning today, an armed insurrection has not reemerged in Nepal. This thesis focuses on two critical factors in post-conflict peacebuilding that have prevented the reemergence of the Maoists' insurgency and enabled their political engagement.

- Hypothesis 1: A successful Disarmament, Demobilization, and Reintegration (DDR) program led Maoist combatants to reintegrate into the Nepal Army (NA) and Nepalese society.
- Hypothesis 2: The implementation of the CPA and the agreement between SPA and the Maoist Party on an eight-point deal on June 16, 2006, which included framing an interim constitution, establishing a government coalition, implementing a federal constitution, and holding elections for

⁶⁰ Suresh Gaire, "Why Do Radical Insurgents Join Mainstream Politics? A Case Study of The Maoist Insurgency of Nepal" (master's thesis, Naval Postgraduate School, 2020), 11.

the constituent assembly enhanced political development and power sharing.

The most likely factor that contributed to the end of the insurgency might be the gradual and full implementation of the CPA signed by the SPA and the Maoists. Nepal completed two constituent assembly elections in 2008 and 2013 and promulgated the new constitution in 2015. This thesis examines the processes that produced a new constitution and whether they played a role in peacebuilding.

E. RESEARCH DESIGN

This thesis employs a case study model within the context a theoretical framework. It adopts three peacebuilding provisions (military, political, and social-economic) to analyze the Nepali DDR program in the post-conflict peacebuilding process. By examining statements and records of the Maoists and Nepali political parties, this study investigates literature on the political circumstances that prevailed during the post-conflict context on putting an end to uprisings. It also considers the implementation of peace negotiations and agreements between political parties and the Maoists through studying books, newspaper reports, journal articles, official documents, and political reports. Then, it analyzes the implementation of peace negotiations and agreements since the 12-point deal concluded in 2005.

F. THESIS OVERVIEW

The remainder of this thesis is organized into four chapters. Chapter II elaborates the emergence of the Maoist insurgency, its escalation, and the Maoists' decision to participate in mainstream politics in 2006. Chapter III tests the hypothesis that the DDR program and the Maoist combatants' reintegration into the NA and society was a successful peacebuilding measure despite some initial conflicts. Chapter IV tests the second hypothesis by examining how Nepal's political parties resolved social and ethnic tensions regarding equitable power sharing by adopting a federal constitution. Finally, Chapter V summarizes the findings and recommends policies that may be adopted to deal with a radical organization to curtail insurrection.

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II. THE MAOIST INSURGENCY AND ITS PRE-2006 POLITICAL CONDITIONS

It is essential to know the Maoists' roadmap for their decade-long journey of rebellion from 1996 to 2006 and its effect on Nepalese politics to understand why the insurgency has not reemerged. To that purpose, this chapter describes the conditions and demands of the Maoist Party that led to armed conflict against the state of Nepal in 1996, the escalation of the Maoist insurgency, and eventually, the circumstances that led to the Maoists disarming in 2006 and entering mainstream politics.⁶¹

A. THE MAOISTS' ROAD TO ARMED STRUGGLE

The conflict in Nepal reflects political, cultural, and economic power struggles, as well as differences in value systems, social conventions, and ethnic, caste, class, and gender inequalities. The 'Jana Andolan-I' (People's Movement-I) was a milestone in Nepal's history of democratization. In February 1990, under the Nepali Congress's (NC) leadership, the People's Movement-I started working to overthrow the nation's authoritarian Panchayat government and reinstate multi-party democracy.⁶² Several communist parties of Nepal merged to form two communist parties, the United Left Front (ULF) and the United National People's Movement (UNPM), formed in January 1990. Of these two communist parties, from its inception the ULF was a part of the People's Movement-I.⁶³ Despite early hesitation, the UNPM, the hardliner group, joined the People's Movement once their street demonstrations had acquired steam.⁶⁴ On April 8, 1990, a royal declaration ended the People's Movement-I and reestablished multi-party democracy. The royal proclamation received two distinct responses from the two alliances of the communist party.⁶⁵ The ULF expressed its satisfaction with the People's Movement-

⁶¹ Upreti, *Maoists in Nepal*, 153–74.

⁶² Arjun Bahadur Ayadi, "Dilemma and Factionalism in the Maoist Politics of Nepal," *Journal of Political Science* 18 (June 29, 2018): 8, <https://doi.org/10.3126/jps.v18i0.20436>.

⁶³ Ayadi, 8.

⁶⁴ Ayadi.

⁶⁵ Ayadi, 8.

I and its support for the proclamation.⁶⁶ By contrast, the UNPM chose to ignore the royal order and instead continued to push for the election of the Constituent Assembly (CA) and the abolition of the monarchy.⁶⁷ The political parties ratified the new constitution in November 1990, and its significant tenets were the constitutional monarchy and multi-party parliamentary democracy.⁶⁸ Nevertheless, the Government of Nepal (GoN) did not address the UNPM's demands for the CA election and the complete abolition of the monarchy.⁶⁹

Also in November 1990, immediately following the promulgation of the new constitution, several hardline communist parties merged to form the Communist Party of Nepal Unity Centre (CPN-UC), which had a Maoist platform.⁷⁰ The new party appointed Pushpa Kamal Dahal (Prachanda) as general secretary.⁷¹ The CPN-UC refused to participate in the election set for May 1991, claiming that the new constitution was unfit for a true democracy. However, the CPN-UC reversed course and took part in the election under the United People's Front of Nepal (UPFN) flag. The coordinator was Babu Ram Bhattarai.⁷² Even though the party moved to third place and gained nine of 205 seats, its leaders decided that the legislative system could not help them reach their goals. That year also marked a turning point in the history of the CPN-UC, wherein party general secretary Prachanda's plan for a "people's republic through people's war" was approved, which paved the way to the insurgency.⁷³

The CPN-UC held its first unity congress in December 1991 and chose "Marxism-Leninism-Maoism" as its philosophical foundation. Additionally, the congress rejected

⁶⁶ Ayadi, 9.

⁶⁷ Ayadi.

⁶⁸ Ayadi.

⁶⁹ Ayadi.

⁷⁰ Sebastian von Einsiedel, David Malone, and Suman Pradhan, eds., *Nepal in Transition: From People's War to Fragile Peace* (New York: Cambridge University Press, 2012), 7.

⁷¹ Einsiedel, Malone, and Pradhan, 18.

⁷² Upreti, *Maoists in Nepal*, 102.

⁷³ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 18.

Nirmal Lama's suggestion of a "popular revolt" and declared the freshly constituted parliamentary system unable to bring about progressive change.⁷⁴ Instead, it accepted the People's War and the Chinese model as its course of action.⁷⁵ The CPN-UC and the UPFN split into two groups during the 1994 midterm elections, one led by Prachanda and the other by Nirmal Lama, who called for an armed struggle and mass uprising.⁷⁶ The Election Commission (EC) recognized the UPFN as an official member of the Nirmal Lama camp during the party registration procedure for the 1994 midterm elections. The group led by Prachanda and Baburam Bhattarai boycotted the midterm elections after being barred from official registration.⁷⁷ The EC's decision was one of the factors leading to the founding of the Communist Party of Nepal-Maoist and one of the turning points in the CPN (Unity Center) headed by Prachanda's decision to support the violent uprising. The Prachanda-led CPN-UC hosted the third extended Central Committee meeting (Plenum) in March 1995, renamed the Communist Party of Nepal-Maoist (CPN-M), and decided to begin an armed insurgency in Nepal.⁷⁸

In September 1995, the CPN-M intended to launch "the People's War in the western highland areas of Rolpa and Rukum."⁷⁹ When authorities became aware of these activities in November, they initiated Operation Romeo. The subsequent police raid resulted in the arrest of several persons, some of whom were later tortured and assaulted.⁸⁰ This operation increased a long-standing hatred of the government, produced a sense of need to be shielded from it, and eventually rekindled Nepal's historically volatile class relations in rural regions.⁸¹

⁷⁴ Ayadi, "Dilemma and Factionalism in the Maoist Politics of Nepal," 9.

⁷⁵ Ayadi, 9.

⁷⁶ Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 6–7.

⁷⁷ Lawoti and Pahari, 6–7.

⁷⁸ Lawoti and Pahari.

⁷⁹ Ayadi, "Dilemma and Factionalism in the Maoist Politics of Nepal," 10.

⁸⁰ Prakash Adhikari and Steven Samford, "The Nepali State and the Dynamics of the Maoist Insurgency," *Studies in Comparative International Development* 48, no. 4 (December 2013): 457–81, <https://doi.org/10.1007/s12116-012-9125-4>.

⁸¹ Adhikari and Samford.

Baburam Bhattarai, the leader of the UPFN affiliated with CPN-M, presented “a list of 40 demands on nationalism, people’s democracy, and livelihood on February 4, 1996, along with a threat to initiate the insurgency if the requests were not met by February 17.”⁸² (See the Appendix for the list of demands.) However, the GoN ignored the demands of the CPN-M, one of the primary causes of the Maoist armed uprising that broke out across the nation on February 13, 1996.⁸³

B. THE EXPANSION OF THE MAOISTS’ INSURGENCY AND THE GOVERNMENTAL RESPONSE

The Maoists’ strategy called for seizing control of the countryside before advancing into the urban areas. It was a valuable tactic for the Maoists since it allowed them to develop in remote locations outside the purview of the central state.⁸⁴ Their military approach was recognizable as the traditional three-stage Maoist guerilla warfare philosophy: strategic defense, strategic stalemate, and strategic assault.⁸⁵ According to the Maoists the initial phase of the insurgency ran from 1996 until 2001, and the second stage occurred from 2001 to 2006.⁸⁶

1. The Maoist Insurgency from 1996 to 2001 and the Law and Order Problem

The Maoist electoral organization laid the foundation for the rebellion, even though the insurgency did not commence until 1996. In the hierarchical society of Nepal, which consists of numerous rural and marginalized communities, more often termed Dalits, the campaign launched under the leadership of general secretary Prachanda and continued to garner support brick by brick.⁸⁷ The party held cultural events encouraging villagers to build roads and bridges, posted informational flyers, and went door to door to recruit

⁸² Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 7.

⁸³ Ayadi, “Dilemma and Factionalism in the Maoist Politics of Nepal,” 10–11.

⁸⁴ Upreti, *Maoists in Nepal*, 66.

⁸⁵ Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 21.

⁸⁶ Lawoti and Pahari, 241.

⁸⁷ Adhikari and Samford, “The Nepali State and the Dynamics of the Maoist Insurgency.”

interested citizens.⁸⁸ These initiatives primarily aimed to educate rural populations on Maoist doctrine and disseminate the belief that violence was the only solution to problems like economic disparity, caste prejudice, and other types of inequality. As their movement gained steam, they shifted their focus from informing prospective allies to actively recruiting and training a “People’s Liberation Army.”⁸⁹

The CPN-M declared a civil war on February 13, 1996, four days before the GoN’s deadline, when the latter’s 40 demands went unmet. The CPN-M attacked several government buildings and police stations around the nation.⁹⁰ The Nepali Congress was the primary adversary the Maoist Party desired. It also painted the Communist Party of Nepal-United Marxism and Leninism (CPN-UML) as a revisionist group defending the interests of royalty and other feudal characteristics.⁹¹ When the fighting first started, the Maoists rationalized killing state personnel and landowners as strikes on “the main actors” of socioeconomic oppression.⁹² The villagers frequently nodded in agreement. The Maoists labeled everyone who had harmed ethnic minorities by being affiliated with state authority as an “enemy of the People’s War,” including landlords, state employees, higher caste members, and anyone else.⁹³

The Maoist insurgency, relying upon hit-and-run guerilla tactics, gradually expanded to central and western Nepal between 1996 and 2000. Like other insurgencies and protracted guerrilla warfare, this Maoist insurgency movement was heavily reliant on being self-sufficient, developing its ability to wage war without external support. This was achieved through hit-and-run tactics, raiding remote police stations, and acquiring funds through bank robberies, business extortion, and taxing land in regions under the insurgents’ control.⁹⁴ Contrary to the group’s assertions, however, the Maoist armed conflict did not

⁸⁸ Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 38–39.

⁸⁹ Upreti, *Maoists in Nepal*, 116–17.

⁹⁰ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 19.

⁹¹ Upreti, *Maoists in Nepal*, 104.

⁹² Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 105.

⁹³ Lawoti and Pahari, 16.

⁹⁴ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 72–73.

reflect the heart of the People’s War.⁹⁵ The Maoists used terror as a primary tactic from the start of the armed revolt instead of building up popular support and expanding the base area per the fundamental People’s War concept.⁹⁶ The Maoists used a hit-and-run tactic and committed tens of thousands of attacks, such as sabotage, guerrilla warfare, and propaganda, under the guise of “people’s acts.”⁹⁷ At the Fourth Plenum, held in August 1998 in Faridabad, India, the CPN-M planned to build a base area and a guerrilla zone.⁹⁸ The phrase “march forward to the direction of creating the base area” was used by Maoists for this reason.⁹⁹ Without any real oversight, they started defining the rural base area.¹⁰⁰

Initially, the government had viewed the extreme communists’ agitational politics as a law-and-order issue because the government categorized the act of the Maoist Party as criminal, not political. Thus, the government did not pay sufficient attention to the activities of the Maoist Party. The government was more concerned about managing its affairs.¹⁰¹ On the other hand, many within the government favored intense police action against the Maoists, instead of engaging with them.¹⁰² Additionally, the political environment between 1996 and 2001 was critical for Nepal. Weak and unstable governments were more concerned about resolving their crisis of stability and sustenance.¹⁰³ These scenarios gave the Maoists more space to popularize their strategies of protracted war and gain mass support.¹⁰⁴

As mentioned, the GoN considered the Maoist problem as law-and-order issue at the initial stage of the Maoist insurgency. For “the first five years of the conflict (from

⁹⁵ Einsiedel, Malone, and Pradhan, 72–73.

⁹⁶ Ayadi, “Dilemma and Factionalism in the Maoist Politics of Nepal,” 11.

⁹⁷ Ayadi, 11.

⁹⁸ Ayadi.

⁹⁹ Ayadi.

¹⁰⁰ Ayadi.

¹⁰¹ Upreti, *Maoists in Nepal*, 105.

¹⁰² Upreti, 105.

¹⁰³ Upreti, 105.

¹⁰⁴ Upreti.

1996 to 2001), the war was exclusively fought by Nepal Police forces,” first by the poorly trained and equipped Nepal Police (NP), which was subsequently supplemented by the newly formed counterinsurgency Armed Police Force (APF).¹⁰⁵ The GoN launched Operation Kilo Sierra II in 1998 to prevent the rebellion from disrupting law and order.¹⁰⁶ Operation Kilo Sierra II’s catchphrase was “search and kill.”¹⁰⁷ Numerous peasants were detained and tortured for allegedly supporting the Maoists. The police killed nearly 500 people throughout the operation and mistreated several women.¹⁰⁸ The police operation caused the Maoists much anxiety. The CPN-M called the fourth plenum of the central committee in August 1998 to formulate a strategy to counter the government operation.¹⁰⁹ The plenum concluded that the party’s hit-and-run strategies would accomplish nothing and cause it to go in circles indefinitely, much like the Indian Naxalite movement, which had persisted since the 1960s.¹¹⁰ As a result, the Nepali Maoists decided to concentrate their fighting forces and deploy them to launch large-scale assaults against the GoN’s forces.¹¹¹ They used “breaking the circle and resisting” to oppose the police’s “encircle and exterminate operation plan.”¹¹²

Furthermore, the operation failed to contain the Maoist insurgency; instead, it exposed the brutality of the police force, and the ordinary people in the Maoist-affected areas became victims of the repressive measures. As a result, widespread sympathy arose for the Maoists in the villages where the operation occurred and proved counterproductive.¹¹³ In response to operation Kilo Sierra II, the Maoists also started

¹⁰⁵ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 19.

¹⁰⁶ Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 19.

¹⁰⁷ Upreti, *Maoists in Nepal*, 109.

¹⁰⁸ Upreti, 109.

¹⁰⁹ Śarmā, *The Nepal Nexus*, 21.

¹¹⁰ Śarmā, 21.

¹¹¹ Śarmā.

¹¹² Śarmā.

¹¹³ Upreti, *Maoists in Nepal*, 108–10.

attacking police posts and government entities, and the insurgency spread nearly all over Nepal until February 2000.¹¹⁴

2. The Maoist Insurgency from 2001 to 2006 and the Military Response

The CPN-M declared ‘Prachandapath,’ like the Peruvian ‘Shining Path,’ to be the ideology governing the Nepali Maoists at its second national congress, held in Punjab, India, in February 2001.¹¹⁵ The Prachandapath integrated the Maoist and Leninist dual methods of widespread armed revolt and prolonged war. The Prachandapath developed a new sixth plan combination of Maoism and Leninism that called for a greater focus on urban rebellion while continuing to establish strongholds in the countryside. By the middle of 2001, the Maoists had contained government institutions to the district headquarters and had created so-called Maoist People’s Governments, especially in five mid-western districts, namely Rolpa, Rukum, Jajarkot, Salyan, and Pyuthan districts.¹¹⁶

The royal massacre in Nepal on June 1, 2001, was a dark moment in the country’s history. Gyanendra, the brother of the previous monarch Birendra, ascended to the throne. The Maoists declared a ceasefire on July 23, 2001. During the four months of the ceasefire in 2001, the Maoists met with the government for discussions while also spending much time expanding their armed wing via new recruitment and more sophisticated training.¹¹⁷ During the first round of negotiations, the Maoist negotiator stated that the creation of a republican state had already started and provided a written agenda.¹¹⁸ Further, in the third session of talks, the Maoists pressured the government negotiators to order the army and armed police force to leave the districts they had taken control.¹¹⁹

¹¹⁴ Upreti, 108–10.

¹¹⁵ Upreti.

¹¹⁶ Adhikari and Samford, “The Nepali State and the Dynamics of the Maoist Insurgency.”

¹¹⁷ Upreti, *Maoists in Nepal*, 108–10.

¹¹⁸ Bishnu Raj Upreti, *Political Change and Challenges of Nepal. Vol. 2* (Saarbrucken, Germany: LAP Lambert Academic Publishing, 2010), 20.

¹¹⁹ Upreti, 20.

The Maoist leader Prachanda released the declaration establishing a constituent assembly as a political demand. The Maoists wanted an interim administration and a new constitution through a constituent assembly. However, the government side was inflexible, insisting on upholding the constitutional monarchy, multi-party democracy, and fundamental rights as inalienable.¹²⁰ The People’s Liberation Army (PLA), created during the ceasefire, went into action two months later under its new name and brought the ceasefire to a spectacular end with an attack on the Royal Nepal Army (RNA) barracks in Dang. King Gyanendra proclaimed a state of emergency, curtailed fundamental rights, and declared the CPN-M a terroristic organization after peace negotiations with the rebels in November 2001 fell apart.¹²¹

The GoN enlisted the RNA to end the Maoist insurgency instead of using police forces as the government had in the earlier stages of the conflict.¹²² After the government proclaimed an emergency in 2001, the Maoists intensified their frontal assaults against the RNA. The insurgency spread and grew in intensity as the government started to view the Maoists as a terrorist threat rather than a challenge to law enforcement. In April 2002, the parliament approved the Terrorist and Disruptive Activities (TADA) Control & Punishment Bill. The September 11 attacks on the United States also impacted Nepal’s decision to designate the Maoists as terrorists and sway public opinion against the insurgency, possibly to make obtaining security support easier.¹²³ Due to the fight against the RNA, the Maoists suffered casualties. In the roughly six years before “the emergency declaration on November 25, 2001, the Maoists killed 811 people while the authorities killed 992.”¹²⁴ By contrast, during the following nine months of the emergency, “the state

¹²⁰ Upreti.

¹²¹ Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 181.

¹²² Lawoti and Pahari, 181.

¹²³ Michael Hutt, ed., *Himalayan People’s War: Nepal’s Maoist Rebellion* (Bloomington: Indiana University Press, 2004), 11.

¹²⁴ Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 323.

murdered over 2,580 Maoists while the Maoists killed around 948 security personnel and individuals fighting against them.”¹²⁵

The King removed the democratic government and took power because Prime Minister Sher Bahadur Deuba received the political parties’ criticism for failing to address the insurgency, escalating the Maoist assault, and extending the state of emergency. In May 2002, he dissolved the parliament in preparation for an impending election.¹²⁶ In October 2002, King Gyanendra ousted Prime Minister Deuba and the council of ministers for failing to conduct the election on time and taking control of all executive powers. The Maoists denounced the King’s move and saw it as a proclamation of the feudal forces. Although he had seized all the authority, King Gyanendra feverishly tried to gain political legitimacy. Additionally, he was looking for a chance to demonstrate his desire to engage in peaceful discussions with the Maoists to gain public support.¹²⁷ The government announced its readiness to begin peace talks in a letter to one of the underground Maoist leaders. It received a favorable reception from the Maoists.¹²⁸

The government’s positive response to the Maoists’ three-point demand (round table conference, interim government, and the election for the CA) paved the ground for a ceasefire.¹²⁹ In January 2003, both parties declared a truce. The Maoists came with solid preparation and a high-level negotiating team led by Babu Ram Bhattarai. The Maoists explicitly advocated for state reform and pointed out the internal conflicts between castes, linguistic groups, and regions.¹³⁰ The parties had three meetings on April 27, May 9, and August 17–19, 2003. During the third round of negotiations, the Maoists pursued their agenda and maintained their initial demands for creating the CA and a republican state.¹³¹ Subsequently, the peace talks broke down on August 29, 2003, since the administration

¹²⁵ Lawoti and Pahari, 323.

¹²⁶ Upreti, *Maoists in Nepal*, 120.

¹²⁷ Upreti, 120–21.

¹²⁸ Upreti.

¹²⁹ Ayadi, “Dilemma and Factionalism in the Maoist Politics of Nepal,” 12.

¹³⁰ Upreti, *Political Change and Challenges of Nepal*, 28.

¹³¹ Upreti, 28.

was unwilling to accede to any of these conditions. Fighting persisted until the Maoists proclaimed a truce in September 2004. The political parties united in April 2004 to oppose the King's executive authority more vehemently. Meanwhile, the Maoists organized elections in their controlled areas, taking over all aspects of government from the state.

In February 2005, King Gyanendra staged "a coup d'état to seize control of the kingdom, imprisoned the heads of political parties and civil society, and declared a state of emergency."¹³² In doing so, he gave the army unprecedented freedom of action to let it wage the fight against the Maoists more ferociously.¹³³ A three-month truce began in September 2005, and after that, combat and peace negotiations continued.

C. THE MAOISTS AND MAINSTREAM POLITICS

King Gyanendra's coup significantly changed the nation's political landscape and displeased Nepal's most important allies and neighbors, especially India and the United States. King Gyanendra rejected foreign efforts to return Nepal to a democratic process in the following months, unintentionally providing fuel for the demoralized and dispersed political parties to come together as the Seven Party Alliance (SPA).¹³⁴

In August 2004, a contentious discussion on defining the strategic objective of the armed struggle occurred between the two blocs within the Maoist party. This discussion in the Maoist Central Committee meeting resulted in two distinct radical political factions. According to Arjun Bahadur Ayadi. "The radical group identified India as the primary enemy since India supported the King and was pressing for preparation of strategic offensive action. The moderate faction headed by Baburam Bhattarai argued the monarchy as the main enemy of the Maoists and other options should remain open, not only strategic offensive action."¹³⁵ The party's hardliner politburo conference voted to punish the moderate line's leaders, suspending three of them from all party portfolios: Baburam

¹³² Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 322.

¹³³ Einsiedel, Malone, and Pradhan, 164.

¹³⁴ Einsiedel, Malone, and Pradhan, 326.

¹³⁵ Ayadi, "Dilemma and Factionalism in the Maoist Politics of Nepal," 13.

Bhattarai, Dina Nath Sharma, and Hisila Yami.¹³⁶ The Maoists chose strategic offensive action as their official stance.¹³⁷

In October 2005, the Maoist Central Committee meeting concluded that the party could not seize state control by violence. Further, the panel reviewed the party's official stance, decided to employ multi-party democracy as the direct method, reversed its disciplinary action against the leaders, and defined the terms of an agreement with parliamentary political parties.¹³⁸ Before the coup, parliamentary political parties worked as a buffer between the King and the Maoists.¹³⁹ Still, the coup had changed the mindset of political parties, and they became intense opponents of the King, and the CA election became their agenda, too.¹⁴⁰ Additionally, the coup opened the door for extraordinary partnerships and collaboration between the country's seven major political parties and the Maoists. In November 2005, the Maoists and the SPA signed the Twelve-Point Agreement.¹⁴¹ The agreement met two of the Maoists' objectives, creating a constituent assembly and drafting a new constitution. Years of political struggle culminated in 2006 with a popular revolution led by the Maoists and the SPA that toppled the monarchy and turned Nepal into a republic.¹⁴²

D. CONCLUSION

In 1996, when the CPN-M initiated an insurgency, it was still a small and obscure organization. The party was splintered from UPFN and had a small group of cadres and party members. Even the Election Commission denied recognizing it, and the GoN ignored the 40-point demands of the CPN-M. At first, the Maoists could capture the public imagination with solid opposition to perceived inequality and injustices—such as patriarchy, polygamy,

¹³⁶ Ayadi, 13.

¹³⁷ Ayadi.

¹³⁸ Ayadi.

¹³⁹ Upreti, *Political Change and Challenges of Nepal*, 52.

¹⁴⁰ Upreti, 52.

¹⁴¹ Upreti, *Maoists in Nepal*, 153.

¹⁴² Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 339.

social discrimination, class struggle, and marginalized people. The Maoists also dealt harshly with individuals they identified as corrupt, including village elites, politically influenced people, and the police.

Moreover, the Maoist combatants randomly raided and attacked police stations to capture weapons. Still, the GoN dealt with the acts of the Maoists as a law-and-order issue. When the GoN launched operation Romeo and Kilo Sierra II to contain the insurgency, the violent activities prompted a backlash against the GoN. More locals joined and supported the Maoists as the police aggressively reacted to the revolution. Following that, the violent conflict escalated in all 75 districts, establishing a parallel state. In their base areas, the Maoists established the People's Government and the People's Court.

After the Royal Massacre in 2001, the conflict further escalated due to the King's assertion of power. Additionally, the Maoists withdrew from the initial truce that was started in July 2001 and began to attack multiple police checkpoints and army installations. The government proclaimed a state of emergency in response, and most civil liberties were suspended. The King signed the TADA, and the government designated the Maoists as terrorists to garner support from other countries to strangle the force. Similarly, the King appointed a hand-picked administration after dissolving parliament and local representatives to end the Maoist war and restore democracy, resulting in a political vacuum at all levels and leaving citizens disempowered.¹⁴³ The King removed the democratic government and imposed direct authoritarian rule on the nation in February 2005. In response, the SPA teamed up with the Maoists to sign the "Twelve-Point Agreement" in November 2005 to restore democracy and lay the foundation for enduring peace. Thus, the Maoists successfully took advantage of the King's mistakes and effectively carved out a place for themselves to participate in mainstream politics.

¹⁴³ Aditya Adhikari, *The Bullet and the Ballot Box: The Story of Nepal's Maoist Revolution* (London ; New York: Verso, 2014), 175–76.

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III. THE PROMISES AND PERILS OF THE DDR PROGRAM

After the war ended in 2006, the implementation of the DDR program successfully consolidated peace in Nepal. As this chapter explains, the success was based upon the nature of the agreements that allowed the parties to address the tensions and implement the processes that led to successful peacebuilding through the DDR program that effectively ended the insurgency. This chapter also identifies the peculiar role the United Nations Mission in Nepal (UNMIN) played in overcoming the challenges. Finally, this chapter details how Nepal's DDR program successfully integrated Maoist soldiers into the NA and civilian society with little tension.

A. THE POST-INSURGENCY IMPERATIVE AND AGREEMENTS

Both the GoN and the CPN-M understood that the PLA's integration into the NA and society was an issue that could stall peacebuilding because the PLA's former insurgents wanted to maintain their weapons and were consistently violent.¹⁴⁴ The PLA's distrust of the integration process undermined the peace talks in 2001 and 2003. Eventually, the PLA realized they could not defeat the NA and agreed it was time to join the mainstream political process. Therefore, both parties agreed on establishing committees and documenting the agreements on PLA integration procedures, which were successfully implemented with some issues. They also signed an agreement that led to the promulgation of the Interim Constitution in 2007.

All the major parties agreed that the PLA's disarmament was a priority for creating a successful peacebuilding process. According to Bhuwan Chandra Upreti, "Political parties and civil society" felt the peace process would be forestalled until the Maoists and their military wing were adequately disarmed from the civilian spaces.¹⁴⁵ Undoubtedly, the Maoists' surrender of their arms contributed to the peaceful transition process. The Maoists and the SPA who headed the interim government managed the Maoist arms and

¹⁴⁴ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 209.

¹⁴⁵ Upreti, *Maoists in Nepal*, 166.

troops so that the DDR process would proceed smoothly. The Maoists and the SPA agreed in the CPA that they would have control of the Maoists' weaponry, the PLA, and the NA.¹⁴⁶ Both parties approached the United Nations (UN) organization and requested mediation in the peace process and arms management. Both parties understood that they first needed to manage the Maoist arms and the PLA via cooperation with the UN to successfully pursue political issues like power sharing, constituent assembly elections, and the promulgation of the new constitution.

On November 21, 2006, the Maoists and the GoN signed a crucial CPA document establishing a sustainable plan for the collaborative peacebuilding process.¹⁴⁷ The agreement showed that the Maoists and the GoN were committed to making the country a place of peace, democracy, and stability. Both sides agreed to competitive elections and to solve gendered, ethnic, and regional problems. They also agreed to resolve conflict through peaceful negotiations and prevent further wars.¹⁴⁸ To do this, the Maoists showed commitment to disarming the PLA, integrating into NA and society, and adhering to human rights, humanitarian laws, and the people's fundamental rights.¹⁴⁹ The Maoists' voluntarily surrendering their weapons may also have demonstrated their commitment to the other political parties and promoted a sense of cooperation toward sustainable peace. The other political parties were pleasantly surprised by the Maoists' voluntary surrender of their weapons because they had relied on violence in the past. Thus, the other political parties interpreted the Maoists' action as a promising sign of their commitment to change.

The signing of Management and Monitoring of the Arms and the Armies (AMMAA) agreement between the government and the CPN-M came as a breakthrough in the peace process that marked the beginning of the DDR program by assembling former Maoist combatants in the government-designated cantonments and the NA within the

¹⁴⁶ Upreti, 166.

¹⁴⁷ Adhikari, *The Bullet and the Ballot Box*, 207.

¹⁴⁸ Upreti, *Maoists in Nepal*, 153.

¹⁴⁹ Upreti, 153.

confinement of barracks.¹⁵⁰ As a result, on December 8, 2006, the UNMIN confined “the Maoist combatants and the NA to cantonments and army camps.”¹⁵¹ The DDR process also formed the Joint Military Coordination Council (JMCC) to monitor the AMMAA’s operations.¹⁵² The JMCC consisted of nine members: a chairperson who represented UNMIN and “two vice-chairpersons, one each from the PLA and NA, and six members, two each from the UN, PLA, and NA.”¹⁵³ The composition of the JMCC was politically diverse enough that all major political parties and the Maoists trusted their interests would be fairly represented. The Joint Monitoring Teams—one international, one PLA, and one NA monitor—were deployed to support the JMCC on the ground.¹⁵⁴ This committee confirmed the requirements for validating and enrolling Maoist combatants. This evidence suggests that even though both parties signed the agreement, they remained suspicious of each other.¹⁵⁵ They resolved their suspicions via meetings and negotiations. Additionally, the DDR initiative gained traction in early 2007 when UNMIN started authenticating and registering the Maoists, which aided in building trust.¹⁵⁶

Furthermore, the 2007 Interim Constitution of Nepal specified the requirements for controlling the armaments and soldiers of both sides and for the rehabilitation and integration of the Maoist army combatants into the security services.¹⁵⁷ It provided some legal provisions to establish a Special Committee (SC), a cross-party political mechanism to facilitate integration and rehabilitation. Thus, the GoN established the SC for the supervision, integration, and rehabilitation of Maoist army combatants in 2008 according

¹⁵⁰ D. B. Subedi, “Security Dimension of Post-Conflict Recovery: Nepal’s Experience in Disarmament and Demobilisation of People’s Liberation Army Fighters,” *International Journal of Politics, Culture, and Society* 28, no. 2 (2015): 147.

¹⁵¹ Dambaru B. Subedi, “Conflict, Combatants, and Cash: Economic Reintegration and Livelihoods of Ex-Combatants in Nepal,” *World Development* 59 (July 2014): 240, <https://doi.org/10.1016/j.worlddev.2014.01.025>.

¹⁵² Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 212.

¹⁵³ Subedi, “Security Dimension of Post-Conflict Recovery,” 147.

¹⁵⁴ Subedi, 147.

¹⁵⁵ Subedi, 148.

¹⁵⁶ Subedi, 150.

¹⁵⁷ Subedi, 151.

to the legal provision in Interim Constitution.¹⁵⁸ The SC, in turn, established a Technical Committee (TC) in 2010 with representation from the political parties and then expanded it to include representatives from the Maoist PLA, the NA, the Nepal Police, and the Armed Police Force.¹⁵⁹ The SC delegated authority to the TC to create actionable plans based on their political preferences.¹⁶⁰ The actionable plan allowed TC to integrate up to 6,500 Maoist militants out of a total verified 19,602 combatants into the NA, if they met the minimum standards of the NA.¹⁶¹ On April 10, 2012, the TC eliminated the country's dual army by having the PLA combatants turn over their weapons and cantonments to the GoN.

B. THE UNMIN IN NEPAL: ITS IMPORTANCE AND LIMITATIONS

The UNMIN played an essential but limited role in providing technical support for the DDR program in Nepal. Some limitations were put on the organization due to the GoN's belief that the UNMIN favored the Maoists. The NC and UML accused the UNMIN of favoring CPN-M in the verification process and of turning a blind eye to the atrocities and corruption committed by the CPN-M.¹⁶² The UNMIN initiated new rounds of discussion and negotiations between the two sides and could bring them toward the peacebuilding process.¹⁶³ Even though both the GoN and the Maoists blamed the UNMIN for breaching impartiality, the UNMIN succeeded in paving the path for a successful DDR program.

The Maoists and the GoN prioritized dismantling the PLA and democratizing the NA with the DDR program because the Maoists recognized that they could not win a prolonged conflict with the NA and, therefore, joining mainstream politics was a more viable option. In addition, the Maoists demanded a presence of an international

¹⁵⁸ Subedi, 147.

¹⁵⁹ Subindra Bogati, "Assessing Inclusivity in the Post-War Army Integration Process in Nepal," Berghof Foundation, November 2015, 15, <https://berghof-foundation.org/library/assessing-inclusivity-in-the-post-war-army-integration-process-in-nepal>.

¹⁶⁰ Bogati, 15.

¹⁶¹ Bogati.

¹⁶² Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 213.

¹⁶³ Einsiedel, Malone, and Pradhan, 214.

organization such as the UN to implement peacebuilding with a logical conclusion. The Maoists recognized that they required an outside entity to monitor compliance with the agreement.¹⁶⁴ Further, the Maoists stated that “only the UN could be trusted” among the potential third-party candidates.¹⁶⁵ They did not trust other mediators from places like China and India to act as impartial mediators. They only trusted the UN to act as an impartial mediator who could assist the domestic actors in taking the peace process toward the CA election and the drafting of a new constitution. After a series of formal and informal agreements and understandings, the Maoists and the then government agreed to invite the UN to further the peace process.¹⁶⁶ The conflicting parties reached an eight-point deal on June 16, 2006, asking the UN to help manage and observe the soldiers and weapons of both parties to ensure a free and fair election of the Constituent Assembly.¹⁶⁷

The UNMIN began to participate when the Security Council’s resolution 1740 of January 23, 2007, authorized the establishment of the UNMIN in Nepal for one year, which was extended seven times at the government’s request until January 15, 2011, because the implementation process was delayed due to tensions.¹⁶⁸ Under the terms of the agreement, the UNMIN assisted Nepal in monitoring the peace process because local groups lacked the necessary expertise to administer the peace process and manage fighters.¹⁶⁹ The UNMIN was responsible for monitoring both sides’ usage of weapons and armed personnel through the JMCC.¹⁷⁰ The two parties may not have been able to solve their differences in the peacebuilding process without the intervention of the UNMIN.

The UNMIN’s crucial role in Nepal was successfully verifying Maoist combatants and recommending their reintegration into NA and society. Thus, the UNMIN developed

¹⁶⁴ Rebecca Brubaker, “Breaking the Mold: Lessons from Sixteen Years of Innovative UN Political Engagement in Nepal,” International Peace Institute, February 10, 2021, 4.

¹⁶⁵ Brubaker, 4.

¹⁶⁶ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 204.

¹⁶⁷ Upreti, *Political Change and Challenges of Nepal*. Vol. 2, 181.

¹⁶⁸ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 228.

¹⁶⁹ Chiranjibi Bhandari, “The Reintegration of Maoist Ex-Combatants in Nepal,” *Economic and Political Weekly* 50, no. 9 (2015): 63–68.

¹⁷⁰ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 212–13.

two methodologies to identify who was a PLA combatant.¹⁷¹ The two criteria for verification eligibility were: (1) applicants must have joined the Maoist army before May 25, 2006; and (2) candidates must have been born before May 25, 1988.¹⁷² Similarly, “the verified PLA members would join the state security forces or retire voluntarily under the CPA. While the unverified PLA members had to be integrated into society, requiring specific skills, steps, resources, and methods.”¹⁷³ The verification process began in January 2007 and ended in December 2007.¹⁷⁴ According to Luna KC, out of 32,250 ex-combatants cantoned in the cantonments, UNMIN verified 19,602 and recommended them for integration, rehabilitation, and voluntary retirement.¹⁷⁵

On some occasions, the NA and the PLA defied the AMMAA despite UNMIN’s best efforts to bypass the CPA’s agreement on military reform. On the one hand, in 2007, the NA conducted fresh recruiting to replace vacancies and maintain its authorized strength, which had more than quadrupled since its entry into the armed war.¹⁷⁶ On the other hand, the CPA foresaw the necessity to identify the right size for the NA and to build its national and inclusive character by incorporating the PLA and other excluded organizations. Similarly, the Ceasefire Code of Conduct banned both sides from recruiting additional individuals. Ignoring the ban, in 2007, the CPN-M declared the establishment of the Young Communist League (YCL), for which it maintained several prominent PLA officers outside the cantonments to provide leadership.¹⁷⁷ To pursue their political objective and to keep the people’s revolution going, CPN-M successfully established and

¹⁷¹ Luna KC, “Everyday Realities of Reintegration: Experiences of Maoist ‘Verified’ Women Ex-Combatants in the Aftermath of War in Nepal,” *Conflict, Security & Development* 19, no. 5 (September 3, 2019): 458, <https://doi.org/10.1080/14678802.2019.1658969>.

¹⁷² K.C., 458.

¹⁷³ K.C..

¹⁷⁴ Bhandari, “The Reintegration of Maoist Ex-Combatants in Nepal,” 64.

¹⁷⁵ K.C., “Everyday Realities of Reintegration,” 459.

¹⁷⁶ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 213.

¹⁷⁷ Tone Bleie and Ramesh Shrestha, “DDR in Nepal: Stakeholder Politics and the Implications for Reintegration as a Process of Disengagement,” 17, *Academia*, accessed November 11, 2022, https://www.academia.edu/34943618/DDR_in_Nepal_Stakeholder_Politics_and_the_Implications_for_Reintegration_as_a_Process_of_Disengagement.

reorganized the armed cadres discharged by the UNMIN verification process who were influenced by the leaders who chose not to go through the DDR process but rather stay outside the cantonments.¹⁷⁸

Even though the UNMIN's armaments monitoring was criticized by Nepali actors, who either misunderstood its mandate or re-interpreted it for partisan ends, it paved the path toward the successful execution of the DDR program by pushing through the process and forcing agreements.¹⁷⁹ UNMIN could effectively record and store the PLA's weapons and an equal number of NA weapons, and canton the Maoist soldiers into several national camps.¹⁸⁰ Politicians, the media, and civil society heralded the arrival of UNMIN as confirmation that the war had finished and that Nepal was on the verge of achieving peace and political stability.¹⁸¹

The mission had a modest role in providing technical guidance, yet it was influential and central despite its many problems. Its guidance contributed to a complicated political game embedded in a political culture whose virtues and vices the UNMIN had to address. From 2007 to 2009, the media reported the UNMIN's high-profile presence in the city and rural areas. Regular UNMIN reports to the Security Council, written in polite but succinct language, were painfully informative on the power struggles inside the political and military establishments, which in turn claimed the reports involved breaches of diplomatic discretion.¹⁸² During this period, Nepal's political culture was rife with blame games involving the UN. There appeared to be a mismatch between the UN's mission mandate and its leverage, its actual extent, and the willingness of the parties to enable the UN to carry out its job. When the UNMIN created and distributed a paper on the "Integrated Model with 52-Week Plan" without seeking approval from the government, it

¹⁷⁸ Nihar Nayak, "PLA Integration into the Nepal Army: Challenges and Prospects," *Strategic Analysis* 33, no. 5 (July 30, 2009): 735, <https://doi.org/10.1080/09700160903064547>.

¹⁷⁹ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 209–15.

¹⁸⁰ Upreti, *Maoists in Nepal*, 168.

¹⁸¹ Upreti, 168.

¹⁸² Bleie and Shrestha, "DDR in Nepal," 16.

came under criticism.¹⁸³ Additionally, the government made an official objection to the report that the head of the UNMIN presented to the Security Council. The mistrust between the UNMIN and the GoN led to a deterioration in the government's and the UNMIN's relationship.¹⁸⁴ Consequently, the GoN made the unexpected decision against further extending the tenure of the UNMIN.¹⁸⁵ Because of this decision, the office's tenure ended on January 15, 2011, without completing the DDR process.¹⁸⁶ However, according to Rebecca Brubaker, the UNMIN facilitated the release of more than 4,008 rejected Verified Minors and Late Recruits (VMLR) from the cantonments during the verification process.¹⁸⁷ Moreover, she explained that the UNMIN collaborated with the United Nations Inter-Agency Rehabilitation Programme (UNIRP) in the final year of its operation to help VMLRs adjust to society after their release.¹⁸⁸ Most importantly, the UNMIN could successfully store Maoists' arms and ammunition in containers and demobilize the PLA and the NA, which helped the SC in the ensuing reintegration phase.¹⁸⁹

The premature departure of UNMIN from Nepal gave greater freedom of action to the domestic political actors in terms of ownership and accountability.¹⁹⁰ The event unfolded with the creation of the Special Committee to monitor cadres and supervise the weapons of both former Maoist combatants as well as the national army. The SC in the subsequent period was given the name Army Integration Special Committee (AISC).¹⁹¹ The AISC stepped up to take on the extra technical duties of monitoring the weaponry and cantonments and supervising former fighters' integration and rehabilitation. It succeeded

¹⁸³ Bishnu Raj Upreti and Sharmila Shivakoti, "The Struggle of Female Ex-Combatants in Nepal," *Peace Review* 30, no. 1 (January 2, 2018): 79, <https://doi.org/10.1080/10402659.2017.1419937>.

¹⁸⁴ Upreti and Shivakoti, 79.

¹⁸⁵ Upreti and Shivakoti.

¹⁸⁶ Upreti and Shivakoti.

¹⁸⁷ Brubaker, "Breaking the Mold: Lessons from Sixteen Years of Innovative UN Political Engagement in Nepal," 10–15.

¹⁸⁸ Brubaker, 10–15.

¹⁸⁹ Brubaker.

¹⁹⁰ Bhandari, "The Reintegration of Maoist Ex-Combatants in Nepal," 65.

¹⁹¹ Subedi, "Security Dimension of Post-Conflict Recovery," 147.

because the DDR was unique to the Nepal setting, and the AMMAA, for instance, did not give the UN absolute authority. Therefore, when UNMIN left, the committee was already involved in decision making and the peace process.

Overall, UNMIN played a crucial role in supporting the DDR process in Nepal and helping to build a more peaceful and stable society. However, the DDR process faced several challenges, including delays and difficulties in verifying and demobilizing combatants, as well as issues related to reintegration and rehabilitation. These challenges highlight the complex and multifaceted nature of DDR and the importance of adequate support and resources for successful reintegration.

C. NEPAL'S UNIQUE CHALLENGES AND THE IMPLEMENTATION OF THE DDR

The DDR program in Nepal did not apply the conventional DDR approach. Rather, the DDR was shaped along the unique domestic setting, which shaped the procedures for monitoring armed people and armies. Both parties agreed to prioritize the DDR and the CA election. Even though the NA and the PLA interpreted the agreement in terms of their own benefits, this agreement led to the completion of the DDR program.

Initially, the tensions between the main political parties and the Maoists impacted the decision on whether and how to prioritize the DDR program or the CA election. The main political parties posited that the DDR program should begin first as the Maoists might utilize the PLA to jeopardize the election results. On the other hand, the Maoists suspected that the main political parties might delay the CA election once the DDR Program succeeded and were unwilling to surrender without such trust. However, the UNMIN succeeded in helping both parties to build a consensus after convincing them that the DDR program and the CA election could be initiated simultaneously.¹⁹² This action is usually not recommended, but this agreement allowed the two parties to work together. The GoN and the CPN-M signed the CPA, and both publicly declared their intention to disarm, demobilize, and reintegrate the PLA soldiers and democratize the NA.

¹⁹² Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 218–19.

However, events revealed that the Maoists continuously faced a conundrum over their participation in the DDR effort because they thought their cooperation could be interpreted as a concession or defeat. Thus, the peacebuilding process was delayed when they refused to continue because of their conviction that the DDR program would neutralize and dismantle their armed forces like a defeated rebel organization. Nonetheless, under the direction of UNMIN, the disarmament process continued with a voluntary and group submission of weapons. It was decided that the Maoist combatants would be locked in main camps and satellite camps with their weapons using special containers monitored by the UNMIN, with Maoist commanders controlling the keys.¹⁹³

The Maoists' voluntary participation in the disarmament process suggests that the Maoists were ultimately committed to a peaceful resolution. UNMIN documented 3,475 Maoist weapons stored in containers within their cantonments.¹⁹⁴ The UNMIN registered "91 mortars, 61 machine guns, 2,403 rifles, 61 automatic weapons, 114 side arms, 212 shotguns, 253 other weapons, and 233 homemade weapons."¹⁹⁵ Likewise, the UN documented and stored 2,855 weapons from the NA in containers within army barracks. An authorized body kept careful supervision of all these registered firearms.¹⁹⁶ There were some skeptics among the main political parties since there was a significant gap between the number of registered weapons and the number of ex-combatants, especially after the NA presented UNMIN with a list of 3,430 firearms seized from the NA, APF, and Nepal Police by the Maoists, 781 of which were not recognized among those registered.¹⁹⁷ Yet, the violence did not resurface, and the disarmament program continued.

Nepal's peacebuilding process thrived by confining the NA in the barracks and creating seven main camps and 21 satellite camps for housing former Maoist combatants who chose to join the integration process with the NA.¹⁹⁸ However, the CPN-M had

¹⁹³ Upreti, *Maoists in Nepal*, 168.

¹⁹⁴ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 211.

¹⁹⁵ Nayak, "PLA Integration into the Nepal Army," 738.

¹⁹⁶ Subedi, "Security Dimension of Post-Conflict Recovery," 147.

¹⁹⁷ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 211.

¹⁹⁸ Einsiedel, Malone, and Pradhan, 209.

already mobilized former fighters to set up makeshift camps before the government approved financing for their development to demonstrate its commitment to the peace process. There were two ways in which the CPN-M benefited from moving former fighters into cantonments without close monitoring by the government and foreign entities. First, the CPNM was able to show its dedication to the peace process.¹⁹⁹ Second, the disarmament of former Maoist combatants was taken as an opportunity to flex the strength of CPN-M by recruiting large numbers of fresh cadres and settling them in the main and satellite cantonments before UNMIN officially conducted verification of the former combatants. This was a milestone opportunity for the Maoist party to garner greater support and collect funds from the government to strengthen the party.²⁰⁰ According to Luna KC, there were around 30,000 Maoist insurgents; however, the UNMIN only confirmed 19,602 of them throughout the demobilization operation.²⁰¹ The confirmed soldiers received government benefits, while those who failed to attend the verification interview conducted by UNMIN were declared unverified and discharged from cantonments until February 2010.²⁰² Based on the age group, few were verified as minors, and those who joined the PLA after May 25, 2006, were placed in the category of later recruits, both collectively designated as verified minors or later recruits.²⁰³ These VMLRs were handed over for rehabilitation assistance under UNIRP from early 2010 until July 2013.²⁰⁴ The UNIRP's offerings to the VMLRs may have helped ensure that the 4,008 individuals did not pick up arms and instead opted for peaceful integration.

The DDR program in Nepal was unorthodox for numerous reasons. For example, as Dambaru Bahadur Subedi explains, "Firstly, contrary to many other contemporary DDR interventions, it did not significantly involve external intervention and outside actors.

¹⁹⁹ Subedi, "Security Dimension of Post-Conflict Recovery," 154.

²⁰⁰ Subedi, 154.

²⁰¹ K.C., "Everyday Realities of Reintegration," 459.

²⁰² D.B. Subedi, "Dealing with Ex-Combatants in a Negotiated Peace Process: Impacts of Transitional Politics on the Disarmament, Demobilization and Reintegration Programme in Nepal," *Journal of Asian and African Studies* 49, no. 6 (December 1, 2014): 676, <https://doi.org/10.1177/0021909613507537>.

²⁰³ K.C., "Everyday Realities of Reintegration," 458.

²⁰⁴ Subedi, "Dealing with Ex-Combatants in a Negotiated Peace Process," 677.

However, the UNMIN, a small, non-military UN mission based on consensus, was monitoring the movements of the Maoists and government forces and the demobilization and disarmament of former combatants.”²⁰⁵ Consequently, unlike many DDR initiatives worldwide, it was not necessary for Nepal’s DDR effort to involve a significant institutional mission led by foreigners. Second, what did not go well as per the spirit of the DDR was possessing a weapon with the pretext of providing protection to political commanders and, thereby, excluding many combatants from the DDR process.²⁰⁶ This was not a pragmatic practice in most of the post-conflict peacebuilding scenarios largely monitored and managed by the UN. Although traditional disarmament processes mandate that outside forces would contain all weapons and former combatants, the disarmament process in Nepal relied on the local population to do so. Third, the PLA members were allegedly allowed to move outside the camps by their commanders though technically they were strictly confined to the camp. Consequently, they were not demobilized according to the terms of the DDR.²⁰⁷ Inside the cantonments, commanders had unlimited authority over the PLA combatants’ lives. The cantonment had extremely rigorous access requirements and required PLA authorization. As a result, neither the public nor the government had access to much information regarding life inside cantonments. Finally, despite having gained much knowledge from other nations’ integration and rehabilitation policies, Nepal did not adopt approaches from those examples. Instead, Nepal constructed a framework under the Interim Constitution of 2007, the CPA, the AMMAA, and later political agreements amongst the major parties. Nepal did not strictly follow the technical DDR method used by many nations in their peacebuilding and peacemaking procedures. Potentially, its unique implementation allowed the process to move forward.

²⁰⁵ Subedi, “Security Dimension of Post-Conflict Recovery,” 148.

²⁰⁶ Subedi, 155.

²⁰⁷ Subedi.

D. THE PLA'S INTEGRATION INTO THE NEPAL ARMY AND THE SOCIETY

The nonacceptance and ideological differences between the politically motivated PLA combatants and the country's national army was one of the major hindrances that technically, politically, and economically complicated the post-conflict environment.²⁰⁸ The Maoists worried about the UN's readiness to move forward with the reintegration and rehabilitation of the PLA soldiers. However, the GoN offered the Maoists economic incentives that helped to ease their integration into society.

While both parties wanted to move forward with the peacebuilding process, they disagreed on the best way to integrate the PLA into the NA and society. The Maoist commanders and soldiers believed signing the CPA would integrate several thousand combatants into the NA, producing a new army to serve a "New Nepal." Meanwhile, other major political parties preferred fewer PLA being integrated in the National Army.²⁰⁹ The NA leadership had sought political protection to lessen the impact of the CPN-M's radical reforms.²¹⁰ However, the CPN-M campaigned persistently for the most effective integration of ex-combatants into the NA as opposed to their reintegration into communities. Due to these contrasting opinions, in 2009, the DDR program became dysfunctional, which resulted in the PLA's extended confinement in cantonments which the CPN-M regarded as collateral damage. Nevertheless, the GoN and the CPN-M pursued successfully integrating the PLA into the NA and society. Interestingly, the PLA remained silent and did not raise arms because of its commitment to the peacebuilding process via the CPA.

On November 1, 2011, the major political parties finally made a crucial decision and signed a Seven-Point Agreement on integrating and rehabilitating the ex-combatants.²¹¹ This agreement was successful despite the significant stakeholders' delays,

²⁰⁸ Nayak, "PLA Integration into the Nepal Army," 737.

²⁰⁹ Deepak Thapa, Alexander Ramsbotham, and Conciliation Resources, eds., *Two Steps Forward, One Step Back: The Nepal Peace Process, Accord 26* (London: Conciliation Resources, 2017), 48.

²¹⁰ Subedi, "Dealing with Ex-Combatants in a Negotiated Peace Process," 679.

²¹¹ Subedi, 685.

miscommunications, and inconsistencies over integration and rehabilitation. The Seven-Point Agreement addressed and resolved all contentious issues, such as the number of combatants to be integrated into the National Army, the integration and rehabilitation procedures, the determination of the combatants' ranks, and the minimum and maximum cash amounts for voluntary retirement packages.²¹² Due to the UNMIN's verification process, however, the number of fighters by the time the Seven-Point Agreement was reached. At the start of the peace process, 32,250 soldiers had joined the cantonments.²¹³ Only 19,602 people had passed UNMIN's verification process; 8,640 were absent; another 4,008 were excluded for being minors or late recruits; and 94 died while staying in the cantonment.²¹⁴ There were some political issues due to the discovery of an additional 2,456 missing people, notably because of the alleged abuse of allowances that were given based on the headcount of soldiers.²¹⁵ Nonetheless, the main political parties showed flexibility by giving up their old positions and coming to a deal. So, the major political parties helped make the peace process successful by offering financial flexibility regarding the purported number of combatants.

The options available to the ex-combatants were voluntary retirement with financial benefits, rehabilitation aid, and integration into the NA. According to the first option, out of 19,602 combatants, 6,500 ex-combatants would be qualified for individual integration into the NA if they matched the NA's average recruiting norms and criteria.²¹⁶ The second option offered a supported and assisted rehabilitation package costing "a minimum of NRs 600,000 to a maximum of NRs 900,000, including a provision for" ²¹⁷ academic help and career training options. The third choice provided ex-combatants with a financial retirement settlement divided into four tiers, with the lowest rank receiving Nepalese

²¹² Subedi, 685.

²¹³ Subedi, "Security Dimension of Post-Conflict Recovery," 148.

²¹⁴ Subedi, "Dealing with Ex-Combatants in a Negotiated Peace Process," 677.

²¹⁵ Subedi, 677.

²¹⁶ Jha, *Battles of the New Republic*, 284.

²¹⁷ Subedi, "Dealing with Ex-Combatants in a Negotiated Peace Process," 677.

Rupees (NRs) of 500,000 and the three higher positions receiving NRs of 600,000, 700,000, and 800,000, respectively.²¹⁸

Incorporating the Maoist army into the NA was one of the most challenging aspects of Nepal's peace process. Aside from political disputes, there were other severe technical obstacles to integrating these armies into the NA, in the sense that armies required professional standards such as essential academic degrees.²¹⁹ The NA had often stated that the absence of conventional training among Maoist troops would have a devastating impact on its professional standards.²²⁰ Thus, the NA would accept former Maoist fighters if they met its "set conditions" for admission, which had loosened in some respects, including age, education level, and marital status.²²¹ These criteria led to reducing the number of Maoist combatants being integrated with the NA.

These criteria also shed light on a power battle inside the CPN-M between factions backed by party president Prachanda and Vice President Mohan Baidya Kiran, because they saw the merger under the proposed conditions as a humiliating decision for the PLA and an untested way to integrate into NA.²²² The number of those interested in joining the NA dropped even further when the SC gave the PLA the power to make the final decision, because only 1,422 ex-combatants met the criteria for acceptance into the NA.²²³

After the departure of UNMIN, the GoN entrusted the SC with updating and reorganizing the former Maoist combatants under their preferred integration method. On April 10, 2012, the Special Committee's decision to hand over the ex-combatants, their weapons, and their cantonments to the GoN ended the country's dual army. The cantonments were ultimately dissolved in 2013 by offering former combatants the choice of either integration into NA or voluntary retirement along with a rehabilitation

²¹⁸ Subedi, 677.

²¹⁹ Thapa, Ramsbotham, and Conciliation Resources, *Two Steps Forward, One Step Back*, 47.

²²⁰ Subedi, "Dealing with Ex-Combatants in a Negotiated Peace Process," 685.

²²¹ Jha, *Battles of the New Republic*, 282.

²²² Thapa, Ramsbotham, and Conciliation Resources, *Two Steps Forward, One Step Back*, 48.

²²³ Subedi, "Dealing with Ex-Combatants in a Negotiated Peace Process," 686.

program.²²⁴ Many nations have not adopted the concept of voluntary retirement. Chiranjibi Bhandari notes that “voluntary retirement proved extremely popular as opposed to the assumptions and expectations of national and international actors, with 90% of the PLA opting to take the one-time financial awards.”²²⁵ International actors and donor groups had rejected this option due to the history of mixing money, weapons, and combatants in past post-conflict communities like Angola and Somalia.²²⁶ The GoN took the extraordinary step of procuring all the necessary funds from the national treasury, though donor agencies rejected the notion of delivering cash to former fighters.²²⁷ This step was a critical indicator of its dedication to the peace process and ex-combatant rehabilitation. The value of the monetary packages matched the former Maoist insurgents’ army ranks, as established by the UNMIN. Those who chose financial awards were divided into four categories based on their rank, with the top receiving NRs 800,000 and the lesser ranks receiving NRs 700,000, NRs 600,000, and NRs 500,000, respectively.²²⁸

Nepal developed a novel idea of voluntary retirement as a part of the social integration process. Most former fighters ultimately chose the option of voluntary retirement. This strategy centered on facilitating reintegration into civilian life by providing a financial buffer. Several former PLA combatants who chose voluntary retirement appear to have encountered fewer social problems in terms of acceptability and social rehabilitation. They returned to civilian life and established their independent means of subsistence relatively quickly. Some ex-combatants also purposefully concealed their identities and affiliation with the Maoist Party to facilitate communal and political reintegration into new communities. The voluntarily retired PLA members had an advantage in the postwar transition since they had already established social ties with the local populace while living in cantonments. Among the vulnerable subgroups of former

²²⁴ Chiranjibi Bhandari, “Social Dialogue: A Tool of Social Reintegration and Post-Conflict Peacebuilding in Nepal,” *Asian Journal of Peacebuilding* 7, no. 1 (2019): 144, <https://doi.org/10.18588/202005.00a062>.

²²⁵ Bhandari, 144.

²²⁶ Thapa, Ramsbotham, and Conciliation Resources, *Two Steps Forward, One Step Back*, 48.

²²⁷ Bhandari, “The Reintegration of Maoist Ex-Combatants in Nepal,” 65.

²²⁸ Bhandari, 66.

combatants, particularly the severely injured and disabled, the lack of access to sufficient medical treatment and counseling during cantonment and after demobilization significantly impacted their capacity to reintegrate.

Some former Maoist combatants found it hard to fit back into society. They did not return to their hometowns but established themselves in the districts immediately around the former cantonment, in cities, or the suburbs. Several former soldiers who retired voluntarily were still involved in the CPN-M, their political party of origin.²²⁹ They flocked to the party committee in large numbers nationally and locally. All ex-combatants interested in a party post were given their positions “in party committees at the central, district, and local levels, facilitating their political reintegration.”²³⁰ Several former female combatants did not have the same level of autonomy as their adult male colleagues when it came to deciding which of the reintegration choices best suited their unique requirements. The patriarchal institutions and gender inequalities in Nepal made it difficult for former female PLA members to reintegrate into society.²³¹ Because of their status as mothers and women, they encountered stereotypes and biases after demobilization and could not fully benefit from the reintegration possibilities.

Nepal’s method of reintegration was rather distinctive; it was mainly carried out through a national framework for reintegration. Undoubtedly, many other nations still need to complete the DDR process satisfactorily. In a society like Nepal where caste and gender issues are visible in every walk of life, it would be far from the truth to claim that Nepal’s reintegration and the peace process were completely successful. Undoubtedly, the process had to surpass complicated barriers throughout.²³² Both male and female ex-soldiers have occasionally experienced discrimination from their communities and families. After years of delays, the DDR process finally resulted in the effective reintegration of former PLA combatants from the Maoist movement. And unlike in many post-conflict countries, the

²²⁹ Bhandari, 66.

²³⁰ Bhandari.

²³¹ K.C., “Everyday Realities of Reintegration,” 463.

²³² K.C., 463.

peace process in Nepal has not been violated, nor have ex-combatants challenged the government or the SC's decisions. Though some former PLA members are now participating in all-Maoist political groups, the majority are not and appear to be somewhat detached from party politics, possibly because of the repeated splinters they witnessed in the party for which they fought.

E. CONCLUSION

Nepal had severe concerns about the reintegration of former fighters. After the CPA was signed in 2006, managing armaments and armies remained one of Nepal's significant problems for more than six years. The integration of 1,422 ex-combatants into the NA and the reintegration of 15,630 ex-combatants back into society symbolize a great success in the peace process, despite the uncertainties and protracted arguments on the number, method, rank, and other aspects of the integration processes and rehabilitation.²³³ The PLA's reintegration into the NA and society was seen as a politically agreed upon and locally managed process.

Despite its withdrawal amid the peace process, UNMIN was instrumental in carrying out an effective DDR program. Without UNMIN, the major political parties and the SC could not complete the integration of the PLA into the NA and society. UNMIN had a prominent presence but a restricted oversight and technical support mandate. This restriction contributed to a complicated political game rooted in a political culture whose virtues and vices were difficult for UNMIN to grasp and address, ultimately leading to its departure without completing its mandate.

The DDR process took more than six years to conclude. However, all parties, including the NA and former combatants, involved generally followed the CPA, AMMAA, and subsequent political accords. No significant incidents broke the ceasefire conditions or the prior agreed-upon behavior codes. Most crucially, moral pressure from the Nepalese people stopped all the parties involved from jeopardizing the peace effort, thus setting a sterling example.

²³³ Bhandari, "The Reintegration of Maoist Ex-Combatants in Nepal," 65.

As the example of Nepal illustrates, the political will of the opposing parties plays a significant role in determining the DDR process's success. Despite disagreements, none of the parties involved, including the NA, CPN-M, and other mainstream political parties, departed from the process; instead, they established a culture of discussion to settle the issues and reach a consensus. Although Nepal benefited greatly from lessons learned from international methods, the peace process was based on Nepal's internal socio-political actors, and ultimately, it succeeded.

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IV. THE ADOPTION OF A FEDERAL CONSTITUTION: SUCCESSSES AND FAILURES

Nepal's successful adoption of a constitution within a decade of the ending of the insurgency provides an important example of peacebuilding processes that face pressures from below and are made up of successes and failures along the way. The combination of public pressure due to exhausted public, economic crisis, and the United Nations framework in DDR led the leaders to make compromises with the minority communities as well as rival political groups. At the beginning Interim Constitution committee in 2007 determined that the CA would only last for two years from the date of its first meeting, and this set the deadline and motivated the major political parties to overcome issues and promulgate a new federal constitution successfully. Although the initial disagreement among political parties and the Madheshis on whether to have an ethnic or geographically divided structure caused some friction, the overall recognition of the need to establish a system that guaranteed rights to marginalized groups, coupled with the deadline for the successful adoption of a federal constitution, motivated the major political parties to work towards a consensus.²³⁴ The Madheshi rebellion and the ongoing election processes created pressure to convince the public of the government's ability to solve issues peacefully. The GoN agreed to promulgate a new constitution that guaranteed a decentralized governing system by adopting a federal system based on ethnicity and geography.

The chapter analyzes the achievement of the new constitution in contributing to the successful peacebuilding process that stabilized the country further. Additionally, this chapter explains how the GoN successfully integrated these new systems without relapsing into civil wars. To do so, this chapter describes how various political groups, while adopting the new constitution and federal structure, produced and overcame political

²³⁴ The Madheshis comprise several ethnic groups who live in Terai, the southern part of Nepal. Cale Salih and Sebastian von Einsiedel, *Background Paper for the United Nations – World Bank Flagship Study on the Prevention of Violent Conflict*, Conflict Prevention Series No. 1 (Tokyo: United Nations University Centre for Policy Research), 5.

tensions regarding post-constitutional political development and power sharing, which led to the successful adoption of the constitution.

A. CONTENTIOUS TRANSITION UNDER THE FEDERAL CONSTITUTION

The end of the insurgency in 2006 prompted a contentious transition to federalism, although the parties had agreed to adopt a federal structure in principle.²³⁵ The Maoists and the Madhesh-based political parties believed that the traditional unitary governing system did not sufficiently distribute services to the entire population. Consequently, they thought a decentralized federal system would offer a more suitable way of facilitating services to the people. In 2006, the CPN-M signed the CPA and agreed to enter mainstream politics based on several stipulations, the primacy being to end the conflict by adopting a federal system. Their demands were for “the constituent assembly election, the transformation of the existing centralized and unitary state system into an inclusive democratic and progressive state, and the promulgation of the new constitution.”²³⁶ They also reinforced these commitments in the Interim Constitution of 2007.

However, a disagreement arose as different political parties in the country tried to figure out a system of divisions for setting up a new federal authority, leading to the possibility of political instability soon after the end of the insurgency. The first CA election in 2008 brought multiple parties to power including the CPN-M, which was the largest single party, then the NC, the UML, and a Madhesh-based party.²³⁷ Upon gaining power, these parties expressed different expectations about the design of the new constitution. The CPN-M and the Madheshi political parties mainly favored an ethnically based federal system. In contrast, the NC and the UML favored a geographically based one, producing tensions among the CA.

²³⁵ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 238.

²³⁶ Upreti, *Maoists in Nepal*, 169–70.

²³⁷ Michael Hutt, “Before the Dust Settled: Is Nepal’s 2015 Settlement a Seismic Constitution?,” 384, accessed December 17, 2022, <http://www.tandfonline.com/doi/epdf/10.1080/14678802.2020.1771848?needAccess=true&role=button>.

Thus, the political parties began a long and fraught transition to federalism that lasted until 2015. It significantly impacted the country's politics because it produced a setting in which different parties and organizations competed to determine the form and allocation of authority under the new system. While several different proposals existed, such as consolidating the existing federal structure into a smaller number of larger states or creating a more significant number of smaller ones, the agreed-upon deadline for the CA pressured these groups to reach a consensus. Moreover, the public made it clear that the government's legitimacy was based on stability.²³⁸

The Maoists had advocated for federalism during the insurgency but could not continue during the peace agreement as the NC and the UML did not favor federalism. During the insurgency, the Maoists utilized ethnicity to mobilize ethnic groups like the Magars, Tamangs, Madheshis, Dalits, and Limbus to overthrow the monarchial regime.²³⁹ In return for their support, the Maoists promised to provide federal states according to ethnic communities based on the right of determination. They recognized several autonomous regions like Tharuwan, Tamuwani, Tamang Saling, Kirat, and Madhesh.²⁴⁰ While federalism was on the Maoist agenda from the beginning of the conflict, the first Madheshi uprising in 2007 forced them to support it actively.²⁴¹ Thus, the Madheshi movement began to assert its support for federalism more forcefully, linking it to self-determination.²⁴² As a direct result of the first Madhesh movement, in 2007, the parliament amended the Interim Constitution of 2007 to mandate the transformation of the state into a progressive democratic federal system.²⁴³

²³⁸ Keshav K. Acharya, "Federalism Practice in Nepal: Does It Move in the Expected Course?," *Dhaulagiri: Journal of Sociology & Anthropology* 15 (January 2021): 22, <https://doi.org/10.3126/dsaj.v15i01.41923>.

²³⁹ Daniela Körppen, ed., *A Systemic Approach to Conflict Transformation: Exploring Strengths and Weaknesses*, Berghof Handbook Dialogue Series 6 (Berlin: Berghof Forschungszentrum für Konstruktive Konfliktbearbeitung, 2008), 57.

²⁴⁰ Gokarna P. Gyawali, "Federalism: Challenges and Opportunities in Nepal," *Molung Educational Frontier* 8 (December 3, 2018): 8, <https://doi.org/10.3126/mef.v8i0.22439>.

²⁴¹ Gyawali, 8.

²⁴² André Lecours, "The Question of Federalism in Nepal," *Publius* 44, no. 4 (2014): 619.

²⁴³ Lecours, 619.

The Madheshi revolt in 2007 was well-timed to impact politics and the adoption of a federal system profoundly. The Madheshi uprising's bloodshed sparked concerns about a new insurgency or civil war. Because the 2007 Interim Constitution did not address some of the key Madheshi demands, including regional autonomy and federalization, the Madheshi population of the Tarai formed a new allied Madheshi political party in protest soon after the passage of the Interim Constitution in January 2007.²⁴⁴ According to Sebastian Von Finsiedel, David Malone, and Suman Pradhan, there were clashes in Terai area towns between protesters and government security forces, and the unrest-related incidents resulted in the deaths of more than 30 individuals.²⁴⁵ The GoN was already in a precarious position before the Madheshi revolt. Its supporting political parties were understandably anxious to prevent disruptions threatening their interests in the country's new political order.²⁴⁶ Therefore, the GoN at the time acted on the Madheshi people's requests for federalism, even though the NC and the UML opposed federalism. Also, at that point, the Maoists declared an end to their armed struggle and agreed to try to bring about change through democratic methods.²⁴⁷

After joining mainstream politics, the Maoists could not maintain their demand for identity-based ethnic federalism because the NC and UML declined to express a firm commitment to federalism in the Interim Constitution of 2007. As a result, the Maoists accepted a general acknowledgment of the state's gradual reorganization for the time being.²⁴⁸ Subsequently, several ethnic leaders quit the Maoist party, forming ethnically based parties according to communities. Two notable leaders were Upendra Yadav, at the forefront of the Madhesh movement, affiliated with the Maoists, and Laxman Tharu, a prominent leader in the Tharu community. Both leaders left the party and accused the Maoists of failing to embrace ethnic claims.²⁴⁹ Gaining legal protections and social status

²⁴⁴ Adhikari, *The Bullet and the Ballot Box*, 220.

²⁴⁵ Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 243.

²⁴⁶ Lecours, "The Question of Federalism in Nepal," 619.

²⁴⁷ Lecours, 619.

²⁴⁸ Adhikari, *The Bullet and the Ballot Box*, 219.

²⁴⁹ Adhikari, 219.

as a distinct ethnic group was also a top priority for the Madheshi and Janajati leaders.²⁵⁰ The Maoists' radical redistributive agenda held little appeal for them, and some even fought against it. Despite their differences, the Maoists, Madheshis, and Janajaties united to discuss federalism with the NC and the UML because they wanted equitable access to resources from the state and the right to self-government for minority communities.²⁵¹ The NC and UML were uneasy with the notion of federalism since powerful groups among the populace, such as the hill and upper castes, the royalists, and the majority of Kathmandu's bourgeoisie shared their ambivalence.²⁵² Although these groups did not want to lose their privileged status in society, they eventually agreed to a design inspired by the federalist agenda to preserve the peace.

In 2008, Maoists, Madheshis, and Janajaties developed a conceptual platform that favored ethnic federalism.²⁵³ The NC and the UML worked to diminish ethnic concerns, even though they had embraced federalism in principle. They posited that ethnic federalism could lead to further fragmentation of the country, creating additional states based on linguistic and cultural factors, which could cause different groups to compete for power and resources.²⁵⁴ They recommended emphasizing the provinces' ability to act as independent political entities that required establishing a federal system that guaranteed equitable and nearly equal access to natural resources, revenue streams, and administrative infrastructure to all citizens.²⁵⁵ Similarly, the NC and UML proposed to keep the number of provinces as small as possible due to the difficulty of administering numerous states in developing countries like Nepal.²⁵⁶ On the other side, the Maoists and the Madheshi political parties pushed for giving priority privileges, such as preferred access to political authority and natural resources, to the dominant ethnic group in each province.

²⁵⁰ Adhikari, 222.

²⁵¹ Adhikari, 223.

²⁵² Adhikari.

²⁵³ Adhikari.

²⁵⁴ Adhikari.

²⁵⁵ Adhikari.

²⁵⁶ Adhikari.

The Madheshi parties first requested a single Madhesh province, but Tharus, who were included in the province, opposed it and demanded a separate region.²⁵⁷ Even though the State Restructuring Commission mapped six constituent unit models, the Maoist Party had proposed the creation of 11 states based on the country's major ethnic and linguistic groups.²⁵⁸ Since it split Madhesh into five parts, Madheshi parties strongly condemned the 11-unit map and threatened widespread disruption through a general strike.²⁵⁹ Similarly, the "NC supported a six-constituent unit model" that was "quite detached from explicit ethnic references and where the units were numbered rather than named. However, the NC had lost many indigenous and Madheshi members who left the party over its opposition to identity-based federalism."²⁶⁰ Likewise, in a response to the Maoists' proposal and contentious discussions about federalism before the CA's fall, the UML Standing Committee put up two alternatives: an eight province multiethnic model and ten province model with one ethnic identity.²⁶¹ Despite these disputes, none of the mainstream political parties abandoned the peace process; instead, they created a culture of dialogue to resolve the problems and reach a compromise.

The first CA's primary cause of dissolution was its inability to reach a consensus over the new federal states' number, borders, or names. The parliament had established special committees to resolve the problem. In 2010, "the Committee for State Restructuring and Distribution of State Power suggested 14 federal states, including two with mixed ethnic-linguistic-geographic titles and two with ethnic names."²⁶² This proposal caused a debate, partly because the NC and UML viewed the smaller states as impractical. In 2012,

²⁵⁷ Dipendra Jha, "From Big Bang to Incrementalism: Choices and Challenges in Constitution Building – Nepal," *Melbourne Forum of Constitution Building in Asia and the Pacific* 2017, 4, accessed December 8, 2022, https://law.unimelb.edu.au/__data/assets/pdf_file/0010/2536543/Nepal-Jha.pdf.

²⁵⁸ Lecours, "The Question of Federalism in Nepal," 623.

²⁵⁹ Lecours.

²⁶⁰ Lecours.

²⁶¹ Narayan Silwal, "Federalism in Nepal: Divergent Perception and Convergent Requirement for Democratic Consolidation" (master's thesis, Naval Postgraduate School, 2013), 70.

²⁶² Krishna P. Adhikari and David N. Gellner, "New Identity Politics and the 2012 Collapse of Nepal's Constituent Assembly: When the Dominant Becomes 'Other,'" *Modern Asian Studies* 50, no. 6 (2016): 2009–40.

the CA tasked a more compact High-Level State Restructuring Commission with finding a suitable solution.²⁶³ The commission “proposed ten territorial states (six ethnics, two geographics, and two mixed) with ten names and one non-territorial state for Dalits (lowest castes).”²⁶⁴ While most of the panel agreed, a minority of members argued against it. It advocated for creating six non-ethnic geographic states instead. Nonetheless, the CA failed to vote and disgracefully ended without having the opportunity to choose any kind of constitution. The first CA’s inability to complete the constitution-making process by the initially scheduled deadline of May 2010 and subsequent delays undermined the public’s faith in the CA’s ability to bring about a constitution that belonged to the people.²⁶⁵ Consequently, the CA’s failure led to a structurally inefficient constitution-making process that was difficult to amend retroactively without two-thirds of the majority’s consent.

The Interim Constitution of 2007 stated that the constitution’s preamble and each item must be accepted by a unanimous vote of the CA, with at least two-thirds of the CA present at the meeting.²⁶⁶ The Maoists and Madhesh-based parties supported the extreme structural change and could not defeat the more conservative parties, the NC, and the UML, without a majority vote.²⁶⁷ The political parties had disagreed on the formation of government, whether it should be presidential or parliamentary, bicameral or unicameral political systems, and whether it should have constitutional or Supreme Courts.²⁶⁸ Thus, “the first CA was dissolved in May 2012 after failing to create a constitution despite receiving four extensions of its term of office and the installation and removal of five different coalition administrations.”²⁶⁹ This incident led to the people’s frustration and

²⁶³ Adhikari and Gellner.

²⁶⁴ Adhikari and Gellner.

²⁶⁵ Bishnu Raj Upreti, “Nepal From War to Peace,” *Peace Review* 24, no. 1 (January 2012): 103, <https://doi.org/10.1080/10402659.2012.651040>.

²⁶⁶ Hutt, “Before the Dust Settled,” 385.

²⁶⁷ Hutt, 385.

²⁶⁸ Hutt, 386.

²⁶⁹ Hutt.

unhappiness with the political parties because they failed to perform effectively and carry out the political path envisioned in the 12-points agreement and CPA.²⁷⁰

B. THE NEW CONSTITUTION, ACHIEVEMENTS, AND MADHESHI CONCERNS

In November 2013, the second CA election highlighted people's expectations and was a verdict on the political parties' commitment to delivering the constitution through the CA. The NC won 196 out of 601 seats.²⁷¹ The UML came in second with 175 seats, the Maoist party came third with 80, and the Rashtriya Prajatantra Party and other Madhesh-based groups rounded out the bottom five.²⁷² There were over 30 political parties and two independents in the second CA. As the Maoist and the Madheshi parties saw their support decline, a new power distribution pattern emerged in the second CA.²⁷³ Weakened by elections, the Maoists and the Madheshi parties felt compelled to reach a compromise and submit a constitution on schedule. The public demanded it because of widespread governmental instability, and they wanted a constitution to ensure stability in power sharing and a timely peacebuilding process.

The second CA election shifted the party dynamics enough that the new CA could continue working towards implementing a federalist system of governance. Although they were only informal, strong ethnic groups existed in the first CA, whereas the second CA forbade caucuses altogether. Despite differences in the federal structure, the altered political landscape had a noticeable effect on constitutional negotiations. In June 2015, the NC, UML, CPN-M, and a fraction of the Madheshi Front agreed on the "16-point agreement to resolve all contentious issues as they agreed on the formation of the government, general elections, the election of the President and Vice President, and the

²⁷⁰ Debendra Prasad Adhikari, "The Saga of Conflict Transformation and Peace Process in Nepal: A Unique Account," *Journal of Education and Research* 7, no. 2 (August 15, 2017): 34, <https://doi.org/10.3126/jer.v7i2.21245>.

²⁷¹ Chandra Bhatta, *Rooting Nepal's Democratic Spirit* (Nepal: Friedrich-Ebert-Stiftung, 2022), 50.

²⁷² Bhatta, 50.

²⁷³ Krishna Prasad Pandey, "Inclusive Vis-à-Vis Exclusionary Constitution: An Analysis of the Current Constitutions of Nepal and Bhutan from Ethnic Lens," *Millennial Asia*, March 19, 2021, <https://doi.org/10.1177/0976399620978635>.

restructuring of local levels.”²⁷⁴ Although the political parties, for the most part, attempted to negotiate the unresolved issues among themselves, comments from the general public were solicited within two days on sensitive matters through a survey regarding federalism, secularism, and the constitutional court that led to solutions based on input from constituents.²⁷⁵ They decided on eight provinces, but left it up to a committee to determine their borders. However, the Supreme Court’s interim ruling compelled them to settle quickly about the seven provinces and their territory.

On September 20, 2015, a two-thirds majority of CA members voted to approve the new constitution, despite opposition from several Madhesh-based parties and some Janajati groupings. The preamble of the 2015 constitution expresses support for plurality, multilingualism, and multiculturalism.²⁷⁶ Most citizens enthusiastically embraced the new constitution. The constitution allowed for the implementation of inclusive policies that encouraged the people to be active in all aspects of public life.²⁷⁷ The Maoists, in a concession to the NC and the UML, agreed to a federalist system based on geographic regions in the constitution ratified in September 2015.²⁷⁸ Ultimately, 537 of the 598 people that made up the CA approved the Constitution of Nepal.²⁷⁹ The majority (58) of the 61 absentee lawmakers were representatives of the Madheshi parties.²⁸⁰ The CA adopted seven provinces based on territorial federalism.²⁸¹ The provinces were “to be resolved in accordance with the constitution” by a majority vote of two-thirds of the legislature in each separate province.²⁸² Up to this point, six provinces have announced their names,

²⁷⁴ Thapa, Ramsbotham, and Conciliation Resources, *Two Steps Forward, One Step Back*, 77.

²⁷⁵ Bhatta, *Rooting Nepal’s Democratic Spirit*, 51.

²⁷⁶ Pandey, “Inclusive Vis-à-Vis Exclusionary Constitution,” 7.

²⁷⁷ Pandey, 19.

²⁷⁸ Julia Strasheim, “No ‘End of the Peace Process’: Federalism and Ethnic Violence in Nepal,” *Cooperation and Conflict* 54, no. 1 (2018): 89, accessed December 10, 2022, <https://doi.org/10.1177/0010836717750199>.

²⁷⁹ Strasheim, 89.

²⁸⁰ Strasheim.

²⁸¹ Damodar Adhikari, *Nepal’s Road to Federalism: From the Perspective of Grassroots Democracy* (Kathmandu, Nepal: Research Triangle Institute, 2020), 98.

²⁸² Gyawali, “Federalism,” 41.

including province No. 2 as Madhesh Pradesh, province No. 3 as Bagmati Pradesh, province No. 4 as Gandaki Pradesh, Province no. 5 as Lumbini Pradesh, province No. 6 as Karnali Pradesh, and province No. 7 as Sudurpashchim Pradesh.²⁸³ Province No. 1 still needs to be proclaimed.²⁸⁴

The 2015 Constitution of Nepal was the nation’s first constitution inspired by India’s constitutional “cooperative federalism” to guarantee equal rights to a large extent of the population, including marginalized groups like women, Dalits, and Madheshis.²⁸⁵ Before the current constitution, six constitutions (1948, 1951, 1959, 1962, 1990, and 2007) were written by certain elite groups and failed at various points in the country’s history.²⁸⁶ After promulgating the new constitution, the GoN could successfully conduct periodic elections, including two local, two parliamentary, and two province-level elections, strengthening the peacebuilding process. The 2015 Constitution of Nepal established a federal government with seven newly constituted provinces and a substantially reconstructed local level of government.²⁸⁷ The constitution explicitly abolished the previous feudalistic, authoritarian, centralized, and unitary form of government and replaced it with a federal democratic republic focused on the welfare of its citizens.

1. The New Constitution’s Special Provisions for Addressing the Rights of Women and Marginalized Groups

In 2015, the GoN’s adoption of a new constitution was a milestone in the peacebuilding process that empowered women and marginalized groups and helped the main political parties to reach a consensus. Women and marginalized groups demanded access to more power, according to this approach. The constitution includes several clauses that attempt to guarantee women and other disadvantaged groups the right to participate in

²⁸³ Gyawali, 41.

²⁸⁴ Gyawali, 41.

²⁸⁵ Martin Belov, ed., *Peace, Discontent and Constitutional Law: Challenges to Constitutional Order and Democracy*, Comparative Constitutional Change (Milton Park, Abingdon, Oxon ; New York: Routledge, 2021), 157.

²⁸⁶ Adhikari, *Nepal’s Road to Federalism*, 100.

²⁸⁷ Adhikari, 100.

the country's political and social life. These clauses include quotas for women in parliament and local governments and provisions for affirmative action in employment.²⁸⁸ The inclusion of these clauses have helped women and marginalized groups create compromises that resulted in comprehensive governmental changes for a more inclusive society that accommodate a wide range of ethnic and marginalized groups.

The 2015 Constitution of Nepal ensured “the protection and promotion of the rights” of disadvantaged and marginalized groups, such as women, Dalits, and indigenous peoples.²⁸⁹ The constitution provided women and other historically persecuted groups equal rights and representation. It reserved specific quotas for them in government and public institutions to guarantee these communities’ representation in the country’s highest decision-making bodies.²⁹⁰ The unique elements of the constitution included a mandate for at least 33% female participation in all spheres of public activity and equal rights to family property.²⁹¹ The constitutional provision is equally progressive because it mandates reserving 45% of government jobs for underrepresented groups.²⁹² As an illustration, consider the number of municipal elected representatives: 14,339 (or 41%) are women. According to Damodar Adhikari, “apart from women, representation of Dalits, Janajatis (29.3%), and Madheshis has also increased significantly in parliament and other elected bodies.”²⁹³

Additionally, quota systems were adopted for elected officials at the federal, provincial, and local levels of government. At the ward level, at least two of the four members must be women, and at least one must be Dalit. At the municipal level, one of the

²⁸⁸ Hari Bansh Tripathi, “The Constitution of Nepal: A Critique,” HeinOnline, 2016, 118.

²⁸⁹ Tripathi, 118.

²⁹⁰ S. D. Muni, “Nepal’s New Constitution: Towards Progress or Chaos?,” *Economic and Political Weekly* 50, no. 40 (2015): 15–19.

²⁹¹ Muni, 15–19.

²⁹² Muni.

²⁹³ Adhikari, *Nepal’s Road to Federalism*, 100.

party candidates for the top two positions must be a woman.²⁹⁴ The quota system has given a more significant number of votes to traditionally marginalized groups, including the Dalits, resulting in fairer representation of such groups at the municipal level.²⁹⁵ As a result, the dominating Khas Arya (the elite group), who comprise 31% of the country's population, obtained only 34% of the seats in local governments. However, these numbers conceal their control over powerful positions since they comprise 45% of the crucial municipal leaders, deputies, and ward chairs.²⁹⁶ The Khas Arya control 44% of the seats in the seven provincial assemblies and 45% of the seats in the federal parliament, continuing a similar upward trend.²⁹⁷ The latter is concerning, even if it compares well to their dominance in the three parliaments elected in the 1990s elections because it shows a progressive upward movement from the first and second CAs.²⁹⁸ Most of the political parties were satisfied by this provision. Although the women and marginalized groups wanted even more representation, they did not want to risk fracturing the peace.

2. Features of the Parliamentary System and Formation of the Government

Before the establishment of the 2015 Constitution of Nepal, the transition to a parliamentary form of government was somewhat contentious, but the parties eventually reached a consensus. Initially, the Maoists wanted a presidential system, while the NC and UML wanted a parliamentary government. The Maoists insisted on having the presidency decided by popular vote alone. They thought this would bring about some degree of permanency and certainty and maintained that the president would give a solid central authority, which is much required.²⁹⁹ Nonetheless, the constitution established a parliamentary form of government, with parliamentary elections for the prime minister and

²⁹⁴ Deepak Thapa, "Negotiating a 'New Nepal'," Conciliation Resources, 66, accessed December 12, 2022, <https://www.c-r.org/accord/inclusion-peace-processes/negotiating-%C2%A0%E2%80%98new-nepal%E2%80%99>.

²⁹⁵ Thapa, 66.

²⁹⁶ Thapa.

²⁹⁷ Thapa.

²⁹⁸ Thapa, 61–65.

²⁹⁹ Jha, *Battles of the New Republic*, 302.

cabinet members and a clear demarcation of authority between the legislative and judicial departments of government.³⁰⁰ This separation of powers created a balanced governance system that satisfied all the major political parties. As a result, the prime minister and cabinet are responsible to parliament and may be removed with a vote of no confidence, resulting in more transparency and accountability.³⁰¹ Nonetheless, for a minimum of two years after the government was first formed, a no-confidence vote against the government was prohibited.³⁰² Also, the parliamentary system fosters consistency and collaboration in policymaking by allowing the participation of many political parties and interests inside the executive branch. The constitution mandates that political parties must meet a threshold of 3% of the vote and have at least one seat in parliament to be represented in the legislative body. The purpose of this mandate is to discourage “frequent party splits and to encourage the formation of stable governments.”³⁰³ Similarly, even a powerful prime minister cannot dissolve the parliament.

The NC, UML, and Madheshi parties had previously proposed a bicameral central legislature, while the Maoists had preferred a unicameral one. According to the constitution, the federal parliament has two houses, whereas the provincial parliament has one house. This provincial parliament is the only entity comparable to the federal parliament regarding lawmaking. The National Assembly is the upper chamber of the country’s bicameral federal legislature, and its 59 members serve six years in office.³⁰⁴ The president recommends three of the 59 members (one each from a woman, Dalit, and disabled group).³⁰⁵ The remaining 56 come from seven different areas (eight from each). Adhikari explains that members of the House of Representatives serve five-year terms once elected. According to the 2015 Constitution of Nepal, there are a combined 275 seats: 165

³⁰⁰ Acharya, “Federalism Practice in Nepal,” 32.

³⁰¹ “Nepal’s Constitution and Federalism: Vision and Implementation,” Asia Foundation, 3, accessed December 6, 2022, https://asiafoundation.org/wp-content/uploads/2020/10/Nepals-Constitution-and-Federalism_Vision-and-Implementation_English.pdf.

³⁰² Bhatta, *Rooting Nepal’s Democratic Spirit*, 52.

³⁰³ Bhatta, 52.

³⁰⁴ Adhikari, *Nepal’s Road to Federalism*, 100–101.

³⁰⁵ Adhikari, 100–101.

single-seat seats and 110 proportional party list seats.³⁰⁶ In sum, Nepal has adopted a mixed electoral system instead of a plurality/majority electoral system to better handle political disagreement and accommodate the country’s cultural, ethnic, marginalized, and socioeconomic variety.

Equally, the constitution presumes a cabinet with fewer than 25 members. To serve as prime minister or any other cabinet position in the government, one must be a member of the federal House of Representatives. Whether through election, nomination, or appointment, only citizens by descent may hold constitutional “executive positions like President, Vice President, Prime Minister, Chief Justice, Speaker, National Assembly Chairman, State Chief, Chief Minister, State Assembly Speaker, and heads of security agencies.”³⁰⁷ The constitution recognizes the country as “a secular state,” with “secularism” defined as the preservation of religious and cultural liberties.³⁰⁸ It allows for changes to any article other than the country’s “provision of self-rule, sovereignty, territorial integrity, and sovereignty inherent in the people.”³⁰⁹ Additionally, the referendum on national matters is allowed. Constitutional provisions for growth and change ensure that it will always be a working text.³¹⁰

3. The Madheshi Issues and the Aftermath of the 2015 Constitution

While the federal constitution granted more rights and power to women and marginalized groups, it is essential to note that the Madhesh-based political parties and some Janajatis remained dissatisfied with the successful adoption of the constitution because their demands were not incorporated into the constitution. Their dissatisfaction manifested in 2015 when the Madheshi-affiliated political parties voiced discontent with the new constitution’s provisions concerning the delineation of federal states and the participation of Madheshi communities in the political system. These groups contended

³⁰⁶ Adhikari.

³⁰⁷ Tripathi, “The Constitution of Nepal: A Critique,” 121.

³⁰⁸ Tripathi, 129.

³⁰⁹ Tripathi, 117.

³¹⁰ Tripathi, 113.

that the constitution did not fully address the concerns and interests of Madheshi communities, and they staged demonstrations and strikes to seek constitutional modifications. The discontent of Madheshi-based political groups continues to be a source of friction and conflict, posing obstacles to implementing the new constitution and the more extensive rebuilding process.

The Madheshi people see the new constitution as discriminatory as it did not adequately address their demands for better representation and autonomy within the country. Specifically, the Madheshi parties contested four specific articles of the constitution. First, they worried that the geography-based federalism outlined in Article 56.3 would further marginalize them because they do not make up a majority in any federal states.³¹¹ Second, the Madheshi parties argued that Article 11 of the constitution, which deals with citizenship, discriminated against women and the Madheshi people.³¹² Third, the Madheshis thought that eliminating the proportional representation law in Article 84.1 would cause the Madheshis to be underrepresented in the federal parliament.³¹³ Finally, they preferred the creation of electoral constituencies created on population density rather than territory and citizens, as required by Article 84.1.³¹⁴

The second Madheshi movement began in August 2015 in the southern region, especially Terai, in response to adopting the 2015 Constitution of Nepal. It involved a lot of protests, strikes, barricades, and fights with the police and security forces. The Terai region was in turmoil by August 2015. Seven police officers were murdered in the most severe event, which occurred in the Kailali area in the western region during protests for autonomy in the province of Tharuhat.³¹⁵ There were times when violence broke out, and 58 people were killed or hurt during the movement.³¹⁶ In January 2016, the constitution was first revised to accommodate the concerns of the Madheshi and Janajati

³¹¹ Strasheim, “No ‘End of the Peace Process,’” 90.

³¹² Strasheim, 90.

³¹³ Strasheim.

³¹⁴ Strasheim.

³¹⁵ Thapa, Ramsbotham, and Conciliation Resources, *Two Steps Forward, One Step Back*, 131.

³¹⁶ Thapa, Ramsbotham, and Conciliation Resources, 131.

communities.³¹⁷ The constitution established proportional representation in state institutions, and electoral districts were to be drawn up according to criteria including “population, geographical closeness, and specialty” rather than only “geography and population.”³¹⁸ Thus, demography replaced topography as the critical consideration in drawing voting districts. The parties in Madhesh only decided to participate in the 2017 elections after the main three parties, the NC, the UML, and the CPN-M, assured them that the subsequent issues would be addressed through constitutional amendments.³¹⁹

Though the Madheshi-based political parties and the Janajati groups criticized the new constitution, it was a remarkable achievement for the peacebuilding process. Nonetheless, in 2017, the Madheshi-based political parties and Janajati groups overwhelmingly participated in parliamentary, provincial, and local elections. The adoption of federalism as the primary political and administrative system provided a chance to advance a peaceful, prosperous, and socially just government for the benefit of all citizens. The new constitution laid the groundwork for elections to take place at all tiers of government, beginning with the most local and progressing up to the federal level. The GoN conducted elections for local government in three different stages (on May 14, June 28, and September 18, 2017) for the first time in 20 years.³²⁰ After a lengthy transition at the municipal level, during which local employees and civil society groups governed local bodies, frequently in an informal partnership with political parties, this election finally stopped it. The constitution gave local governments in 753 municipalities and seven provincial governments extensive authority over essential service supply, taxation, and the management of natural resources. Similarly, on November 26 and December 7, 2017, provincial and federal legislative elections ended lengthy periods of uncertainty and political gridlock.³²¹ The GoN held its first parliamentary and provincial elections under

³¹⁷ Thapa, Ramsbotham, and Conciliation Resources, 79.

³¹⁸ Thapa, Ramsbotham, and Conciliation Resources, 64.

³¹⁹ Thapa, Ramsbotham, and Conciliation Resources.

³²⁰ New Spotlight Magazine, “The Third Tier Of Federal Nepal: A Chain Is Only As Strong As Its Weakest Link,” SpotlightNepal, accessed December 11, 2022, <https://www.spotlightnepal.com/2019/05/01/third-tier-federal-nepal-chain-only-strong-its-weakest-link/>.

³²¹ Adhikari, *Nepal’s Road to Federalism*, 121.

its new federal republican political system, marking a significant turning point in its history.³²² The Nepal Communist Party (NCP), a coalition of the two main communist parties, the CPN-M and the UML, gained nearly two-thirds of the seats in the parliament. It won 121 seats in the federal parliament and 248 seats in the provincial assemblies.³²³ Their victory in almost two-thirds (64%) of the 275-seat House of Representatives was a surprise.³²⁴ The party's leader Khadga Prasad Oli became the new prime minister.

C. OTHER MOTIVATIONS FOR POWER SHARING

After the promulgation of the 2015 Constitution of Nepal, the political parties focused on citizens' grievances regarding sustainable economic development and security, and stability. Thus, the four main political parties were motivated to share power and minimize conflict via the election of an inclusive parliament. Additionally, the major political parties were oriented to solve the prominent grievances of the people through power sharing and the delegation of equal rights. These initiatives included talks between the government and various political parties, bringing belligerent parties into mainstream politics, and agreements between different ethnic and regional groups within the country which led to the successful peacebuilding process and ended the reemergence of the insurgency.

The major political parties examined the political and economic impact of natural disasters like the earthquake of 2015 and collaborated to develop continued power sharing. As described before, the political parties had stayed in the peace talks since the 2006 CPA, even though they had divergent views from the opposition political parties. The agreements among the political parties were crucial for successful peacebuilding. Since the 12-point understanding between the SPA and the CPN-M in 2005, the state has reached several significant agreements and negotiations at both the national and local levels.³²⁵ For

³²² Bishnu R. Upreti, Drishti Upreti, and Yamuna Ghale, "Nepali Women in Politics: Success and Challenges," *Journal of International Women's Studies* 21, no. 2 (2020): 85.

³²³ Hari Bansh Jha, "The Fall of Communism in Nepal," ORF, accessed December 18, 2022, <https://www.orfonline.org/expert-speak/the-fall-of-communism-in-nepal/>.

³²⁴ Jha.

³²⁵ Upreti, *Maoists in Nepal*, 165–83.

example, a severe earthquake hit the country in April-May of 2015, motivating the parties to promulgate the new constitution to gain public support in a disaster setting. The pressures of a crisis led the Maoist party, the UML, and the NC to sign a 16-point agreement to settle all outstanding disagreements, including how to elect the president and vice president and reorganize the local government. The GoN polled the people on contentious issues, including federalism, secularism, and the constitutional court, forcing the political parties to reach agreements.³²⁶

Sustainable development was a key motivator for power sharing, replacing the old, centralized style of governance with a federal system by implementing the new constitution in 2015. The constitution established a decentralized power and authority shared between a central government and the seven provinces. In addition, the constitution mandated that each province have a unique name. It promoted the building of democratic institutions as well as democratic culture. The GoN made considerable headway in resolving some of the country's long-standing economic and social problems. The GoN achieved improvements in various areas, including poverty reduction, health care, and infrastructure, and the overall number of poor has decreased.

Furthermore, the federal system enabled the people at the grassroots level to enjoy democracy to its full extent because the federal system of government made this possible by widening the system's reach. Historically, it has been observed that only a small fraction of the population influences most of the governmental mechanisms. The wealthy and influential classes, such as the Shah, Rana, Bahun, Chhetri, and Newar, who live in cities and other developed areas, have an easier time participating in their nation's political and economic affairs; therefore, the widening of the public's reach was critical. Most of the population needs access to the amenities and services available in the nation. Traditions that were unfairly discriminatory forced individuals to consider making some adjustments. Decentralization ended discrimination based on religion and ethnicity, which helped guarantee and protect all groups' rights. The federal state structure not only ensured "the status and recognition of all ethnic, linguistic, and regional groups," but it also ensured the

³²⁶ Thapa, Ramsbotham, and Conciliation Resources, *Two Steps Forward, One Step Back*, 60.

participation of the general populace in the democratic process and the development process.³²⁷

Moreover, according to Keshav K. Acharya, the constitution prevented a hierarchical power structure within the three levels of government.³²⁸ Instead, he maintains that the constitution mandated that “the power relations among the levels of government” be based on co-existence, cooperation, and coordination principles. Each level of government has a set of unique privileges that is theirs alone to exercise in their own right; yet, the constitution permits the federal, provincial, and local levels of government to exercise their functions concurrently.³²⁹ It is possible for the federal, provincial, and local governments “to build coordination to enact laws, makes annual plans and budgets, formulate policies and strategies, and implement them regarding the subjects related to fiscal power.”³³⁰ The ongoing practice of power sharing has ensured that governments would continue to be more accountable to the people they serve by allocating resources following the actual requirements of the populace. It has also confirmed the political participation of multilevel governance actors in legislative, executive, and judicial functions. In other words, the ongoing practice of power sharing has ensured that governments will continue to be more accountable to the people they serve.

In March 2019, the GoN initiated peace agreements with belligerent parties to achieve stability and security in the country. The GoN and Alliance for Independent Madhesh (AIM) coordinator, Chandra Kanta (CK) Raut, signed a peace pact.³³¹ The AIM was fighting for the secessionist movement that sought to have Madhesh become independent from the country. The AIM pledged to uphold the right to “self-determination

³²⁷ Silwal, “Federalism in Nepal: Divergent Perception and Convergent Requirement for Democratic Consolidation,” 13.

³²⁸ Acharya, “Federalism Practice in Nepal,” 27.

³²⁹ Keshav Kumar Acharya and Anil Chandrika, “Federalism Practice in Nepal Prospects and Upshots,” *Journal of South Asian Studies* 9, no. 1 (April 25, 2021): 7, <https://doi.org/10.33687/jsas.009.01.3403>.

³³⁰ Acharya and Chandrika, 7.

³³¹ Bishal Thapa, “All Hail CK Raut,” My Republica, accessed December 18, 2022, <http://myrepublica.nagariknetwork.com/news/61972/>.

and territorial integrity” as part of the peace agreement.³³² Furthermore, it committed to using democratic mechanisms to resolve discontent and become a mainstream political party.³³³ The GoN took the peace agreement as one of its successes as it integrated a separatist movement into mainstream politics.

Similarly, in March 2021, the GoN succeeded in bringing a communist rebel group, the Communist Party of (CPN), under Netra Bikram Chand, also known as Biplov, into mainstream politics after inking a three-point peace deal. As part of the agreement, the government revoked the organization’s ban, released all its detained followers and sympathizers, and abandoned all legal claims.³³⁴ Simultaneously, the group pledged to end its use of violence and pursue resolution via negotiation.³³⁵ The leader of the CPN, one of the Maoists’ splintered parties, has confirmed that the party would run in the upcoming election.

D. CONCLUSION

A significant component of the CPA of November 2006 that ended the decade-long Maoist insurgency was the creation and adoption of a new constitution by an elected and inclusive CA.³³⁶ Although the first CA constitution-making process did not result in the drafting and adoption of a new constitution, it did provide significant results because it established the framework for drafting a plan for federalism and the constitution. The second CA succeeded in promulgating the new constitution in 2015 primarily due to fear of losing people’s support. The country started a new phase in its political history by adopting a new constitution in 2015. The CA has made it possible for the citizens to realize the long-held goal of writing the constitution. It has now legally terminated the feudalistic,

³³² Thapa.

³³³ Thapa.

³³⁴ “Nepal Gov’t Signs Peace Accord with Banned Maoist Splinter Group,” accessed December 12, 2022, <https://www.aljazeera.com/news/2021/3/4/nepal-govt-signs-peace-accord-with-banned-maoist-splinter-group.107>.

³³⁵ “Nepal Gov’t Signs Peace Accord with Banned Maoist Splinter Group.”

³³⁶ Thapa, Ramsbotham, and Conciliation Resources, *Two Steps Forward, One Step Back*, 60.

authoritarian, centralized, and unitary style of administration and formed a people-centered federal democratic republic.

Adopting a new constitution helped to strengthen the peace achieved through the CA by providing a clear and stable legal framework for the country. The citizens saw the ratification of the Constitution of 2015 as a crucial milestone in the peace process as it signaled the end of the transitional phase and created a new form of government. The new constitution established a federal form of governance comprised of seven provinces and guaranteed equal rights for previously oppressed groups, including women, the Dalits, and indigenous peoples. However, drafting and adopting the new constitution was not without controversy, and there were protests and unrest in parts of the country. Whether the initiative to promulgate the new constitution successfully cements the peace is yet to be determined.

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V. CONCLUSION AND LESSONS LEARNED

This thesis has analyzed Nepal's unique reconciliation process following the settlement of the Maoist insurgency. This process consisted of adopting a comprehensive and inclusive approach to the peace process, implementing a DDR process, addressing marginalized groups' grievances, and demonstrating political will to negotiate and compromise. These peacebuilding factors helped address the conflict's root causes, promote accountability and justice, and achieve sustainable peace. The end of the insurgency was heralded as a miraculous and unprecedented solution to an impossible dilemma and not only brought about an atmosphere of peace in the country but also produced circumstances unfavorable to the insurgency's reemergence. The CPA signed between the GoN and the Maoist rebels in 2006 was crucial to the reconciliation process. The CPA provided a framework for addressing the demands of the Maoists and ending the decade-long insurgency. The agreement addressed all grudges and aspects of the conflict, including political, economic, and social issues. During the peacebuilding process, the three most important steps included the transformation of the Maoists into a political party and their integration into mainstream politics, the demobilization processes that integrated Maoist soldiers into the national army and society, and the promulgation of a new constitution that contributed to sustainable peace in the country and ended the reemergence of the insurgency after years of deadlock in the CA. This chapter provides a summary of the main thesis findings of this research, followed by lessons learned and policy recommendations for the GoN.

A. SUMMARY OF THE MAIN FINDINGS

The successful transformation of the Maoists from a radical group to a participatory political party is a noteworthy aspect that deserves examination because it enhanced the peacebuilding process. When the CPN-M started its insurrection in 1996, it was an unknown political entity. The party broke out from the UPFN and consisted of a small number of cadres and party members. The Election Commission rejected its claim as an

independent party, and the GoN ignored the CPN-M's 40-point list of demands.³³⁷ Furthermore, the GoN took steps to label the activities of the Maoists as criminal elements and addressed it as a law-and-order problem rather than a political issue. Consequently, the CPN-M became an insurgency when the GoN used police force to suppress the insurgents.

The royal massacre in 2001 set off a chain of events that added to the crisis of instability and ultimately led to a popular revolution and ousting of the monarchy. Following the royal massacre in 2001, the King's statement further escalated the war.³³⁸ After obtaining political power, the monarch continued intervening in politics. This interference reached its pinnacle in February 2005, when the King successfully used the RNA to acquire executive authority and organized a coup against the government. In retaliation, the SPA joined forces with the Maoists to sign the "12-Point Agreement" in November 2005.³³⁹ The objective of this agreement was to reinstate democracy and provide the groundwork for long-lasting peace. The agreement allowed the Maoists to accomplish two goals: forming a constituent assembly and writing a new constitution. Years of political conflict came to a head in 2006 with a popular movement that the Maoist and SPA parties spearheaded. This revolution resulted in the ousting of the monarchy.

Due to the fragile political compromises and the ideological differences between the PLA and the NA, the post-conflict PLA integration process into the nation was a challenge from a technical, political, and economic standpoint.³⁴⁰ As a result, the GoN and the Maoists decided to ask the UN to serve as an impartial mediator and help the domestic players advance the peace process toward the DDR program, the CA election, and the creation of a new constitution. The UNMIN laid the way for the successful execution of the DDR program by pushing through the process and imposing agreements, despite criticism from Nepali players who either misread UNMIN's mission or reinterpreted it for

³³⁷ Lawoti and Pahari, *The Maoist Insurgency in Nepal*, 7.

³³⁸ Ayadi, "Dilemma and Factionalism in the Maoist Politics of Nepal," 12.

³³⁹ Upreti, *Maoists in Nepal*, 153.

³⁴⁰ Nayak, "PLA Integration into the Nepal Army," 737.

political objectives. The UNMIN played a significant role in identifying Maoist fighters and proposing their reintegration into the NA and society.

The GoN introduced voluntary retirement for ex-fighters as part of the social integration process. Although donor organizations opposed giving money to former combatants, the GoN took the unusual step of obtaining all the required sums from the national treasury. On April 10, 2012, the Special Committee handed over the ex-combatants, their weapons, and their cantonments to the GoN.³⁴¹ This decision ended the existence of a parallel army in the nation. In 2013, the special committee finally abolished the cantonments after years of effort, by introducing a rehabilitation program, facilitating voluntary retirement, and integrating the PLA into the NA.

Nonetheless, the four major political parties could not fulfill the constitutional provisions and achieve political stability in subsequent years.³⁴² The demand to shift to federalism required significant negotiations and influenced political developments. The number and boundaries of the proposed federal states were important points of contention among the political parties. The CA could not establish a constitution for seven years (2008 to 2015) because of arguments inside and among the parties. One of the leading causes of violence was the marginalization of ethnic, caste, and regional people. The struggle over federalism was fundamentally a conflict between those who suffered under the previous political order and those who benefited from it. Ethnic conflict and violence were rising due to the main political parties' inability to identify and compromise on these identity-based agendas. After failing to promulgate a new constitution, in 2013, the Maoist-led government headed by Prime Minister Baburam Bhattarai had to hand over executive power to the caretaker government led by Chief Justice Khila Raj Regmi to conduct a free and fair second CA election.

Elections for the second CA took place in November 2013 to meet the people's aspirations and "the commitment made by the political parties to give the constitution

³⁴¹ Bhandari, "Social Dialogue," 144.

³⁴² Strasheim, "No 'End of the Peace Process,'" 89.

through CA.”³⁴³ The political landscape significantly changed because of the September 2015 constitution. Though two-thirds of CA members voted to approve the new constitution, several Madheshi parties and Janajatis expressed dissatisfaction and protested the new constitution.³⁴⁴ The southern part of the country fell into chaos. Violence subsequently broke out, leaving almost 58 people dead and hundreds injured.³⁴⁵ In January 2016, the constitution underwent its first round of revisions to address the dissatisfaction of the Madheshi and Janajati populations.³⁴⁶ Following the adoption of the new constitution, Nepal is in a better position to hold periodic elections successfully, contributing to a more robust peacebuilding process. The new constitution specifically replaced the former feudalistic, authoritarian, centralized, and unitary style of government with a federal democratic republic that prioritizes the welfare of its people.

B. LESSONS LEARNED

Nepal’s peacebuilding process stands out for its unconventional use of local actors, which proved to be a critical factor in achieving their objectives with remarkable speed. For this reason, the unique peacebuilding process offers lessons about the importance of a well-drafted CPA; the involvement of the host nation and the limited role of international aid; the successful reintegration of former combatants and the importance of voluntary retirement options; and the need for inclusive and ongoing dialogue to expedite the peacebuilding process. Although each country’s political, social, economic, and military environments provide a one-of-a-kind setting for every conflict and peace process, other countries where there are ongoing conflicts can utilize these lessons for implementing their peacebuilding process to build sustainable peace.

The case of Nepal demonstrates that drafting a CPA is the first and foremost crucial step in the peacebuilding process, requiring a precise and well-documented framework that includes provisions to avoid future conflicts among political parties. While integrating

³⁴³ Adhikari, “The Saga of Conflict Transformation and Peace Process in Nepal,” 34.

³⁴⁴ Strasheim, “No ‘End of the Peace Process,’” 91.

³⁴⁵ Thapa, Ramsbotham, and Conciliation Resources, *Two Steps Forward, One Step Back*, 131.

³⁴⁶ Thapa, Ramsbotham, and Conciliation Resources, 79.

former Maoist combatants into the NA, there were issues with the PLA's number, rank, and qualifications, which needed to be better written in the CPA. Nonetheless, the Maoists and the SPA agreed to integrate the PLA into the NA through subsequent agreements.³⁴⁷

Additionally, the results of Nepal's peacebuilding demonstrate that the host nation needs to be actively involved in the peacebuilding process and limit aid from the international community to capacity building. The political parties were instrumental in mediating a peaceful resolution to the war and paving the way for future efforts to construct peace. Even though the UNMIN was involved for a short period (from 2007 to 2011), which facilitated establishment of the framework for the ex-combatants' reintegration into the NA and society, ultimately, after the departure of the UNMIN, the political parties successfully integrated the Maoists combatants in 2012.³⁴⁸ The international community's involvement with political parties and peacebuilding politics is delicate and can meet varied levels of opposition. In the case of Nepal, the role of UNMIN was controversial. On the one hand, the NC accused the UNMIN of favoring the CPN-M and alleged that the UNMIN failed to recognize the CPN-M's victims.³⁴⁹ On the other hand, when the UNMIN started verifying the former soldiers, they discovered juveniles and combatants who were recruited later in the cantonments and were thus dismissed. Then the Maoists publicly denounced the UNMIN for challenging their mandate. According to Devendra Prasad Adhikari, the conclusion of the peace process does not have to depend on the international community's participation; instead, it can be realized through leadership from indigenous political parties and ideas produced domestically.³⁵⁰ Thus, the lesson from Nepal's peacebuilding process could help other countries formulate frameworks and policies to bring insurgents into mainstream politics.

The lessons learned from the reintegration program emphasize the importance of voluntary retirement options for insurgents, allowing for the integration of former

³⁴⁷ Adhikari, "The Saga of Conflict Transformation and Peace Process in Nepal," 37.

³⁴⁸ Adhikari, 32.

³⁴⁹ Adhikari.

³⁵⁰ Adhikari, 40.

combatants into the community and the achievement of a sustainable peace. Most Maoist combatants decided to choose the path of voluntary retirement. The purpose of this method was to provide former fighters with a financial cushion to facilitate their transition back into civilian life. The Maoist combatants returned to civilian life and quite rapidly acquired an independent means of livelihood. This reintegration program serves as a valuable guide for the global community because it demonstrates that the PLA welcomed the financial incentives to integrate into society.

Though the length and resource requirements of the peacebuilding process were demanding, its success and speed compared to other peacebuilding processes offer valuable lessons for future CPAs. For instance, lawmakers promised to promulgate the constitution within two years; however, the peacebuilding process lasted from 2006 to 2015. This delay underscores the need for future drafts of comprehensive peace accords to include detailed guidance and planning of the CA so that future peacebuilding processes can progress smoothly and flawlessly.

The peacebuilding process revealed another valuable lesson: while major political parties may only be able to satisfy some constituent demands, inclusivity, ongoing dialogue, and a willingness to amend policies are critical for successful peacebuilding. The Madhesi and Janajati groups' experience exemplifies this lesson. For example, in 2015, if the main political parties did not resolve to do so, they would not have succeeded in promulgating the new constitution. Even though the Madhesi and Janajati groups were absent during the voting process, the major parties adopted the new constitution with a two-thirds majority. The Madhesi and Janajati groups boycotted the voting process because they believed the new constitution was discriminatory since it did not address their demands for better representation and more autonomy. Nonetheless, they participated in periodic elections after receiving assurances from the NC, UML, and the CPN-M to amend the constitution. The constitution was amended in January 2016 to address the demands of Madheshis, if only partially.

Another lesson learned from the case of Nepal is that the major political parties kept the possibility of conversation open, despite having opposing points of view and, to a certain extent, being in dispute on various controversial subjects and procedures. They

were able to sort out their differences and come to an understanding due to the continuous communication process. Therefore, it is improbable that the process would have completed satisfactorily if it was not for these conversation procedures and agreements. The political parties adhered to the notion of “consensus through dialogue,” which is both a beneficial and a one-of-a-kind learning opportunity.³⁵¹ A crucial step forward in the peace process was handing weapons and responsibility for administering former combatants to the GoN. It has not only been successful in ending the widespread bloodshed, disarming the PLA, and restoring peace in the country, but it has successfully reintegrated several former PLA members back into the national army and society. This lesson is a valuable peacebuilding guide for countries like Southern Sudan and Somalia with similar ongoing conflicts.

C. POLICY RECOMMENDATIONS

The thesis’s findings highlight that the conflict situation depends on the root causes of grievances and the social structure in the host country. The peacebuilding process should be initiated by domestic actors knowledgeable about the conflict. The success of the peacebuilding process depends on the CPA, which should be drafted more cautiously so that the peacebuilding process can go smoothly. The CPA offers a unified perspective on the future and delineates a specific course of action to consolidate peace and advance development. This common goal can facilitate the development of trust between opposing groups and stimulate collaboration among them. Consequently, the CPA has the potential to contribute to the promotion of stability and the reduction of violence in conflict-affected nations by offering a framework for the resolution of conflicts and the establishment of a durable peace.

Similarly, the proper implementation of the DDR program is another critical component of peacebuilding efforts in conflict-affected countries. The DDR program needs strong political commitment from all key players, including the government, the insurgents, and the political parties. Moreover, the DDR programs must be all-encompassing, embracing every facet of reintegration, including providing economic,

³⁵¹ “Nepal’s Peace Process: A Brief Overview,” 11–12, accessed December 15, 2022, [https://issat.dcaf.ch/download/111494/2023947/Nepal%E2%80%99s%20Peace%20Process_A%20Brief%20Overview_Eng%20\(2\).pdf](https://issat.dcaf.ch/download/111494/2023947/Nepal%E2%80%99s%20Peace%20Process_A%20Brief%20Overview_Eng%20(2).pdf).

psychological, and social assistance. These comprehensive programs will assist in guaranteeing that former fighters can successfully reintegrate into society and lead fruitful lives. The DDR program is crucial for the reduction of violence, the promotion of stability, and the assistance it provides in the prevention of future conflict.

Furthermore, the political parties are the main drivers of the peacebuilding process in conflict-affected countries. The participation of leading political parties greatly aids the effort to restore peace. The political parties can contribute to establishing a more stable and prosperous future for conflict-affected countries if they encourage dialogue, support the signing of peace agreements, work toward reconciliation, represent the interests of minority groups, promote stability, and encourage citizen participation.

Finally, moving from war to peace is a complicated process that needs a wide-ranging strategy to tackle the root causes of violence and foster lasting peace and stability. The stakeholders in the peacebuilding process need to proceed cautiously to address the reasons for the conflict effectively, encourage forgiveness and healing, and construct trust across the communities. Some policy recommendations for the GoN to deal with possible future uprisings are as follows:

- 1. Pursue a comprehensive and inclusive approach:** The successful reconciliation process following the insurgency was based on a comprehensive and inclusive approach that involved multiple stakeholders, including civil society, political parties, and other groups. The government should adopt a similar approach in dealing with future insurgencies, working to involve a wide range of actors in the process.
- 2. Prioritize dialogue and negotiation:** Dialogue and negotiation were critical components of the reconciliation process following the insurgency, as both the government and the insurgents recognized the need for a political solution. The government should prioritize dialogue and negotiation in its dealings with insurgent groups, working to find a political solution that addresses the underlying causes of the conflict.

3. **Focus on social and economic development:** The reconciliation process recognized the importance of social and economic development in addressing the underlying causes of the conflict. The government should focus on policies that promote economic growth, reduce poverty and inequality, and address other social issues that can contribute to instability.
4. **Strengthen the justice system:** The reconciliation process must focus on accountability and justice, with both the government and the insurgents committing to addressing past human rights abuses. The government should work to strengthen its justice system, ensuring that it is fair, impartial, and able to hold individuals accountable for human rights abuses.
5. **Build trust and confidence:** The reconciliation process was based on building trust and confidence between the government and the insurgents, with both sides making significant concessions to reach an agreement. The government should work to build trust and confidence with insurgent groups through open communication, transparency, and a willingness to address their concerns.

The GoN can learn from the successful reconciliation process following the insurgency and work to prevent future conflicts from arising by adopting these policy recommendations. These policies will require a commitment to inclusive, comprehensive, and cooperative approaches but can potentially promote lasting peace and stability. By taking these steps, the GoN can reduce the risk of future insurgencies and promote peace and tranquility.

D. RECOMMENDATIONS FOR FUTURE RESEARCH

The examined peace process of Nepal highlights the adoption of an indigenous Nepalese model of peacebuilding driven by the UN's support in its initial phase and Nepalese politicians taking charge of the remaining portion, which was the mantra of Nepal's successful peace process after 2006. Therefore, full UN involvement in other peace processes in successful conflict resolution scenarios can be studied and compared to that

of Nepal to find the strengths and weaknesses of the UN's participation in peace processes. Likewise, Nepal's peace process brought the Maoists into mainstream politics and ended the decade-long insurgency. However, certain sections of the population in the south remain dissatisfied even today, questioning the constitutional provision for citizenship to the Madheshi people. Similarly, the restructuring of the state after 2006 has not yet been able to deliver political stability in the country. Hence, the gap in the CPA and the 2015 Constitution of Nepal can be studied further by future researchers to comprehend better Nepal's peace process and deficiencies in the stable governance system in order to bring Nepal's peacebuilding process to an overall successful conclusion.

APPENDIX. THE MAOIST PARTY’S 40-POINT DEMAND (FEBRUARY 1996)

Concerning Nationality

1. All discriminatory treaties, including the 1950 Nepal-India Treaty, should be abrogated.
2. The so-called Integrated Mahakali Treaty concluded on 29 January 1996 should be repealed immediately, as it is designed to conceal the disastrous Tanakpur Treaty and allows Indian imperialist monopoly over Nepal’s water resources.
3. The open border between Nepal and India should be regulated, controlled, and systematized. All vehicles with Indian license plates should be banned from Nepal.
4. The Gurkha/Gorkha Recruitment Centers should be closed. Nepali citizens should be provided dignified employment in the country.
5. Nepali workers should be given priority in different sectors. A “work permit” system should be strictly implemented if foreign workers are required in the country.
6. The domination of foreign capital in Nepali industries, business, and finance should be stopped.
7. An appropriate customs policy should be devised and implemented so that economic development helps the nation become self-reliant.
8. The invasion of imperialist and colonial culture should be banned. Vulgar Hindi films, videos, and magazines should be immediately outlawed.
9. The invasion of colonial and imperial elements in the name of NGOs and INGOs should be stopped.

Concerning People’s Democracy

10. A new constitution should be drafted by representatives elected for the establishment of a people’s democratic system.
11. All special privileges of the king and the royal family should be abolished.
12. The army, the police, and the bureaucracy should be completely under the people’s control.

13. All repressive acts, including the Security Act, should be repealed.
14. Everyone arrested extra-judicially for political reasons or revenge in Rukum, Rolpa, Jajarkot, Gorkha, Kavre, Sindhupalchowk, Sindhuli, Dhanusa, Ramechhap, and so on, should be immediately released. All false cases should be immediately withdrawn.
15. The operation of armed police, repression, and State-sponsored terror should be immediately stopped.
16. The whereabouts of citizens who disappeared in police custody at different times, namely Dilip Chaudhary, Bhuwan Thapa Magar, Prabhakar Subedi, and others, should be investigated and those responsible brought to justice. The families of victims should be duly compensated.
17. All those killed during the People's Movement should be declared martyrs. The families of the martyrs and those injured and deformed should be duly compensated, and the murderers brought to justice.
18. Nepal should be declared a secular nation.
19. Patriarchal exploitation and discrimination against women should be stopped. Daughters should be allowed access to paternal property.
20. All racial exploitation and suppression should be stopped. Where ethnic communities are in the majority, they should be allowed to form their own autonomous governments.
21. Discrimination against downtrodden and backward people should be stopped. The system of untouchability should be eliminated.
22. All languages and dialects should be given equal opportunities to prosper. The right to education in the mother tongue up to higher levels should be guaranteed.
23. The right to expression and freedom of press and publication should be guaranteed. The government mass media should be completely autonomous.
24. Academic and professional freedom of scholars, writers, artists, and cultural workers should be guaranteed.
25. Regional discrimination between the hills and the Terai should be eliminated. Backward areas should be given regional autonomy. Rural and urban areas should be treated at par.
26. Local bodies should be empowered and appropriately equipped.

Concerning Livelihood

27. Land should belong to “tenants.” Land under the control of the feudal system should be confiscated and distributed to the landless and the homeless.

28. The property of middlemen and comprador capitalists should be confiscated and nationalized. Capital lying unproductive should be invested to promote industrialization.

29. Employment should be guaranteed for all. Until such time as employment can be arranged, an unemployment allowance should be provided.

30. A minimum wage for workers in industries, agriculture, and so on should be fixed and strictly implemented.

31. The homeless should be rehabilitated. No one should be relocated until alternative infrastructure is guaranteed.

32. Poor farmers should be exempt from loan repayments. Loans taken by small farmers from the Agricultural Development Bank should be written off. Appropriate provisions should be made to provide loans for small farmers.

33. Fertilizer and seed should be readily available and at a cheap rate. Farmers should be provided with appropriate prices and markets for their produce.

34. People in flood- and drought-affected areas should be provided with appropriate relief materials.

35. Free and scientific health services and education should be available to all. The commercialization of education should be stopped.

36. Inflation should be checked. Wages should be increased proportionate to inflation. Essential goods should be easily and cheaply available to everyone.

37. Drinking water, roads, and electricity should be provided to all villagers.

38. Domestic and cottage industries should be protected and promoted.

39. Corruption, smuggling, black marketing, bribery, and the practices of middlemen and so on should be eliminated.

40. Orphans, the disabled, the elderly, and children should be duly honored and protected.³⁵²

³⁵² Source: Hutt, *Himalayan People's War*, 285–87.

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