



S a y P e a c e F i r s t

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### *Situation Update IX*

## **Arms Management: A Part of Politics**

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### **Political Threats**

The SPA/government and CPN (Maoist) have their own understandings, viewpoints and stances on peace and political threats.

#### ***Threats to SPA and/or government***

- If the Maoists go for CA elections with arms, they would be wiped out in the elections. For this very reason, they fear of letting Maoists participate with arms and clamor for arms management prior to CA elections for free and fair elections.
- If the Maoists gain majority in the elections and take over state power, what would be the fate and role of their self and their parties. What the history has shown that they become fish out of water when they were ousted from power.
- On the one hand, they dissociated from the common people due to their centralized power-passion and on the other, they were afraid to go to the rural areas because of escalating conflict. These factors destructed their basic organizational structures beyond Kathmandu, the Capital, and other cities. They apprehend threat to run for elections because they have no strong bases in the vast rural areas. Therefore, they have the veiled schema to prolong the incumbent House and the government. Why the peace talks is not proceeding smoothly ahead? What are the stumbling blocks? The crux of the issue lies in the fact that many of them would not be enjoying the money and muscle privileges of Parliamentarians or Ministers or Commissioners, etc. if peace process materialized earlier as per the interest and desire of the people and the mandate of the Popular Movement II.
- The SPA and/or government senior rank leaders are afraid that they would be standing in the witness-box if peace is eventually materialized, which would open the issues of human right violations and abuses in the past and would sooner or later lead towards accession to and ratification of ICC and the Rome Statute.
- The Maoists themselves have not developed trust amongst the SPA and/or government that their arms are not directed towards them or **Loktantra** (democracy). The CPN (Maoist) has not gained trust with SPA that they would not create obstacles to **Loktantrik Ganatantra** (democratic republic).

#### ***Threats to Peace and Public Security***

- The incumbent government appointed, promoted and transferred to better places the Senior Officers of Army including many others, who were within the scope of investigation of High Level Investigation Commission headed by Krishna Jung Rayamajhi. The Commission, formed to investigate atrocities during popular movement II, expressed strong objections to the actions. What are the reasons for such acts of the government? Is it afraid of the Maoists secret agenda or thesis that it would initiate rebellion within the ranks and file of the government Security Forces? Anyhow, the government is drawn into the swamp of culture of impunity, which is not new to Nepal.
- The avowal of the Maoists to prepare the ground for Kathmandu-centered revolution, which is also called "October Revolution", tunes with simultaneous convergence of Maoist leaders, cadres and conduction of activities of its sister-organizations in Kathmandu.
- In September 12 to 15, 2006, the US Ambassador Moriarty visited Army installations and organized discussions with SPA in district headquarters in mid-and-far western Nepal. He stated that there is no hope for SPA and Maoist agreement and further said that the peace process is their tactics to usurp state power, which would lead to civil war (Samaya: September 17, 2006). He added, "the Maoists are still intimidating people with their weapons." He urged all to go against such Maoists activities. His visit and statements created huge public debate and discussions from street to parliament, SPA, etc. Political Scientist Professor Dr. Lokraj Baral, an Ex-ambassador to India, said that the Ambassador Moriarty violated Diplomatic Ethics and Principles (FM, HBC 94.1: Sept 19, 2006). Sudhir Sharma, a local journalist, writes, "He is more active than SPA leaders and ministers to move around the country. There is no Defense Minister now, but he is visiting sensitive army barracks and talking to field commands as if he

is the Defense Minister. Not only him a special envoy from Washington is also busy traveling within Nepal” (Kantipur: Sept. 15, 2006). National Monitoring Committee on Code of Conduct for Ceasefire (NMCCCC) urged the government to stop the public statements from the US Ambassador Moriarty that would block the peace process. Protesting against the interference in Nepal’s security (army barracks) by Moriarty, Member of Parliament (MP) Lila Mani Pokhrel in the House said, “It is undiplomatic acts and remarks.” He further stated, “Either the government should order Moriarty to leave the country or he should abide by diplomatic norms. Can our ambassador to the US visit American Army barracks and report it to the government here” (Kathmandu Post: September 18, 2006).

- The SPA, government and parliament have been breaching the Code of Conduct (CoC) by issuing provocative statements, mobilizing police force against peaceful demonstrations, violations of clauses of Understanding/Agreement reached between both the sides.
- Whereas, the later also allege that the former is continuing extortions, tax and donations, and abductions, along with creating hurdles in rehabilitation of the displaced, functioning of kangaroo courts and armed demonstrations.
- MP Chitra Bahadur KC said, “One the one hand, the Maoists demand Rs. 1.2 million from the entrepreneurs and on the other hand, the police demand Rs. 50,000 from them” (Kathmandu Post: September 18, 2006).
- The CPN (Maoist) is breaching the CoC through provoking public statements, recruitment and training in PLA, intimidation with arms, extortions, abductions, killings, etc.
- The government has failed to maintain law and order in the country. On September 18, the Member of Parliament Chitra Bahadur K.C warned the government that people would compel to support the regressive forces and conformists if government could not ensure security. Everyone particularly children feel insecure even inside Kathmandu, the capital of Nepal, as several news of children disappearance by abductees are reporting each day. The increasing trends of abductions, looting, rubbery, etc. seem that there is no government in Nepal. Such leaning is especially intensifying after the Maoists laid down their weapons.

#### **Threats to Maoists**

- CPN (Maoist) supremo Prachanda claimed that the US government is behind to prolong the peace process.
- CPN (Maoist) spokesperson and Talks Team Coordinator Krishna Bahadur Mahara said, “When arms of PLA are locked up that of the Nepali Army should also be done the same. What would happen if Nepal Army attacks us? If we believe on monitoring of the Nepal Army by UN, then they should also believe on us monitored by UN. If they fear us escape monitoring, then why should not we fear them escaping?” (Himal: September 17, 2006). The Maoists believe that republic Nepal could not be set up if arms would be separated from them. The Maoists fear that if they are separated from their arms, the SPA in coalition with USA might wipe them out.
- The Maoists fear what would happen to them and their party when they are separated with their arms of retaliation from the leaders and activists leaving or ousted from CPN (Maoist) because of various reasons and the families of peoples victimized by their forces during the decade long conflict.
- They are not confident that the SPA/government would provide security to them upon separation from their arms.
- The CPN (Maoist) grew as a major force within a short span, which is unprecedented in human history. Weapon is a critical factor, which prompted their development through the strategy “Political power grows out of the barrel of a gun”. Their diversion to “Political power grows out of the ballot” is a significant paradigm shift.

#### **Threats to Monarchy and the Conformist Forces**

- The regressive and conformist forces widely known as **Bhoomigat Giroha** (Underground Elements) had been at the pinnacle of power, purse and prestige (3Ps) not only during the **Panchyat** Regime (Absolute Monarchy), but also during the Multi-Party System with Constitutional Monarchy. These elements were the foundations on which the Monarchy as a system was operating. The Monarchy is at the critical juncture if peace process materializes and the republican forces hold sway. The regressive and conformist forces want to protect and promote the Monarchy in Nepal forever.
- The regressive and conformist forces have been hammering wedges in the peace talks because they do not wish to include the Maoists in the interim government and weaken them by isolating them from their weapons. They are alarmed by the turn of events if the peace talks continue successfully so that the Maoists would be everywhere – government, streets and villages and Nepal may turn into a republican state with communists at the helm.
- The High Level Investigation Commission announced to interview the then Chairman of the Council of Ministers Gyanendra for atrocities during Popular Movement II. The findings might lead to his indictment.

- The Monarchy that was pauper up to the reign of Tribhuvan (1950s), has amassed mammoth property both in land and abroad so that it is now a rich ruler of the poor. It fears of consequences even if “Ceremonial Monarchy” is maintained.

### **Mistakes of and Lessons from the Past**

- The Interim parliament and government failed to include CPN (Maoist), an ally of Popular Movement II. However, the SPA, except Majdoor Kishan Party, ascended the government whereas Maoists were left out as an opposition. The distance between SPA/government and Maoists widened in the process to genuinely compliance the 12-pt understanding and 8-pt agreement.
- The 12-point Understanding recognized CPN (Maoist) as a political force while the 8-point Agreement documented the existence of the People’s Government at the local levels and PLA. The 5-point UN Assistance Agreement placed both the Armies – Nepal Army and the PLA at the same footing, but genuine compliance was lacking from both the sides. Although Talks Teams from both sides held negotiations, issues pertaining to Arms Management and Politics led to ineffective results.
- This was a ripe moment for the regressive and conformist forces to fish in troubled waters, which not only influenced the Agreements and Understandings, but also to SPA. The Maoists also retaliated in breaching them.
- If CPN (Maoist) had been included in the Interim Parliament and Interim Government, the political agendas and weapons issues could have been addressed positively and Nepal would have been heading towards the CA elections nowadays.

### **Crisis Way Out**

- **Confidence building measures:** Recognizing non-violence and coexistence, and minimizing self-interest both the parties should increase formal and informal talks, meetings, dialogue and interactions. Important stakeholders SPA, Maoists, Civil Society and others, and International Communities should play their roles to networking, lobbying, facilitating, mediation and witness focusing on the people and peace.
- **Compliance to Understandings and Agreements:** Pressure to all the stakeholders should be generated from the grass roots through different layers/tiers (central, region, district and village Peace and Reconciliation Committees) to genuine compliance to 12-point, 8-point and 5-point Understanding and Agreements and 25-pt Code of Conduct.
- **Extensive Peace Talks Committee at political levels:** The government and Maoists have formed Peace Talks Teams. Along with this, the Maoists have formed a High Level Peace Committee led by Prachanda, but neither the SPA nor the government have done so, which serves as a critical mechanism for building sustainable peace. This team should not exclude the civil society, which would ultimately turn the time-bound ceasefire into permanent agreement.
- **Signature to Human Rights Accord:** The Human Rights Accord put forward by the National Human Rights Commission should be signed by both the SPA/government and Maoists to protect, promote and ensure rights to life, liberty, security and dignity to each individual citizens.
- **Breaking the Silence between Armed Forces:** The Nepali Army and the PLA see each other as enemies and communication between them is deadlocked. An agenda needs to be developed at the political level so as to break the ice (silence), which would open the doors to integration of both the armies into a National Army.
- **Referendum to Status of Monarchy:** Different versions relating to Status of Monarchy exist between different political forces, which have led the peace process to stagnancy. Efforts to consensus on referendum deciding the fate of Monarchy in Nepal would be the best option acceptable to all.
- **Financial Support to PLA:** If international communities want to see free of extorting (money) Nepali society, they should manage the food and clothes of Maoists armies. They have already stated that they need 600 million Nepali Currency to support their 30,000 PLA each year.

### **Conclusions**

Political issues pertaining to conflict transformation and peace in Nepal is related to Arms Management, and a point worth mentioning here is that Arms Management is an integral part of Politics. The confrontation subsides as the political issues and agendas are addressed appropriately and politically. The government focuses on first discussing arms management before major political consensus reach between them, whereas Maoists prefer political decisions prior to arms management. Our perception is meting out of both political issues/agendas (for instance, Interim Constitution, Status of Monarchy, Structure of Interim Parliament, Interim Parliamentarians, Interim Government, Interim Judiciary, Interim Security, CA Elections, Constitution-making Process, Certification and Approval) and Arms Management parallel simultaneously. Professor Dr. Baechler Gunther, Special Advisor for Peace Building in Nepal, Switzerland said, “Politics and arms management could not be separated. Arms would automatically be managed if both the parties (SPA and Maoists) agree on non-violence” (Nepal: September 17, 2006). Ian Martin, UN Secretary-General’s Personal

Representative to weapon management said, “The whole agenda needs to be discussed together, whatever sequencing there is. I can only get into discussions on modalities for arms management when the two parties are negotiating themselves (Kathmandu Post: September 19, 2006)

The very day peace will prevail in Nepal, the day the national and international forces stall supply of arms and ammunitions, and internalize the zeal and zest, interest and wishes of Nepali people for peace. The countries producing and trading armaments should put aside their interest and prefer peace for the sake of Nepal. The decrease in self-interest of the conformist and regressive and international forces would lead to increased alertness, activeness and sensitivity of the SPA towards peace and prosperity. Then only people would receive justice and genuine compliance to human rights, people would get rid of politics of threat and fear, “violence culture” would turn into “peace culture” – this is the **swapna, dharma, karma ra tapasya** (dream, religion, duty and devotion) of each and every Nepali.

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*CS Center, established recently in 2006, is an academic, policy oriented and research based non-government, non-partisan and non-profit making autonomous institution registered with the Government of Nepal. Its purpose is to promote peace, respect human rights, enhance democratic process, and protect the poor, marginalized, disadvantaged and vulnerable (PMDV) people and endorse social justice and dignity through education, training, action research, action advocacy, capacity building and networking as a Think Tank, Center for Excellence (Archive: <http://demrepubnepal.blogspot.com/2006/09/conflict-study-center.html>).*