



Say Peace First

CS Center

Conflict Study Center

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Situation Update XIII

Historic Initiation in Nepal on Peace Process

November 9, 2006

November 7 became the most momentous day for both unipolar superpower USA and small landlocked Himalayan country Nepal. US voters have slapped on the face of President George W Bush over Iraq by shifting the control of the House of Representatives to the Democrats and enhancing their sway over the Senate in dramatic mid-term election results. Moreover, Bush might face similar consequences that cruel dictator Saddam Hussein is facing in front of a tribunal, should there be one over the issue of political corruption in the sovereign and independent country Iraq.

The same Tuesday night, a miracle happened in Nepal as the Seven Party Alliance (SPA) and Communist Party of Nepal (Maoist) reached an historic understanding to conclude the eleven years' old armed conflict and restore peace through a six-point agreement. The initiation of the peace process in Nepal had taken place long before the seven months' period after the People's Movement II, with the 12-point agreement signed between SPA and Maoists in New Delhi on November 12, 2005, which recognized CPN (Maoist) as a political force in lieu of calling them as terrorists. Its key purpose was to end the absolute rule of the king and restore peace, democracy, and social justice. The 25-point Code of Conduct signed by SPAM (the SPA and Maoists) on May 26, 2006 created the fertile ground toward non-violence. The 8-point Agreement by SPAM on June 16, 2006 recognized that there are two ruling authorities – the old governed by SPA and a new by the Maoists. The 5-point Agreement by SPAM with UN Assistance on August 9, 2006 placed both the Nepal Army and Maoist Army on the same footing. The recognition of Maoists as one of the principal actors and democratic forces brought forth the historic agreement by SPAM in the Third Round of Summit at 2 am on Wednesday under the leadership of Prime Minister Girija Prasad Koirala and Maoist Supremo Prachanda, leading to the "dawn for a New Nepal". The proposals of Government of Nepal (GoN) and the Maoists on the points of the Peace Accord are compared and contrasted below:

#	Agreed Issues	Description	Proposals of GoN and Maoists
1	Compliance to Previous Understandings and Agreements		
		<ul style="list-style-type: none"> ▪ Genuine and stringent implementation of past understandings and agreements ▪ A high level investigation commission to be set up to find out about the persons disappeared or abducted by the government and the Maoists ▪ Speedily return the seized land, house and property to the persons concerned ▪ Create conducive environment to return the displaced persons to their native places and form joint SPA-Maoist district committees to facilitate the process within one month ▪ Public announcement to revoke all the allegations and accusations made against political party leaders and cadres ▪ Immediate release of political detainees by both sides 	
2	Army and Arms Management		
	2.1 Both	<ul style="list-style-type: none"> ▪ Democratization and Restructuring of Army for Free and Fair Constituent Assembly Elections 	

	<p>2.2 Maoist Army</p>	<ul style="list-style-type: none"> ▪ Combatants to be confined at seven main cantonments (Ilam, Sindhuli, Kavre, Palpa, Rolpa, Surkhet, and Kailali) and 21 sub cantonments (three sub cantonments around each main cantonment) ▪ The arms and ammunitions to be placed in the cantonments under a single lock, except when required for security of the cantonments, the key would be retained by the Maoists and the process would be monitored by the UN team with electronic devices, including siren ▪ Inspection of the storage of arms to be done by UN in the presence of Maoists ▪ The technical matters regarding placement of the electronic devices including closed-circuit camera to be decided amongst UN, Maoists and Government of Nepal (GoN) ▪ Food and supplies to be provided by GoN after being confined in the cantonments ▪ Interim Council of Ministers (ICM) shall form a Special Committee for supervision, management and rehabilitation of the combatants ▪ The security management of the Maoist leaders to be done in consultation with GoN 	<p># GoN:</p> <ul style="list-style-type: none"> ▪ PLA to be confined with weapons into seven designated cantonments before October 27 ▪ Certification and monitoring of PLA to be done by UN ▪ Ration to PLA after their confining in the cantonments would be provided by GoN ▪ End forced recruitments, procession of armed forces and extortions by PLA ▪ Secured storage of PLA weapons and the monitoring shall be done by UN, but minimum weapons will be allowed to the Maoists for the maintenance of security of their camps ▪ Appropriate mechanism to be developed for managing arms and ammunitions and army through tripartite consensus - GoN, Maoists and UN by October 27 ▪ Nepal Army would be confined in its barracks ensuring non-use of its weapons against/for any side before October 27. The process would be monitored by UN
	<p>2.3 Nepal Army</p>	<ul style="list-style-type: none"> ▪ Remain confined to the barracks ▪ Arms shall not be used against any side ▪ The proportionate number of arms and ammunitions to that of Maoists to be stored in secure place under single lock and the key retained by the Army and the process to be monitored by UN team with electronic devices including siren ▪ Inspection of the storage of arms to be done by UN in the presence of GoN ▪ The technical matters regarding placement of electronic devices including closed-circuit camera to be decided amongst UN, Maoists and GoN ▪ Control, management and mobilization to be done according to New Army Act ▪ Extensive Action Plan for democratization to be formulated by the Interim Council of Ministers through political consensus and suggestions by the concerned committee of Interim Parliament ▪ Construct appropriate numeric strength, democratic structure, national and inclusive character and impart training to the values of democracy and human rights ▪ Continue the security services being provided by it to the international borders, conservation parks, banks, airports, electricity, telecommunication, central secretariat and VIPs 	<ul style="list-style-type: none"> ▪ The UN to initiate monitoring by November 1, 2006 ▪ The adjustment of combatants and arms of Maoists shall be done according to UN calendar ▪ Arms management shall be concluded before October 27 ▪ Security to international borders, natural reserves, banks, airports, telecommunication, electricity, central secretariat and VIPs will continue to be provided by Nepal Army ▪ Strengthen the Civil Police and Armed Police through training and resources for the CA elections ▪ Reforming Nepal Army in accordance with the State Values and Directive Principles <p># Maoists:</p> <ul style="list-style-type: none"> ▪ Both the Nepal Army and Maoist Army to be gradually confined in barracks and cantonments ▪ Monitoring to be done by UN ▪ A high level military commission would be set up for internal security and for the control, care and mobilization of both the armies ▪ Joint Security Mechanism of Civil Police and Maoist Militia to be formed for the internal security and CA election management ▪ Abolish Armed Police Force ▪ Democratization of Nepal Army to be performed as per consensus of both sides ▪ A New Democratic National Army to be formed by combining both the armies after CA elections
<p>3</p>	<p>Issues relating to Interim Constitution</p>		

	3.1 Interim Constitution (IC)	<ul style="list-style-type: none"> ▪ Finalize the Interim Constitution (IC) forwarded by the Drafting Committee ▪ Incumbent House of Representative (HoR) shall proclaim the enforcement of IC and newly formed Interim Legislature (IL) shall ratify it 	# GoN: <ul style="list-style-type: none"> ▪ The Draft Interim Constitution shall be completed based on political agreements ▪ Only after concluding arms management, the IC shall be finalized and submitted to the incumbent HoR ▪ IC shall be announced immediately after initiation of UN Arms monitoring # Maoists: <ul style="list-style-type: none"> ▪ IC shall be ratified and proclaimed by the Interim Legislature
	3.2 Monarchy	<ul style="list-style-type: none"> ▪ The King shall have no state power ▪ The property of Late King Birendra and his deceased family members shall be brought under GoN through the establishment of a trust for the benefit of the people ▪ Nationalize the properties of King Gyanendra acquired due to his official position (e.g. palaces, forests, parks, historical and archeological sites, etc) ▪ The fate of Monarchy shall be decided by the first meeting of the CA by a simple majority 	# GoN: <ul style="list-style-type: none"> ▪ The King would be devoid of all state powers ▪ The future of Monarchy to be decided by a referendum along with CA elections ▪ The other issues related to Monarchy shall be as per the laws of the land # Maoists: <ul style="list-style-type: none"> ▪ Suspend the Monarchy during Interim Period ▪ The King would be devoid of all state powers ▪ Nationalization of property belonging to Royal Family ▪ The fate of Monarchy to be decided by a referendum along with CA elections
	3.3 Interim Parliament (IP)	<ul style="list-style-type: none"> ▪ It shall be an unicameral parliament ▪ It shall consist of 330 members, including 209 elected members of the incumbent HoR and National Assembly (NA), 73 Maoists, and 48 from United Left Front, Civil Society, Professional Organizations, Oppressed castes/ethnicities, and Regional Representatives based on consensus ▪ The people opposed to the People's Movement shall not be included in the IP ▪ The incumbent HoR and NA shall be dissolved after formation of IP ▪ All the existing Maoist-led people's governments, people's courts, etc. shall be dissolved after the formation of IP 	# GoN: <ul style="list-style-type: none"> ▪ Formation consisting of 301 members inclusive of (i) members of reinstated HoR, (ii) Elected members of NA, (iii) Maoist representatives, (iv) other political leaders, (v) civil society representatives ▪ The membership of the party members violating discipline in the HoR would be reconsidered ▪ The incumbent Parliament shall be dismissed after the promulgation of the Interim Constitution ▪ The Interim Parliament shall meet on the very day of dismissal of incumbent HoR # Maoists: <ul style="list-style-type: none"> ▪ Formation consisting of SPA 45%, Maoists 35%, and civil society (by consensus of both the actors) 20% ▪ Total number of members to be decided mutually ▪ Defunct the incumbent HoR and NA after their replacement
	3.4 Interim Government (IG)	<ul style="list-style-type: none"> ▪ The IG shall be formed and its portfolios and procedures shall be decided through mutual political consensus 	# GoN: <ul style="list-style-type: none"> ▪ The distribution of portfolios of the ministers and other state mechanisms to be implemented in consultation with the Maoists ▪ The basic purpose is to conduct free and fair CA elections by ensuring plural democracy and human rights ▪ The Interim Government shall develop its Code of Conduct and Action Plan ▪ The interim Government shall be formed by mid-November 2006 # Maoists: <ul style="list-style-type: none"> ▪ To be formed in proportion to the Interim Legislature

		<ul style="list-style-type: none"> ▪ The distribution of portfolios of the ministers and other state mechanisms to be implemented in the same proportion
3.5 Interim Judiciary (IJ)	<ul style="list-style-type: none"> ▪ The concept of Independent Judiciary shall be followed ▪ The Judiciary shall be made committed to the spirit of People's Movement II, democracy and IC ▪ Formation of Constitutional Court to resolve disputes related to CA 	<p># GoN:</p> <ul style="list-style-type: none"> ▪ Annul all the People's Courts formed by Maoists at all levels by October 27 ▪ Impeachment shall be done to Supreme Court Judges and Officials of constitutional bodies on charges of misbehavior, lack of capability and lack of honesty ▪ Judicial Council shall appoint and/or take necessary actions against other judges <p># Maoists:</p> <ul style="list-style-type: none"> ▪ All the judges of all the courts shall be re-appointed ▪ People's Courts at local levels shall be continued ▪ A Constitutional Court shall be formed to look into constitutional debates
3.6 Interim Constitutional Bodies (CB)	<ul style="list-style-type: none"> ▪ A Constitutional Council shall be formed comprising PM, Chief Justice and IP Speaker to appoint CBs ▪ The Election Commission shall be given full shape through consensus 	
3.7 Interim Local Bodies (LB)	<ul style="list-style-type: none"> ▪ The Interim LB shall be formed after mutual consultation between SPA and Maoists at village, municipalities and district levels 	<p># GoN:</p> <ul style="list-style-type: none"> ▪ Annul all the People's governments at all levels by October 27 ▪ All-party consensus to manage local bodies <p># Maoists:</p> <ul style="list-style-type: none"> ▪ Interim Local Bodies shall be formed in autonomous regions, districts, municipalities and villages following consensus ▪ Annul the Peoples' governments after the formation of Joint Interim Local Bodies
3.8 Citizenship	<ul style="list-style-type: none"> ▪ All Nepalis deprived of citizenship shall be provided certificates prior to CA elections ▪ All people born prior to the baseline of mid-April 1990 and having permanent domicile shall be provided citizenship certificates 	<p># GoN:</p> <ul style="list-style-type: none"> ▪ All people born in Nepal prior to People's Movement I (1990) shall be provided citizenship <p># Maoists:</p> <ul style="list-style-type: none"> ▪ A Citizenship Commission shall be formed to distribute citizenship certificates to the deprived, particularly the Madhesis, before CA elections ▪ The citizenship certificates shall be distributed on the recommendation of All-side Committee at the local level
3.9 CA Elections	<ul style="list-style-type: none"> ▪ IG shall have the authority to set the date to hold CA elections within mid-June 2007 ▪ Elections to CA shall be held through Mixed ballot theory with a total of 425 members comprising 205 seats by the first past the post method, 204 seats through proportional representation of the parties, and 16 seats from distinguished personalities to be nominated by IG ▪ The political parties shall include representation of oppressed castes/ ethnicities, regions, madhesh, women, dalits, etc. in their party lists ▪ The right to vote shall be based on the age of 18 and above on the day of IC proclamation ▪ Monitoring of the CA elections shall be requested to UN 	<p># GoN:</p> <ul style="list-style-type: none"> ▪ The CA elections shall be completed by May/June 2007 ▪ Mixed election systems shall be adopted, e.g. 205 members directly from incumbent election constituency and 205 from proportionate representation by each individual party list of candidates ▪ The lists shall ensure to comprise women, dalits, Janajatis (ethnic groups) and national important figures ▪ The election process shall be monitored by UN ▪ The election commission shall be formed by mid-October 2006

			<p># Maoists:</p> <ul style="list-style-type: none"> ▪ Based on Proportional Representation System ▪ Lists of proportional representation to include disadvantaged ethnic groups, regions, Madhesis, dalits, etc ▪ Nomination in a fixed number from among marginalized castes and experts for their representation ▪ Minimumu Age for franchise shall be 16 years ▪ Total number of representatives shall be decided mutually
	3.10 State Structure	<ul style="list-style-type: none"> ▪ The present centralized and unitary structure of the state shall be dismantled and restructured on the basis of inclusive, democratic and progressive manner to end the class, racial, linguistic and gender based discriminations ▪ A State Restructuring High Level Recommendation Committee shall be formed ▪ The State Restructuring shall be decided by the CA 	<p># GoN:</p> <ul style="list-style-type: none"> ▪ Inclusive, democratic and forward looking Restructuring of State through federalism ending caste, language, gender, culture, religion, region and class based discriminations ▪ The CA shall finalize the above task <p># Maoists:</p> <ul style="list-style-type: none"> ▪ Right to Self-determination and Autonomy of Disadvantaged groups, nationalities and regions along with a federal structure of government
	3.11 Directive Principles on Socio-economic Transformation	<ul style="list-style-type: none"> ▪ All forms of feudalism shall be abolished and a minimum common program for socio-economic transformation shall be decided through consensus ▪ A policy to implement scientific land reform shall be prepared by ending feudal land ownership ▪ A policy on protection and promotion of national industries and resources shall be followed ▪ A policy shall be established for rights to education, health, housing, employment and food security to all ▪ A policy to socio-economic security shall be adopted to the landless, <i>Kamaiya</i>, <i>Haruwa-Charuwa</i> (bonded labor), etc. ▪ A policy of strict action and punishment shall be taken against the corrupt public officials who have amassed property through illicit means ▪ A common development concept shall be developed for economic and social transformation and social justice to achieve rapid growth and prosperity in the country ▪ A policy shall be followed to secure professional rights of the labors, and to invest for the promotion of industry, trade, export, etc. to create extensive opportunities for employment and income generation 	<p># GoN:</p> <ul style="list-style-type: none"> ▪ The Interim Government shall develop a Minimum Common Program for socio-economic changes ▪ Formulate and implement land reform policy by ending all types of feudal land ownership and by providing land to the tillers ▪ Adoption of economic policy to protect national industries ▪ Implement Socio-economic reform program to <i>Sukumbasi</i> (Landless) and <i>Bipanna</i> (Disadvantaged) communities ▪ Control corruption <p># Maoists:</p> <ul style="list-style-type: none"> ▪ Land to the tillers by ending all types of feudal ownership, and land and labor relationship ▪ Adoption of economic policy to protect and promote national industries, trade and resources ▪ Guaranteeing natural fundamental rights to all citizens on education, health, habitat and employment ▪ Immediately manage special Socio-economic security to <i>Sukumbasi</i>, <i>Kamaiya</i> and <i>Haruwa-Charuwa</i> (Bonded labor), and Impoverished Classes ▪ A High Level Property Investigation Commission shall be formed to investigate earnings through illicit and unauthorized manner and to nationalize such properties
4	Management to Conflict victims	<ul style="list-style-type: none"> ▪ A special program shall be implemented for appropriate relief, respect and rehabilitation to the families of the bereaved and to the wounded, disabled and incapable ▪ Relief shall be afforded to the families of the disappeared on the basis of the report of the Investigation Commission ▪ A special program shall be conducted to 	<p># GoN:</p> <ul style="list-style-type: none"> ▪ Publicly declare annulling of all the cases of allegations by Maoists against political activists and citizens ▪ A high level Investigation Commission shall be formed to investigate and publicize the whereabouts of the individuals disappeared by both the

		<p>rehabilitate the displaced people, to provide relief to the damaged private and public properties, and to reconstruct the destroyed infrastructures during the period of armed conflict</p> <ul style="list-style-type: none"> ▪ A high level Truth and Reconciliation Commission shall be formed to investigate facts on serious human rights violations and crimes against humanity during the period of armed conflict and to create a conducive environment for reconciliation through mutual consensus 	<p>actors</p> <ul style="list-style-type: none"> ▪ Create conducive environment for the conflict-induced displacements to return home ▪ Return all the confiscated lands, houses and properties by the Maoists ▪ Relief support to the conflict-affected population ▪ Relief and rehabilitation to the families of deceased and disabled due to armed conflict ▪ Rehabilitation of conflict-induced displacements, and relief to public and private property and reconstruction of development infrastructures destroyed during armed conflict ▪ Relief to families of the disappeared based on the report from the Investigation Committee ▪ Establish a high level Truth and Reconciliation Commission with mutual consensus to investigate truth, crimes against humanity and the actions of grave perpetrators of crimes against human rights during the armed conflict ▪ Establish all-party and all-side Peace Council at local levels to implement the peace process, and build/strengthen harmony, unity and reconciliation <p># Maoists:</p> <ul style="list-style-type: none"> ▪ Appropriate compensations shall be provided to martyrs' family members of People's War and People's Movement ▪ Whereabouts of the individuals disappeared during the People's War shall be investigated and publicized and the affected families shall be compensated and the perpetrators of crimes shall be punished ▪ Management for Treatment, Reinstatement and appropriate compensation to the injured and disabled during the armed conflict ▪ Rehabilitation of the conflict-induced displacement
5	Miscellaneous	<ul style="list-style-type: none"> ▪ A high level monitoring committee shall be formed through consensus to monitor the implementation of all the agreements and understandings ▪ Strict action against any individual shall be taken and punishment shall be met by the government for violations of the code of conduct, understandings/ agreements, and anti-law deeds and activities ▪ In the course of CA elections, the political parties would be free to present their policies and programs to the people on the issues not reached by consensus -- republic, socio-economic transformation, referendum, election method and so on 	<p># GoN:</p> <ul style="list-style-type: none"> ▪ All the past mutual agreements, understandings and code of conduct to be implemented honestly, completely and strongly <p># Maoists:</p> <ul style="list-style-type: none"> ▪ A high level monitoring committee shall be formed to monitor the agreements signed by SPAM
6	Time Table	<ul style="list-style-type: none"> ▪ A comprehensive Peace Accord shall be signed by November 16, 2006 by the SPAM actors ▪ The Maoist Army shall be confined to the cantonments and sub-cantonments and their arms would be locked up by November 21, 2006 when UN will start monitoring ▪ The Nepal Army shall be confined to barracks 	

	<p>and their arms would be locked up by November 21, 2006 when UN will start monitoring</p> <ul style="list-style-type: none"> ▪ The IC shall be completed by November 21, 2006 ▪ The IC shall be promulgated by November 26, 2006 and that very day the incumbent HoR and NA shall be dissolved and IL shall be formed ▪ The IG shall be formed by December 1, 2006 	
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Prime Minister Girija Prasad Koirala, Maoist Supremo Prachanda, Secretary General of CPN (UML) Madhab Kumar Nepal, President of NC-D Sher Bahadur Deuba, Deputy Prime Minister and Chairperson of Jana Morcha Nepal, Vice-President of Nepal Sadhbhawana Party (Anandi Devi), Chairperson of Nepal Majdoor Kisan Party Narayan Man Bijuchhe and Chairperson of United Left Front CP Mainali signed the Agreement. However, two reservations were recorded through a note-of-dissent by Madhab Kumar Nepal on behalf of CPN (UML): (i) The future of Monarchy to be decided by referendum along with CA elections, and (ii) The most democratic method for CA election is proportional representation or the multiple winners theory. On the one hand, Deuba welcomed the agreement whereas Dr. Minendra Rijal and Dr. Prakash Sharan Mahat of the NC-D expressed their disagreement over the omission of the concept of a federal structure government and arms management system. Nepal Magar Student Association commented that indigenous nationalities should be given equal opportunities to involve themselves in the development of a new Nepal. Similarly, Nepal Tamang Ghedung said that they are ready to fight for their rights by forming a front of nationalities, madhesis and dalits. The Dalit NGO Federation Nepal also expressed their disagreement as their demands and voices could not be addressed by the SPAM agreement.

Same day, James F Moriarty, Ambassador of USA to Nepal cautiously welcomed the Maoists to come to the mainstream. He said: "We look at the development positively. But, the future will tell how good the agreement is. ... The Maoists have to prove first that they are not terrorists." Gonzalo R Gallegos, Spokesman of the Washington State Department said: "We hope this agreement will be an important step towards establishing peace and a transparent and democratic system of government. "

Immediately after the announcement, Pranab Mukherjee, Minister of External Affairs, India said: "The decisions taken by PM Girija Prasad Koirala on behalf of the alliance and the CPN (Maoist) in the early hours of Wednesday is a victory for the Nepali people.... We welcome this important move towards peace and prosperity of the people of Nepal and for democratic progress. We hope these decisions will take Nepal on the path of reconciliation, peace, stability, and economic prosperity." He further stated that Nepali people must have the right to freely choose and decide their own destiny and future without fear of the gun.

Welcoming the peace agreement, UN Secretary General said: "This agreement offers the people of Nepal a historic opportunity to end the armed conflict in their country and to build sustainable peace within an inclusive and democratic state." Similarly, Ian Martin, a Special Representative of the UN Secretary General to Nepal also welcomed the agreement.

Dr. Kim Howells, Minister for Foreign Affairs and Commonwealth Office in a press statement stated: "The UK congratulates the government of Nepal and the Maoists for their agreement. The agreement is a significant step towards peace in Nepal. We see it as a demonstration of both sides, commitment to building a peaceful future." Dr. Andrew Hall, British Ambassador to Nepal said that the agreement reached between SPAM is a welcome step. He further stressed: "Arms management is an important for peace."

Stressing upon participatory and inclusive constitution making process, Dr. Günther Baechler, a Special Advisor for Peace Building in Nepal from Switzerland said: "I would like to congratulate all the parties involved for the historic agreement reached after many hours of negotiations. It is a great achievement and it clearly shows: where there is political will there is also a political way out." He further stated: "Dialogue proves to be a stronger tool than any weapons there are. There is now a unique opportunity for Nepal to engage in a participatory and inclusive constitution building process. Peace and social and economic development will now progress hand in hand – to the benefit of all."

Expressing happiness over the agreement, Erik Solheim, International Development Minister of Norway said: "It prepares the way for an end to the conflict. ...It is a promising start for a peaceful, democratic and inclusive Nepal. ...The greatest challenge now is to build the trust that is a prerequisite for free and fair election to a new constitutional assembly." Ulla Tornaes, Danish Minister for Development Cooperation in a press statement said: "It is a promising start for a peaceful, democratic and inclusive Nepal."

This Agreement has rekindled peace in the Nepali hearts. Rural communities are happy with the hope that peace, social justice and development would reach their doorsteps. The people displaced due to armed conflict dream to return to their homes. Women, children and elderly in the rural areas revere to meet with their beloved and guardians. The schools, health institutions, police posts and development infrastructures either closed or destroyed would start to rebuild and reopen. Right to information would reach to the rural and remote areas. People would enjoy the fundamental rights along with freedom of movement. The cadres of the political parties could go to the rural areas. The development organizations and workers would reorient their programs to rural areas.

There are not only these opportunities but also challenges. Nepali Congress has been successful than other political forces as it has been able to generate tussles between the Maoists and CPN (UML). Maoists also face plenty of challenges to implement the agreement. The agreement covers only a few issues of the 40-point demands put forward by them on February 13, 1996. The major issues on Federal Structure of Government (ethnic, regional and linguistic)¹, National and Regional Autonomy and Right to Self Determination raised by Maoists are not included in the agreement. The agreement has not addressed the distress, pains and grievances of the people. It is silent on the highly debated issue of monarchy. The result of the study on monarchy by Interdisciplinary Analyst carried out recently in 35 districts states that 87 percent of the respondents were for republic. According to the *Politics of People's War and Human Rights in Nepal* by Bishnu Pathak has expressed the following on monarchy:

People in general realize that monarch has eyes, but can not see the tears of the people; it has ears, but cannot hear the wailing of the people; it has mouth, but cannot speak for the affliction of the people and direct his subordinates to go ahead to implement the people centered programs in real practice; it has mind, but cannot visualize for the people; and it has a heart but cannot feel for the people... Since the inception of Shah Dynasty, monarch and its family members including courtiers have indulged in conspiracies for the sake of power, personal amusement and benefit instead of caring for the people. (2006: 82)

People have started questioning Maoists if they have raised weapons and they had to suffer the gross human and capital loss only for CA. The people fear whether the genuine compliance of agreement would be achieved due to bitter experience of culture of impunity in the past.

Peace is still a thin and far cry, although the agreement of November 8, 2006 is big one-step towards it. Maoists had announced celebration of the Agreement signing starting from November 8 for three days, but neither people nor the Maoists have turned to the streets. The people who celebrated after the People's Movements I and II for a week are silent. However, the 'historic' agreement could not ignite the enthusiasm of the people because of the fear of resumption of violence. In the name of conflict and taking benefit from the conflict, the organizations centralized in the capital and urban centers do not look satisfied. The genuine peace would lead to foreign and/or national human rights and peace/conflict experts either not have programs or are deprived of employment. The producers, traders and smugglers of arms and ammunitions are not happy either.

There are possibilities that other conflicts would emerge. A monarchist and conventional force (underground elements) named Nepal Janatantrik Party has announced armed struggle from the Far-western part of Nepal. They are active in the ranks and files of the ex- and in-service army for coup-detat. The Terai Janatantrik Mukti Morcha, a split faction from the Maoists, is active in the eastern terai (plains). Skirmishes between the two forces have been occurring and the people in the localities are threatened. There is a potential for communal violence emanating from different castes, ethnic, linguistic and regional groups and communities, for instance Sanghiya Yuva Manch which threatens: "*Ki hunchha arko yuddha sarasar, ki paunu parchha rajya barabar*" (Another war will spark if the state power is not divided equally), etc. The Limbu and Rai communities are also demanding autonomy with right to self-determination.

The Agreement does not even mention about the Militia of Maoists and the Armed Police Force of GoN. There is a risk that the 100-thousand militias would continue extortions, ignoring the command of the center as they require to fulfill their basic needs. It has been very long time that they have left their homes and went through militancy and have little possibility to work as farmers as Prachanda rightly said that it would take time to induce his party cadres who were trained and indoctrinated as militants and fighters for over a decade. The conversion of bullet into ballot power is the principle challenge to sustainable and just peace to Nepal.

The history of Communist Movement in Nepal is that they experience fission when they reach near the power. The risk of mono-channel of talks at the center has deprived not only the common people but also the cadres of the political parties from the rights to information and participation. They are passive

¹ For more information see our previous issues

because of the lack of multiple layers (village, districts, regions, and central) in the peace process. Even inside the Maoist side, there may be conflict between soft-cornered ceremonial vs. republicans. There is no deadline for the period of cantonments and no program has been witnessed to assimilate the Maoist Army in the Nepali Army. Our situation might not be different from that of East Timor if we cannot manage the arms in time. There were more than two dozens of informal meetings between Girija Prasad Koirala and Prachanda. Any third party does not know what in fact transpired between them. There is a skepticism among the people that there might as well be a 'Grand Design', often articulated by Girija himself.

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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.