

Nepal: Solidarity brings prospect of permanent peace

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The Nepalese people finally got an "historic victory" after a nineteen-day mass movement for democracy that claimed many lives. Having witnessed a decade-long armed conflict between the Communist Party of Nepal (Maoist) and previous governments, the entire nation is now holding its breath for the crisis to permanently resolve.

The reinstated House of Representatives announced its Proclamation on a Parliamentary session on 18 May, thereby acknowledging the people's victory and stating that its declaration was written with the blood of the martyrs who sacrificed their lives in the movement. The Proclamation stripped the Monarchy of its executive power, declared Nepal a secular state and brought the Royal Nepal Army (RNA), which was enjoying unbridled freedom and emboldened by its direct affiliation with the all-powerful palace, under the Parliament's control. RNA is now called Nepal Army and His Majesty's Government of Nepal has been replaced by the Government of Nepal.

The Parliament also announced that there would be an election to the Constituent Assembly, a key demand of the CPN (Maoist), who have been waging a war for a decade now. The election to the Constituent Assembly is expected to decide the fate of the monarchy depending on the people's wishes -- whether they want a republican state or a democracy with a ceremonial monarch. This particular step taken by the Parliament is of great significance, since the Maoists have made no bones about getting rid of the Monarchy and going for a republican state since their inception in February, 1996. The decade-long conflict, also known as the "People's War", has claimed over 13,000 lives in the country.

King Gyanendra dissolved the House of Representatives in May 2002 and assumed executive powers on 1 February, 2005, an action that further deepened the country's crisis and forced Nepal's seven prominent political parties and the Maoists to align against the King, whose rule history will undoubtedly judge as a repressive one. Their 12-point agreement (a Roadmap for peace and democracy), agreed on 22 November, 2005, played a crucial role in their fight against what they described as autocracy.

Although ten years of war is not a short time by any standards, the Maoists' and seven political parties' willingness to give in to the people's wishes could forecast a sound political climate. However, the present political development was not an overnight achievement, although the people's movement for democracy forced King Gyanendra to relinquish his direct rule on 24 April, 2006.

There was a much bigger force than the seven political parties and the Maoists behind the success of the movement for democracy. The nationwide strike from 6 to 9 April, 2006, led by the political parties and backed by the Maoists, which transformed into a massive people's movement, was just a part of the bigger picture.

Solidarity, at a critical juncture, among all factions of society -- from the civilians, civil society, media, judiciary, political parties, Maoists and the international community's pressure made the movement a success. However, the movement was merely a catalyst for change. Awareness campaigns advocated by the civil society, local and international human rights bodies and the media helped educate people at the grassroots level about their rights.

On a similar note, the international community played a crucial role in exerting pressure and criticism on both the previous governments and the Maoists for human rights abuses such as extra-judicial killings, excessive use of torture, abduction, illegal detentions and disappearances. The global community's pressure on the Royal regime during the movement was equally striking.

Subsequently, Nepalese people's awareness of fundamental rights and human rights consciousness during the insurgency played a key role in their fight for justice, peace and freedom.

Thus, the collective roles of all sections of society and the international community during the insurgency and the movement cannot be undermined. Had it not been for their consolidated roles, the awareness level among the people would have been negligible and the movement at this stage would have been unthinkable.

Following the movement and the revival of the House of Representatives, the government formed a Commission for Inquiry headed by former justice of the Supreme Court Krishna Jung Rayamajhi to probe human rights violations, abuses of power and misappropriation of state funds by the former government functioning under the King Gyanendra's regime. The commission was formed to investigate abuses from February 2005 through April 2006 and make recommendations to the government to take appropriate legal action against the violators.

On May 12, 2006, the government detained five former ministers and suspended three security forces' heads on allegations of abuse of authority and excessive use of force and human rights violations to suppress the movement. On 4 June, former Foreign Minister Ramesh Nath Pandey, former Information and Communications State Minister Shrish Shumsher Rana and former Assistant Health Minister Nikshya Shumsher Rana were released following a Supreme Court order terming their arrests illegal. The two others detained -- former Home Minister Kamal Thapa and former Local Development Minister Tanka Dhakal -- filed *habeas corpus* petitions before the Supreme Court on 5 June challenging the legality of their detention.

The government, however, came under flak for the preventive detention of former ministers. The international community including international rights watchdogs came down heavily on the government for following in the footsteps of the Royal regime by using the Public Security Act to keep political opponents in preventive detention.

Heads of security bodies who were suspended from service include former Inspector General of the Nepal Police Shyam Bhakta Thapa, former Inspector General of the Armed Police Force Sahabir Thapa, and former National Investigation Department head Devi Ram Sharma. Surprisingly, the government has not taken any action against the Nepalese Army Chief Pyar Jung Thapa who is still enjoying his tenure.

As a mark of tribute, 21 people who lost their lives during political demonstrations this year were officially declared martyrs on 4 June 2006. This gesture has been well received in Nepal.

However, there are many challenges lying ahead. The government of Nepal, Parliament, Maoists and civil society -- all have a task in hand to maintain the equilibrium and take the country to a new direction. The road to success does not end with stripping King Gyanendra of his power, empowering the Parliament, removing the "terrorist" tag from the Maoists, announcing the much demanded election to the Constituent Assembly and declaring Nepal a secular state. It lies in the new government's ability to capitalise on the ripe political climate, a window of opportunity, available now. Much needs to be done and the country has a long way to go.

The declaration of truce by both the government and Maoists and the ongoing peace talks have been welcomed by all concerned. The outcome of the first round of peace talks held on May 26 was the 25-point code of conduct signed by government negotiation team leader and Home Minister Krishna P Sitaula and Coordinator of the Maoist negotiation team Krishna Bahadur Mahara.

Allowing national and international teams to monitor the ceasefire, cessation of armed activities and hostilities during ceasefire, a pledge to publish the whereabouts of those who have "disappeared" and to release political detainees are some of the key elements of the pact.

On the other hand, the Maoists have strongly been demanding the dissolution of Parliament and the formation of an interim government. Their argument is that the House of Representatives neither enjoys the people's current mandate nor does it represent a majority of those who made the movement successful. Maoist leadership Prachanda's warning that the conflict will intensify if the House is not dissolved should not be ignored. However, his stance that his party does not even want to think about the failed peace process and his optimism concerning the negotiations reflect the Maoists' commitment for peace.

Nepal could indeed set an example to all the war-ravaged countries throughout the world if both the parties collectively end the war and make their Roadmap for peace and stability a success. All are hopeful that the much talked peace process will not crumble like the failed peace talks in 2001 and 2003.

Permanent peace in Nepal, once a far fetched dream, cannot be brushed aside going by the recent turn of events. Everybody, including the international community, had been demanding an end to the decade-long conflict in Nepal, but no one had expected that the efforts for peace by the civilians, political parties and the Maoists would be so swift.

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