

Discussion Note

Transforming Terrorists: the Nepali Experience in Mainstreaming the Maoists Insurgents

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Introduction

The Communists and the Maoists in Nepal

The almost 60 years old Nepali communist movement that started in Kolkata, India on 15 September 1949 with the establishment of Communist Party of Nepal (CPN) has experienced a very troubled political trajectory characterized by proliferations, splits and schisms largely based on egos of the leaderships and whether they belonged to the Soviet or the Chinese blocks. At any given time there have been almost a dozen communist parties in Nepal for decades now.

The Communist Party of Nepal-Maoists (CPN-M) evolved under the leadership Pushpa Kamal Dahal, alias "Prachanda- the Fierce One", in 1995. The CPN (M) then presented 40 points of demands to free the Nepalese society from "feudalism and imperialism" and launched people's war (PW) on 13 February 1996 with armed assaults on selected police posts in 4 poor and mountainous districts (there are 75 districts in Nepal) of Rukum, Rolpa, Sindhuli and Gorkha. The party's ideology termed as "Prachanda Path" is understood to be a combination of "Marxism-Leninism-Maoism" advocating simultaneous armed conflict and urban mass uprising. Its lofty objectives emphasizes on "creative Marxism, opposed to both the right revisionists and sectarian dogmatists" capable of serving the world revolution.

Political change, restructuring of the state, removal of monarchy, establishment of a federal republic with ethnic autonomous regions with rights to self-determination and socio-economic transformation have been at the heart of the violent insurgency. So far it has had no territorial implications. Amazingly, it expanded almost throughout the rural areas of country in a decade between 1996 and 2006 with only limited influence in urban areas. Wide spread poverty, youth unemployment, illiteracy and longstanding socio-economic inequalities among geographic areas, ethnic and linguistic groups and gender constitutes among the root-causes fuelling the conflict. Largely centralized state, a lack of adequately inclusive polity, disparities in socio-economic development, and sluggish economy has hardly helped to assuage the rising aspirations of the disadvantaged and the young, who constitutes a majority of the population.

Establishment of a Red Zone from Nepal, India to Sri Lanka is believed to be an important part of their vision of contributing to the world revolution. The CPN (M) was constituent of the Coordination Committee of Maoists Parties and Organizations of South Asia (CCOMPOSA) and the Revolutionary International (RIM). It also worked closely with the Indian People's War Group (PWG) and the Maoists Communists Centre (MCC)

which merged into the Communist Party of India-Maoist (CPIM) under Ganapathy Rao in 2004.

Deaths and Destruction

During the decade of the violent insurgency Nepal has experienced chaos and destructions unparalleled in the recent history of Nepal. Over 13,000 lives were lost; billions of rupees worth of infrastructures were destroyed. Over a thousand people disappeared. Several thousand families and people were displaced. Homes and land of a large number of individuals were occupied by the rebels. Intimidation and extortion was rampant. The economy stagnated. Human rights violations were visible almost everywhere. The Maoists insurgents, the security forces and many criminal elements share the blame for human rights abuses of varying degrees during the period.

Monarchy and Multiparty Democracy

Nepal has been a monarchy under the Shah rulers for 238 years starting in 1769. The Shah Kings survived as captive head of the state on 1846-1950 for 104 years, when the hereditary Rana Prime Ministers ruled the country as their family estate. The Ranas were kicked out in 1950 as a result of popular revolt. A period of unstable governance prevailed during 1951-58 with kings as the Head of the State and leaders of various political parties as Prime Ministers. During a brief period of 18 months following the general election of 1959 a democratic government headed by the Prime Minister B P Koirala of the Nepali Congress (NC) took over. King Mahendra, however, dismissed the government and introduced a Partyless Panchayat System in 1961 resting full sovereignty and state authority on the king.

The Panchayat System collapsed in 1990 as a result of a massive people's protest lead by political parties (*Janaandolan-I*). A new democratic constitution was then formed to ensure a multiparty democracy with a constitutional monarch as the Head of the State and a Prime Minister as the head of the Government. The democratic set up turned out to be unstable due to frequent changes in the government and was unable to meet the expectations of the people. Gauging the fast brewing discontent against the performance of the political parties during the period, the CPN-M initiated a violent insurgency in 1996. Due to intra-party and inter-party wrangling, undue power lust of leaders, the instability created by the Maoists and the kings desire to get into active power the elected parliament was dissolved in 2002.

After appointing a number of Prime Ministers, king Gyanendra took direct control of the government on 1 February 2005. The king bungled in governance and was unwilling to reconcile with the political parties to bring back the derailed democratic process in track. The "twin pillar" policy propounded by key regional and global powers to bring together the two constitutional forces-the king and the political parties- failed. A 19 day long massive people's movement (*Janaandolan-II*) in April 2006 forced the king to relinquish power and reinstate the dissolved parliament. A transitional government headed by NC President G P Koirala and members of the cabinet drawn from the Seven-Party Alliance (SPA) took over.

Mainstreaming the Maoists

After a decade of fighting the CPN (M) headed by Prachanda had already become a considerable political force with a strong People's Liberation Army (PLA), huge militia and many frontal organizations representing farmers, labors, women etc. It had almost a parallel government in a large chunk of rural Nepal and was successful in attacking key district headquarters and even important security post in the Kathmandu valley. However, the Maoists Insurgents were becoming increasingly aware of the national and international economic and strategic realities and started to come to the conclusion that it was unlikely for them to achieve a clear military victory over the state in any foreseeable future.

Similarly, the SPA was beginning to come to the conclusion that they will not be able to work with the king to counter the Maoists and demolishing them to the ground was almost impossible. It was thus thought prudent by the SPA to work with the Maoists to resolve the long going conflict, build peace and mainstream the Maoists insurgents. The security forces, which consisted of about 90,000 strong army and over 50,000 strong police force (that include both armed and civil police), were unable to fully tame the Maoists after so many years of battles and skirmishes against their hit and run guerilla-styled attacks. The international community, including India and a number of EU states, were beginning to support the idea of reconciliation between the political parties and the Maoists to build peace and mainstream the insurgents.

A landmark 12 points agreement was signed between the SPA and the Maoists on 22 November 2005 to work against the absolute monarchy and pursue an agenda of peace building and progressive reform. The April 2006 people's movement that toppled the king from absolute power was largely a joint exercise between the SPA and the Maoists. The former provided legitimacy and a democratic character to the movement, while the latter was instrumental for building a mass support. Of course, the majority of the people wanted peace and move on with their life. Given the king's failure to deliver and impossibility of building peace without the Maoists support hundreds of thousands of people across the country also came to streets days in days out in support of the April movement. The process of mainstreaming moved further with three new steps.

First, the Maoists fully sprung out to open from their underground life and signed an 8-points agreement with the SPA in the Prime Ministers Official Residence in Kathmandu in June 2006 that officially ended the insurgency and consolidated their understanding towards peace building and political change. The SPA government and the Maoists negotiating teams were constituted to thrash out various political and socio-economic understanding to be reached.

Second, a Comprehensive Peace Accord was signed in October 2006 that brought the peace and mainstreaming process to a new height. Subsequently, an interim parliament was constituted with significant numbers of the Maoists members and all the members of the reinstated parliament included. Consequently, the interim parliament was constituted with the representation of 11 political parties, including the Maoists. Subsequently, an interim constitution was promulgated. The Maoists joined the interim government in May

2007. The election of a Constituent Assembly (CA) and formulation of an inclusive new Constitution to build a new Nepal become a common agenda. The CA election initially planned for June 2007 was rescheduled for 22 November 2007.

Thirdly, the United Nations under the guise of UN Mission in Nepal (UNMIN) was invited to help monitor the arms management and CA elections with the written consent of the government and the Maoists. The tacit support of India, China, USA and other key players was inevitable for the UN to gain entry into Nepal. With the support of UNMIN over 30,000 PLA are in 7 main and 21 sub-cantonments. Over 3000 arms of the Maoists army have been locked up in containers under UN supervision. Similar numbers of arms of the Nepal Army (NA) have also been locked up in containers under UN supervision. The process of verification of PLA is almost in the last stage. Security sector reform, integration of PLA into NA and reintegration of the Maoists army and militia into society is yet to be worked out.

Troubled Transition

One may get an impression from the above descriptions that the process of mainstreaming the Maoists and the political transition has been rather smooth. It would be a huge mistake to have that understanding. The process of negotiations between the Maoists and the SPA has been turbulent with many walk-outs and delays. Myriads of agreements signed with excitement have been breached or not implemented. Similarly, the dynamics within the SPA; particularly among the three big ones- the Nepali Congress, the United Marxists Leninist (UML) and the Nepali Congress-Democratic (NC-D); has been quite disturbing at various occasions. However, the most encouraging part of the process is that the SPA and the Maoists have been able to sort out expectations and misunderstanding with both compromises and delays for almost 2 years now.

Encouragingly, the NC and NC (D) have now again merged into a single NC Party after a break of almost 5 years as it would strengthen the position of the proponents of multiparty democracy in the transition and the Maoists' mainstreaming process. Interestingly, the Maoists are also building left alliance beginning with some smaller radical left parties closer to their own philosophy. Their attempt to build alliance with UML, a bigger and more of a mainstream left party hasn't made much of headway. The CPN-M and the UML appear to play as strong competitor for a left-oriented political space in the emerging political landscape, in which the Maoists are being mainstreamed, the monarchy is being sidelined and the democratic parties are uniting.

The biggest bombshell of the mainstreaming and peace building process occurred almost 2 years after the SPA and the Maoists signed their first understanding in the form of 12-points agreement. The Maoists resigned from the Interim Government on 18 September 2007 to force implement their 22 points preconditions for holding the CA elections on 22 November. Two of the key and contentious preconditions were the removal of the king by the Interim Parliament and declaration of republic before CA elections and adoption of a fully proportional system for CA elections. Interestingly, the Interim Constitution formulated and approved with the support of the Maoists states that the status of monarchy will be decided by the first meeting of the CA and a mixed system will be used

for CA elections. The SPA, particularly the biggest and the most powerful member of the alliance-the NC, is unwilling to change the Interim Constitution to meet the new Maoists demands.

Given the situation, the CA elections rescheduled for November 2007 has been postponed without any decision on the new dates based on the agreement of the SPA and the Maoists on 5 October 2007. Even though the Maoists deserve a lion's share of the blame for the poll postponement for setting contentious preconditions less than 8 weeks before the scheduled date, the postponement was effected on the recommendation of SPA and the Interim Government. Consequently, doubts are being raised on whether the SPA itself is serious on holding polls in spite of SPA and the Prime Minister G P Koirala's repeated rhetoric in support of CA elections. Two factors still provide a ray of hope towards peace building and mainstreaming.

First, a Special Session of the Interim Parliament has begun on 12 October 2007 to deliberate on the Maoists proposal and possibly set a new date for CA elections. The SPA and the Maoists continue to harp on the continued need to maintain their unity and to stay the agreed political course. However, the huge 330 member Interim Parliament (dissolved parliament had 205 members) overwhelmingly consisting of members nominated by the SPA and the Maoists hasn't functioned as an independent democratic forum willing and capable of debating and directing the government to undertake an appropriate course in such critical issues rather behaved as a soulless rubber stamp of their respective bosses in the SPA and the Maoists set-ups. Consequently, the special session is unlikely to produce any binding and bright solution unless the SPA and the Maoists leaderships can workout solution themselves that the session can legitimize.

Second, the influential international community, including India and USA, have expressed their disappointment on the postponement and are putting pressures on all the concerned to sort-out their differences and set a new date for CA elections. As a matter of the fact, India dispatched its Prime Minister's Special Envoy, Shyam Saran, to Kathmandu on a three day mission on 10 October 2007 to assess the "prevailing political situation". Upon completion of his mission, Saran reiterated India's disappointment over the "postponement of the polls" and stressed that holding free and fair CA polls was of central importance for ensuring lasting peace and multiparty democracy as peace and electoral processes are interlinked and must "remain on track".

Three key interpretations have been floating in the political market concerning the Maoists u-turn so late into the process of CA elections. First, the Maoists are afraid to face the electorate as they are likely to garner only about 15-20 percent of CA seats under the current arrangement and dates as reflected by some opinion polls. The Maoists popularity has declined a lot in the last 6 months due to the poor performance of their ministers, diminished "fear factor" and continuing highhandedness of their youth brigade, the Young Communist League (YCL). To be impartial it must also be recognized that social and development works, including city cleaning and road-widening, conducted by YCL are well appreciated.

Second, the hardliner within the party want to derail the peace and the mainstreaming process and want to capture the state through further violence. In other words, Prachanda is unable to carry the hardliners with him as he has made so many compromises that go against the populist agenda and strategies adopted by the party in the past. Consequently, the Maoists want to postpone the CA until more favorable conditions to their benefit can be created. The full proportional system is also expected to benefit them more in the CA polls. International Crisis Group (ICG, 28 September 2007) quite accurately sums-up that poll without the Maoists would be "meaningless" as they can make the country "ungovernable". However, a school of thought is emerging that stress on the need to consider on holding on CA elections and progressive reform without the Maoists if they keep on disrupting the poll process at the last hour.

Third, the Maoists have never been serious in mainstreaming themselves and are not committed to multiparty democracy and electoral politics. Their agreement to CA was the first step. The insistence on declaring the republic from the Interim Parliament before the CA polls is a second strategic move. If that is achieved they will move to capture the state by force rather than agreeing on CA polls.

Also, a number of ethnic, marginalized and armed groups are agitating and causing havoc. The security situation in the country is not yet conducive for a free and fair CA polls. Even though the government has negotiated with some marginalized groups, many others are springing out with demands. Negotiating with the genuine marginalized groups for their genuine demands and dealing firmly with the unreasonable or fake or criminal ones will be a key test of the will and capacity of the government to improve security and inclusive CA. ICG recognizes that the "problems including weak political will, poor governance and security, and continued claims for representation by marginalized groups" as the key roadblocks to CA elections and peace building.

Influential Factors

The insurgent's total commitment to peace and multiparty democracy is still a suspect in the eyes of many domestic and international observers. However, political mainstreaming of the Maoists is widely seen as a preferred choice for lasting peace and political stability. Nepali people are more than willing to give chance to the Maoists and the SPA to genuinely pursue the course through CA elections and a New Constitution. The Maoists are suspect because of their continuing highhandedness and flip-flops. The political parties, particularly SPA, are no less under their scanner given their continuing inter and intra-party bickering and partisan politics. There is a genuine concern on whether the SPA will remain united for long enough. As a matter of the fact, a number of original members of SPA have already split into factions and NC and NC-D has merged into a single NC. The effectiveness of UNMIN and genuine international support will continue to be crucial. The following key issues may determine the pace and quality of the political transition and the mainstreaming in Nepal:

International Players and UN

Managing India and US for mainstreaming the insurgents is likely to be tricky. Given the fast spreading Maoists problem in several states in India it does not want them to gain

upper hand in Nepali politics. In addition, India also wants to have influence over the Maoists and political parties to ensure its security and economic interests no matter who rules the roost in the country. The USA wants the Maoists to be significantly weakened and finds difficulty in trusting their moves towards joining the mainstream democratic polity. The USA may also have a larger interest of watching China and to an extent India by being engaged in Nepal, a country sandwiched between the two Asian giants. The Maoists started as totally anti-Indian (anti-expansionism) and anti-USA (anti-imperialism) but have been changing their tunes concerning India often in the last two years to meet their strategic moves at any given point in time. The Chinese are carefully watching unfolding developments and must be assured of Nepal's goodwill towards their sensitivities in the changing political context. China usually terms most development in Nepal as "internal matter" and works with whoever assumes power.

India, China, US, Japan, UN and EU will have to be cultivated to be eager partners for funding a comprehensive post-conflict roadmap. The effectiveness of UN, including UNMIN, will be a critical factor in arms management, election monitoring and human rights protection. The role of UN so far is considered to be constructive and reasonably useful but will have to be more effective in terms of cost and timely delivery in the days to come if it is to continue to be relevant.

Arms and Army Management

Arms management has haltingly moved with both hope and despair. On the plus side, over 30,000 Maoists combatants have been moved to cantonments. Their registration is complete and verification is nearing completion. Over 3,000 of their arms and an equal number of Nepal Army's (NA) arms are in UNMIN monitored containers. The JMCC lead by the UNMIN's arms expert with members drawn from PLA and NA is in place to facilitate the process. The government of Nepal is meeting the costs of running the camps. SSR, integration and rehabilitation principles have been agreed loosely.

On the questionable side, the keys of the arms containers' are in the pockets of the respective NA and Maoists commanders. Integration of Maoists into NA and SSR plans are yet to be considered. Agreeing on integration and DDR is unlikely to be a smooth. Suspicion prevails on whether the insurgents have locked up all their arms, if many battle hardened combatants remain outside the camps or whether the cantonments are over-flooded with militias, minors or new recruits. The indications from UN verification so far are that the Maoists may have only about 19,000 PLA if minors and absentees are deducted. Most cantonments are still in a deplorable state. Distrust between the Maoists and NA remains undiminished. The 90,000 strong NA doesn't think the politically indoctrinated PLA could be integrated into a national army supposed to be neutral and professional. On the other hand, the Maoists insist that the PLA has shed blood for change and must be integrated into it.

Integration and SSR framework may have to be considered sooner to assure PLA, NA and others on timely establishment of an inclusive professional army from among any qualified nationals belonging to Madhesis, Pahades, Maoists combatants, women,

Janajatis or other ethno-geographic groups. The PLAs and militias unsuitable for integration must be rehabilitated to the society. Additionally, thousands and thousands of students, laborers, farmers and others representing frontal organizations will have to be properly accommodated in the emerging system. Rehabilitation or integration process is likely to be difficult and contentious but both the processes are vital for peace building and mainstreaming the Maoists.

Ethno-Regional Conflict and Inclusive Polity

Terai/ Madhes or the plains of Nepal represents about 49 percent of the total population and 23 percent of the physical area. Madhesi/ Terai/ Plain communities strongly feel that they were badly discriminated by the state for a long time as second class citizens and offered only limited share in politics, bureaucracy and other institutions. Terai contains upper castes, lower castes, dalits, Tharus, Maithili speaking, Bhojpuri speaking and also Phadis/ hill people. The political leaders, interim parliament and agitating groups must show their wisdom to tackle the Madhesi problem with fairness and through dialogue.

The history, geography, climate and culture of Madhesh/ plains and Pahad/ hills are complexly linked. While solving the problem of Madhesh the legitimate aspirations of the Pahadis who represent 51 percent of the total population and are scattered across 77 percent of the geographic area with difficult terrain, poor communication and negligent road links must also be considered carefully. In spite of over dominance of bourgeois Thakuris-chhetries and Bahuns for a long time, a majority of Bahuns and chhetries across the country share the fate of deprivation, disease and hunger like anyone else and must also be treated fairly and unbiasedly to attain a balanced ethno-regional development.

In addition, the janajatis or indigenous populations, dalits and the residents of inaccessible areas such as Karnali Zone have been agitating for their representational and developmental rights. The government has negotiated with some groups but is yet to satisfy a lot of others. A fair and more satisfactory resolution of their representational, developmental and socio-economic transformational demand will be crucial.

The problem with our leadership is that they tend to address problem only when they are raised violently and only of those groups and regions who raise hell. This is rather a myopic and weak approach. They must visualize the aspirations of all disadvantaged groups and regions comprehensively and address them before they are expressed violently

Political Transition and Socio-economic Transformation

We are in a period of massive uncertainty and volatile transition. Both a great opportunity for political and socio-economic transformation as well as unimaginable chaos appears to be looming in the contemporary horizon. Wisdom, vision, integrity and consensus building capacity of the SPA and the Maoists leaders is likely to largely determine the direction that this troubled nation will take in the coming days. Civil society, professionals and conscious citizens from the mountains, hills and Madhesh will have to play a significantly critical role in keeping the leaders in the right path given the partisanism, shortsightedness and pitiable decisions that they are used to. The following

political and socio-economic issues are of critical importance. Widely divergent views prevail between the Maoists key political parties on these issues.

The status of monarchy, king's moves
Federal or unitary state with decentralization and devolution,
If federal, type of federal structure,
Fully proportional or mixed CA election system
The Maoists commitment to multiparty democracy
Inter and Intra-party unity within SPA
Role of key international players, particularly India
Ethno-regional conflict, representation of marginalized groups/ inclusive polity
Effective post-conflict roadmap and socio-economic transformation

The sooner the remedies for root causes of the conflict-ethnic, linguistic, regional, gender inequalities- are discussed and devised the better will be the prospects for a lasting peace as over 40 percent of conflicts are reported to return within 5 years and 50 percent within 10 years if they are not handled adequately.

Concluding Remarks

The Maoists appear divided on their roadmap with a "Militaristic camp" interested to shift to violence for state capture and a "Reconciliation Camp" inclined to continue to mainstreaming by forcing as much of their radical agenda on SPA as feasible. So far the reconciliation camp may have an edge. If the two camps are not balanced finely, the risk of its splitting into two groups can't be ruled out with serious consequences to the mainstreaming efforts. As a matter of fact, a number of small armed groups splintered from the Maoists are already causing havoc in some Terai areas.

The Maoists want to make Nepal a federal republic consisting of ethnic autonomous regions with rights to self-determination and hold CA elections with fully proportional system. They want the king to be made person-non-grata and Nepal declared republic by the Interim Parliament before the CA polls. The political parties are divided into republican and constitutional or ceremonial monarchy camps. The SPA is now officially inclined to federal republic but a sizable number of influential leaders in some parties, particularly the important NC, continue to vouch for space for monarchy. Most of the influential SPA partners are for mixed electoral system and are for more pragmatic federal system not solely based on ethnicity. They also want to decide the fate of monarchy by the first meeting of the CA not by the Interim Parliament to ensure greater legitimacy and wider acceptability.

Almost total domestic and international consensus now stresses that no lasting military solution to the conflict is possible and negotiated settlement and mainstreaming the Maoists offers hope for lasting peace. International community, particularly India, invariably plays a key role in matters of importance in Nepal. Only a handful of unrealistic hardliner militarists and "merchants of war" may be continuing to argue for a durable military solution. The peace process and efforts to mainstream the Maoists is moving with lots of up, down and delays. The SPA and the Maoists have been quick to

sign agreements; including the Comprehensive Peace Accord, but been poor in implementing. Chances for building peace and new Nepal are good but not assured. A lot can still go haywire. Economic issues and post-conflict planning are still in the backburner. Political resolution does not automatically ensure economic progress. People can't eat or live on a good constitution even resulting from CA. It must guide everyone to deliver food, education, jobs, health services and opportunities to catch up with the fast moving neighbors and the rest of the world. There appears to be a ray of hope at the end of the tunnel but the risks of the ray being blocked haven't diminished fully.

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