Nepal’s Faltering Peace Process and Swiss Engagement

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NEPAL’S FALTERING PEACE PROCESS AND SWISS ENGAGEMENT

Nepal’s civil war ended with a peace agreement in 2006. Following initial progress, the peace process has reached an impasse. Nepal’s transformation into a democratic and federal state is being held up by political power struggles. The paralysis of the peace process is also overshadowing Switzerland’s engagement for peace and development support in Nepal, which is regarded as a model due to its integrated approach.

In 2006, the Maoist insurgents and the Nepalese government signed the Comprehensive Peace Accord (CPA), which ended a ten-year civil war. Local and international actors alike hoped that the CPA would provide a solid framework for the process of transforming Nepal from an autocratic monarchy to a pluralist, democratic republic. Indeed, a certain degree of progress has been reached in the past years: A resumption of fighting in the civil war has been avoided, the elections for the Constituent Assembly (CA) were held in 2008, and a solution was found for the controversial issue of integrating and rehabilitating former Maoist combatants.

The peace process has since reached an impasse. Both within and outside of Nepal, disillusionment is spreading. Despite several extensions of its mandate, the CA has failed to produce a new constitution. After the last deadline had expired, Prime Minister Baburam Bhattarai announced that new elections would be held, for which the earliest date is in spring of 2013. However, due to deep divisions between the parties, it is uncertain whether it will be possible to conduct them.

The blockade of the peace process also affects the Swiss engagement in Nepal. For Switzerland, it is a focal country both in the field of civilian peace support and in development cooperation. Mainly, though, ever since the first integrated strategy of 2005, Nepal has been a test case for Swiss efforts to pursue its foreign, security, and development policy goals in the framework of a Whole of Government Approach (WGA).

Fragile transformation process
In which direction will Nepal develop? Will the actors manage to overcome the political deadlock and move ahead with building a democratic, federally structured state and thus create the basis for economic development? Or will the country break down due to the sheer size of the challenges involved and the lack of compromise among the political decision-makers, and risk developing from a fragile state to a failed one? Six years after the end of the civil war, this is the crucial question.

With a population of around 26 million and an area of 147,811 square kilometres, Nepal is quite small for an Asian country. It is divided geographically into the Mountain Region (ca. 56 per cent), the Hill Region (ca. 30 per cent), and the Terai, the Nepalese part of the Ganges plain (ca. 14 per cent). It is defined geostrategically by its situation between its two big neighbours, China and India. India has close economic and political links with Nepal and is a key influential player in developments within the country. The Indian perception of Nepal is strongly shaped by security considerations. The Nepalese Maoists’ links to Maoist groups in India (Naxalites) have on occasion caused grave concerns in New Delhi. Relations between Nepal and China are less intensive. For Beijing, apart from economic relations, the main issue is to prevent the Tibetan diaspora in Nepal from engaging in pro-Tibet activities.

Nepal is one of Asia’s poorest countries, despite some progress in recent years. Annual GDP stands at around US$525
per capita. Approximately 57 per cent of the population live on less than US$2 per day, and about 25 per cent are below the national poverty level (1996: 42 per cent; 2003: 31 per cent). This percentage varies depending on the population group. Average economic growth in the past ten years has been 4 per cent. On the Human Development Index for 2011, Nepal ranks at 157th place out of 187 states, one place behind Nigeria and one ahead of Haiti.

The population is subdivided into many ethnic groups, castes, religions, and languages. More than 100 languages are spoken. The population is 80 per cent Hindu, but also includes Buddhist, Muslim, Christian, and animist minorities. Ethnicity and caste are very important factors that constitute crucial criteria for access to political power and economic opportunity. Traditionally, the Caste Hill Hindu Elite (CHHE), which makes up about 31 per cent of the population, has a dominating influence. Discrimination based on ethnicity, caste, gender, and religion – e.g., towards the Dalits (“Untouchables”), indigenous groups, the Madhesis of the Terai, women, and Muslims – is still widespread in Nepal today.

Thus, two structural factors converge in Nepal that considerably increase the risk of civil war, according to empirical studies: Distinct poverty and distinct inequality between various population groups. In 1996, Maoist rebels took up arms against the autocratic Hindu monarchy. The rebels demanded the abolition of the monarchy and an end to the feudal system. After the accession of King Gyanendra in 2001, the situation was aggravated, and the violence increased. In 2005, Gyanendra dismissed the government, seized executive power for himself, and imposed a state of emergency. In doing so, he created the preconditions for an agreement between the Maoists and the main parties in parliament based on common opposition to the monarchy. The peace agreement of November 2006 between Maoists and the Seven Party Alliance succeeded in bringing to an end the civil war in which about 16'000 people had died. The key elements of the CPA were the elaboration of a new constitution, a reorganisation of the state, more involvement of disadvantaged groups, the integration and rehabilitation of the Maoist combatants, the return of confiscated property, the revision of the structural reasons for the conflict, the protection of human rights, and a social, economic, and political transformation of Nepal. Considerable progress was achieved in the implementation of this agreement between 2006 and 2008. Among the milestones were the integration of the Maoists into the political process, the approval of an interim constitution, and the elections for a constitutional assembly that were held in 2008. The elections were monitored by the United Nations Mission in Nepal (UNMIN), which had been present in Nepal since 2007, but only had a very narrowly defined mandate due to Indian concerns. To the surprise of the established parties, the Maoists emerged as the most powerful party. More than 20 parties were represented in the newly elected CA, which had 601 seats. The four strongest factions were the Communist Party of Nepal (Maoist) (CPN-M, 229 seats), the Nepali Congress Party (NC, 115 seats), the Communist Party of Nepal (Unified Marxist Leninist, UML, 108 seats), and the Madhesi People’s Rights Forum (54 seats). In May 2008, the CA abolished the monarchy, declared Nepal to be a secular, constitutional republic, and elected NC representative Ram Baran Yadav as its first president. Another breakthrough was achieved in 2011/12 on the controversial issue of integrating the Maoist fighters into the armed forces. Of the approximately 19'600 people whom the UNMIN had verified as Maoist combatants, about 1'450 were ultimately accepted into the Nepalese army. The others were rehabilitated or given early retirement. In this way, the difficult situation of “one country, two armies” was resolved.

Political deadlock

Currently, the implementation of the peace agreement is at an impasse. When the CA failed, even after the fourth extension of the deadline, to elaborate a new constitution, its mandate expired on 28 May 2012. The Supreme Court had ruled out a further extension. The failure of the CA was a heavy setback for the peace process. In addition, it created a legislative vacuum, as the CA had also had parliamentary functions. The elections that Maoist Prime Minister Bhattarai had originally scheduled for November 2012 have already had to be postponed. The next possible date currently under discussion is in April or May 2013. The parties are currently negotiating on a national unity government to prepare the elections. It is questionable whether the scheduled election date will be adhered to this time, which is cause for persistent uncertainty. Observers also fear that the election may give rise to new outbreaks of violence.

The main obstacle to drafting a new constitution is the question of the federal state structure as outlined in the interim constitution. Federalism is to form the basis for decentralising power and for better involvement of hitherto marginalised groups; it is also anticipated that a federalist structure would seal acceptance of Nepal’s ethnic and cultural diversity. However, federalism is a matter of controversy, both between and within the various parties.

Generally speaking, the CPN-M, the Madhesi, and certain ethnic and regional actors groups are in favour of federalism, while the NC, the UML, and the hitherto dominant ethnic groups and castes fear a loss of influence compared to the status quo. A number of proposals are currently in circulation. Among the controversial questions are the number, size, geographic disposition, names, and authority of the potential federal units. For instance, the Madhesi and indigenous groups demand regions in which they together are numerically superior to the population groups that have dominated so far. The Madhesi had even called for a unified Madhesi state that would comprise the entire Terai. In the meantime, they have given up this maximal demand. The NC and the UML are
warning that federalism based on ethnic- 
ality and identity would be divisive for Nepa-
ese society. The proposed administrative 
units, they say, would not be viable eco-
nomically and would jeopardise the integ-
rrity of the state.

Additional challenges are making the transformation process even more diffi-
cult. Deficiencies in good governance 
are a fundamental problem. Corruption is 
widely spread. The human rights situation 
continues to be unsatisfactory, and the 
government failed at the end of 2011 to ex-
tend the mission of the Office of the High 
Commissioner on Human Rights (OHCHR). 
The mechanisms envisaged in the CPA for 
dealing with the civil war era in legal terms 
(“transitional justice”) have not been im-
plemented. Political discourse is marked by 
severe disagreements between and rifts 
within the parties. Demonstrations and 
strikes are frequent occurrences. The strong 
fragmentation of the political landscape is 
also a source of instability, as seen in the 
frequent changes of government. Since 
2006, there have been five prime ministers.

External observers attribute the stalling of 
the peace process mainly to the leaders of 
the political parties. Their lack of willing-
ness to compromise on substance, the fact 
that their main priority is retaining power 
for themselves, the lack of involvement of 
the party base and the population at large, 
their rhetorical agitation – in short, the 
political brinkmanship on all sides – are 
largely to blame for the current situation. 
The future of the process is in consider-
able jeopardy because of the tendency of 
political decision-makers to adhere uncom-
promisingly to their respective strategies 
for maximising their interests. Additional 
problems besides the political deadlock are 
the parties’ increasing loss of legitimacy 
and the erosion of trust among the general 
public in the capability of the democratic 
institutions to resolve the existing issues. 
The growing frustration of many sections of 
the population constitutes a threat to the 
peace process. The litmus test for the 
future development will be the question of 
whether the elections can be conducted in 
an orderly fashion and whether a function-
ing parliamentary and constitutional as-
sembly can once again be established.

**Switzerland’s role**

Switzerland is strongly engaged in Nepal. 
This engagement is not just one of many 
in Swiss foreign relations, but enjoys a 
special status. First of all, Switzerland has 
been present in Nepal since the begin-
nings of its national development aid pro-
gramme in the early 1950s. Thanks to the 
decades-long development cooperation, 
it enjoys an unusual degree of trust and 
goodwill on the ground. Second, Nepal is 
a focal country for Switzerland both in 
terms of civilian peace support and in de-
velopment cooperation. Thirdly, Swiss ac-
tivities in Nepal have special significance 
because they constitute a test case for 
Switzerland’s implementation of a WGA.

The purpose of the WGA is to align the var-
ious instruments and activities of multiple 
national administrative units towards com-
mon goals, to subordinate them to a uni-
ified strategy, and to coordinate them bet-
ter. The aim of this approach is to improve 
the effectiveness of the nation’s engage-
ment and optimise the use of resources. 
In fragile contexts, moreover, the primary 
aim is to achieve better coordination of the 
security, peace support, and development 
agendas as originally expressed in the “3D” 
slogan (diplomacy, development, defence) 
coined by Canadian diplomats.

For decades, Switzerland and the Swiss 
Agency for Development and Cooperation 
(SDC) were engaged in Nepal mainly in ag-
cultural and forestry activities, infrastruc-
ture projects (e.g., construction of bridges 
and roads), and in the fields of sustainable 
resource management and education. The 
outbreak of the civil war in 1996 placed at 
risk the results of decades of work. In Swit-
zerland as in other donor countries and 
organisations worldwide, the result was a 
self-critical and sometimes tough exami-
nation of the interplay between its own 
development activities and the violent 
conflict. The notion of development coop-
eration being a mainly technical and apo-
litical process, which had been widespread 
among actors in development policy, could 
no longer be upheld.

Switzerland decided to continue its pro-
grammes even under these difficult cir-
cumstances. However, from 2002 onwards, 
it adapted them to the context of the con-
lict and introduced a conflict-sensitive 
programme management. This was de-
signed, for instance, to prevent inadvertent 
stoking of a conflict, to ensure support for 
marginalised groups, and to protect the 
staff members associated with the Swiss 
efforts. Another question was how closely 
to cooperate with state institutions that 
had been discredited nationally and inter-
nationally after 2005.

Switzerland also put out feelers concern-
ing civilian peace support activities, due to 
the Federal Council’s intention to become 
more strongly engaged than before in this 
area. Beginning in May 2005, a Senior Ad-
viser for Peace Building in Nepal (SAPN) 
dispatched by Political Affairs Division IV 
(PA IV, now the Human Security Division) of 
the Federal Department of Foreign Affairs 
(FDFA) complemented the existing SDC Co-
operation Office in Kathmandu. The trust 
enjoyed by Switzerland due to its long-
standing activity in Nepal and its contacts 
with all parties to the conflict allowed the 
senior adviser to take on an important role 
as counsellor and informal facilitator in the 
run-up to the peace agreement. Switzer-
land was just one of many international 
actors including India, the UK, the US, 
the EU, or the UN that were also involved in 
bringing the civil war to an end.

Switzerland maintained its presence in Ne-
pal after the conclusion of the peace agree-
ment and has expanded its activities both 
in the area of peace support and in devel-
opment. The main goals are to support the 
peace process and build up a democratic 
and federal state that observes the rule of 
law and safeguards human rights and hu-
man security. On the other hand, the aim is 
to promote the country’s socio-economic 
development, to reduce poverty, and to 
support selected Millennium Development 
Goals. In terms of geography, Switzerland is 
active across the country, though it has de-
efined two focal regions. In its programmes, 
it works together with the Nepalese gov-
ernment as well as with local and interna-
tional partner organisations.

For instance, the current SAPN is support-
ing the peace process in the framework of 
the Nepal Transition to Peace (NTPP) 
Initiative, which seeks together with local 
facilitators to maintain a dialog with the 
various actors, including outside of formal 
institutions and channels. Furthermore, 
Switzerland supplied an expert in consti-
tutional issues and federalism and in 2011 
invited high-ranking party representatives 
to negotiations in Switzerland. Further-
more, it supports the work of the Consti-
Switzerland spent about CHF 130 million on such activities between 2009 and 2012, for an average of CHF 32 million per year. This annual contribution is scheduled to increase slightly in the coming years as part of the increase in the framework credit for development cooperation and the planned prioritisation of aid in fragile contexts. That makes Switzerland a significant financial actor and one of the top ten donors as far as Official Development Aid (ODA) for Nepal is concerned, which strengthens its weight both locally and in the international context.

Already since 2005, Switzerland has been pursuing a WGA that is expressed in the cooperation strategies for 2005–2008 and 2009–2012, which were jointly developed by the various administrative units. The main actors involved are, on the part of the SDC, the respective Divisions of the Regional Cooperation and Humanitarian Aid Departments, and on the part of the FDFA’s Directorate of Political Affairs, the Human Security Division and the Asia and Pacific Division. In Nepal, the SDC Cooperation Office was converted into an integrated embassy in 2009, with the Swiss ambassador doubling as Country Director for the SDC. The Human Security Division’s Senior Advisor for Peacebuilding is also attached to the embassy. This overview shows that in this case, the Whole of Government Approach is in truth a “Whole of FDFA” approach, as military peace support – apart from the temporary mission of Swiss military observers as part of UNMIN – is not part of the strategy for Nepal.

Switzerland’s cooperation strategies for Nepal are developed jointly in an elaborate process by the embassy in Kathmandu and the federal agencies involved in Berne. Responsibility for coordination lies mainly with the SCD Regional Cooperation Depart-