

A Historic Episode in the History of Nepal: A Descriptive Analysis of Comprehensive Peace Agreement- 2006

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Abstract

This paper primarily focuses on the agreement between Nepal Government and Nepal Communist Party (Maoist) after ten-year long conflict initiated by the Maoist. The main objective of this study was to analyze the document that was known as "The Comprehensive Peace Accord- 2006" and highlight the major parts of the agreement. The document analysis was the main methods of the study in which the document signed by Government of Nepal and Nepal Communist Party (Maoist) was taken as the main source of information. This paper mainly found that the agreement focused on the termination of the conflict and bring the revolutionary party in the mainstream of national development. It also focused on the implementation of the agreement, though the implementation part seemed very tough.

Keywords: Conflict, Accord, Maoist, transformation

I. Background of the study

Respecting people's mandate for democracy, peace and progress expressed through repeated historic people's movement and struggles since 1951, reaffirming commitments to the 12-point and 8-point agreements, and 25-point code of conduct between the seven parties and the Maoists; decisions taken during the meeting of the top leaders of the seven parties and the Maoist on November 8 along with other agreements, understandings, code of conducts and letter sent to the United Nations stating identical viewpoints by the Maoists and the Nepal government, Pledging for progressive restructuring of the state by resolving prevailing problems related with class, ethnicity, regional and gender differences. Reiterating commitments to competitive multiparty democratic system, civil liberties, fundamental rights, human rights, complete press freedom, rule of law and all other norms and values of democratic system, pledging commitments to Universal Declaration of Human Rights 1948 and other international humanitarian laws and values and principles of the human rights, guaranteeing the fundamental rights of the Nepalese people to cast their votes in the constituent assembly polls without any kind of fear the agreement was conducted between Maoist party and Government of Nepal. Similarly, by putting democracy, peace, prosperity, progressive social and economic transformation, independence, integrity, sovereignty and prestige of the state in the centre-stage, implement the commitments made by both the sides to hold the election to constituent assembly by mid-June 2007 in a free and fair manner the Maoist party declared the end of armed conflict prevailing in the country since 1996 and beginning the new era of peace and co-operation as per the understanding reached between both the sides for guaranteeing the sovereignty of the Nepalese people. The agreement believed to have progressive political solution, democratic restructuring of the state and social, economic and cultural transformation of Nepalese society through the constituent assembly. Committing to transforming the ceasefire between the Nepal government and the Maoists into permanent peace, the comprehensive peace agreement was held between the Nepal government and the Communist Party of Nepal (Maoist). This agreement brought a historic reformation in Nepalese political system. Ten years long conflict in Nepal destroyed so many things and it pushed Nepal 10 years back in its development and social reformation. With the expectation of social peace and harmony this agreement was held and it was hoped to enhance the speed of development of Nepal.

II. Objectives of the study

This study mainly focused on the historic event held between Maoist and Nepal Government after the ten years long conflict between the revolutionary party that is Maoist and state. The main objective of this study was to highlight the important points of agreement and analyze its effect on National development.

III. Methodology of the study

This is a qualitative study which used document analysis for the collection of data. The researcher visited various libraries as well as Google scholar and other academic sources for the collection of the data. The collected data were analyzed on the basis of theme and prepared this paper on the basis of themes developed from the documents.

IV. Analysis of the data

After collecting the documents, those documents were reviewed and analyzed and summarized the documents in terms of the following themes.

4.1 Political, social, economic transformation and conflict management

The main objective of this agreement is to bring peace and harmony to the country and engage all political leaders to participate in the economic and social transformation. Based on the same goal, the two sides have agreed to develop the following programs and policies for political, social and economic transformation and management of the current conflict through positive measures:

Based on the decision made during the meeting of the main leaders of the seven parties and Maoists on November 8, ensure a gradual political, economic and social transformation . Establishment of the Provisional Parliament, in accordance with the Provisional Constitution, the Provisional Government will conduct the elections of the Constituent Assembly in mid-June 2007 freely and fairly and make the people of Nepal feel sovereign their inherent. The right to run the State does not belong to the King. Put the assets of the late King Birendra, the late Queen Aishwarya and their family members under the control of the government of Nepal and use them for welfare purposes through a trust. All properties acquired by King Gyanendra by the virtue of him being the King (like palaces of various places, forests and conservation areas, heritage having historical and archaeological importance) shall be nationalised. Determine the fate of the institution of monarchy by the first meeting of the Constituent Assembly through simple majority vote. Promulgate the political system that fully comprehends with the concepts of universally adopted principles of fundamental human rights, multiparty competitive democratic system, sovereign rights inherent in the people and supremacy of the citizens, constitutional balance and control, rule of law, social justice and equality, independent judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the citizens, transparency and accountability of the activities of the political parties, people's participation, fair, able and uncorrupted administrative mechanism. Similarly, the agreement also focused on ending the existing centralised and unitary state system and restructure it into an inclusive, democratic progressive system to address various problems including that of women, Dalits, indigenous community, Madhesis, oppressed, ignored and minority communities, backward regions by ending prevailing class, ethnic, linguistic, gender, cultural, religious and regional discrimination. End all forms of feudalism and prepare and implement a minimum common programme of socio-economic transformation on mutual understanding. They also agreed to end feudal land ownership and develop scientific land reform policies. To adopt policies to protect and promote industry and national resources.

Adopt policies that establish citizenship in education, health, housing, employment and food security. Adopt policies aimed at providing land and socio-economic security to backward groups such as landless workers, slave laborers, growers, Haruwa-charuwa and other similar groups socio-economic backward people. There is a strict policy of dealing with those who have held government positions and accumulated huge amounts of wealth through corruption. Prepare a common development concept that will contribute to the socio-economic transformation of the country and also help to ensure the economic prosperity of the country in a short time. Comply with policies that guarantee workers' labor rights and increase investment in areas such as promoting industry, trade and exports, while increasing employment and income opportunities

4.2 Management of armies and arms

To hold the election of constituent assembly in free, fair and peaceful environment and democratisation and restructuring of the army, the following works shall be done as per the 12-point and 8-point agreements, and 25-point code of conduct, 5-point letter sent to the United Nations and decisions taken during the meeting of the top leaders on November 8:

4.3. Relating to Maoist army –

In accordance with the commitments expressed in the joint letter sent by the government of Nepal and the Maoists to the United Nations on August 9, the Maoist fighters will stay in the following temporary camps. The United Nations will conduct their verification and monitoring. There will be main camps in Kailali, Surkhet, Rolpa, Nawalparasi, Chitwan, Sindhuli, Ilam. There will be three smaller camps located on the outskirts of each of these main camps. All weapons and ammunition will be safely stored in the camps, except for those needed to secure the camp after the Maoist fighters are sent to the states. They will be placed under a single locking system and the party concerned will hold the key to this lock. In order for the UN to be able to monitor, a device with a siren as well as a recording setting will be installed. When it is necessary to inspect the stockpiles of weapons, the UN will conduct them in the presence of the relevant party. Prepare the details of the technology including cameras for surveillance according to the agreement between the Government of Nepal, Maoist and the United Nations. Upon completion of the containment of the Maoist fighters, the Nepalese government will assume responsibility for providing them with rations and other facilities. The interim cabinet should establish a special committee to carry out the tracking, consolidation and rehabilitation of Maoist fighters. Security arrangements for Maoist leaders according to agreement with the government of Nepal.

4.4. Relating to the Nepali Army

The Nepali Army would be confined to the barracks as per the commitments expressed in the letter sent to the United Nations. Guarantee that its arms would not be used for or against any side. Keep similar quantity of arms of the Nepali Army in the store, seal it with single-lock system and give the key to the concerned side. For the UN to monitor it, a device with siren as well as recording facility will be installed. When there is need to examine the stored arms, the UN would do so in the presence of the concerned side. Prepare the details of technological arrangement including camera for monitoring as per the agreement among the Nepal government, the Maoists and the United Nations. The cabinet would control, mobilise and manage the Nepali Army as per the new Military Act. The interim cabinet would prepare and implement the detailed action plan of democratisation of the Nepali Army by taking suggestions from the concerned committee of the interim parliament. This includes works like determination of the right number of the Nepali Army, prepare the democratic structure reflecting the national and inclusive character, and train them on democratic principles and human rights values. Continue the works of the Nepali Army such as border security, security of the conservation areas, protected areas, banks, airport, power house, telephone tower, central secretariat and security of VIPs.

4.5. Ceasefire

Ending armed insurrection and mobilizing the armed forces: Both parties agree not to perform the following activities: The act of attacking or using weapons directly or indirectly against each other. Possession or looting of places where the other party's weapons are kept in mutual understanding, with or without weapons, Acts of pressure or mental harm to any individual, Acts of Mutual assault, Action involving murder or violence, Kidnapping, arrest, imprisonment, disappearance, Destruction of public, private, government or military property, Air attack or bombardment, Mining or sabotage, Acts of mutual spying in military operations. The two sides will not conduct new recruitment, transport weapons and ammunition or cause military difficulties to each other. But the interim cabinet must mobilize security forces to patrol and patrol to prevent acts such as illegal transportation of weapons, explosives or their parts and materials at border gates and customs points. mandarin. No individual or group may travel with weapons, ammunition or explosives. The two sides shall notify each other within 30 days of the demarcation, demarcation and seizure of mines or mines laid in wartime and assist each other in clearing or demining within 60 days. The militaries of both sides will not appear with weapons or combat equipment at any civilian meetings, political rallies or public programs. The Nepal Police and Armed Police will continue to work to keep the peace and investigate criminal activities in accordance with the spirit and content of the peace agreement and applicable law. Both sides must order their armed forces to stop treating or treating the other's armed personnel as "enemies". Both parties agree to prepare detailed information on government, public, private buildings, land or other property seized, locked or restricted from use during times of armed conflict, and return those this immediately.

Ways to normalize the situation:

No cash or in-kind collection or collection of taxes will be made against anyone's will or applicable law. The two sides commit to publicity and release all detainees within 15 days. Prepare detailed information on persons missing or killed in the conflict with their real names, surnames and residential addresses and publish them within 60 days of signing this agreement and notify the family members of the people involved. The two sides agreed to establish a National Peace and Restoration Commission to initiate the recovery and relief process for those affected by the conflict and to normalize the difficult situation created by armed conflict. The two sides agree to establish a high-level Truth and Reconciliation Commission based on mutual understanding to investigate those involved in serious human rights violations at the time of the conflict and who committed the

crimes. evil against humanity and create a conciliatory situation in society. Both sides pledge to renounce all forms of war, attack, counter-attack, violence and counter-violence existing in the country and commit to ensuring democracy, peace and progressive change in Nepalese society. The two sides agreed that they would help each other to keep the situation peaceful. The two sides guarantee the withdrawal of allegations, claims, complaints and substantive test cases against many people for political reasons and immediately publicize the status of those imprisoned and released to them immediately.

Both parties express the commitment to permit without any political preference the individuals uprooted due to the equipped strife to return back intentionally to their individual genealogical or previous home, remake the foundation devastated amid the strife and restore and mingle the uprooted individuals into the society. Both parties concur to require person and collective obligation of settling, with the back of all the political parties, gracious society and nearby institutions, any issues emerging within the previously mentioned setting on the premise of common agreement and making an environment conducive for standardization of common relations and for compromise. Both parties express the commitment not to separate against or apply any kind of weight on any part of the family of either side on the premise of them being related to one or the other side. Both parties concur not to form any kind of impediment and permit any kind of obstacle to be made within the autonomous voyaging, expecting of obligations and executing of work by the Government of Nepal and open bodies' representatives and help them in their work. Both parties concur to permit unlimited voyaging as per the law inside the state of Nepal to the faculty of the Joined together Countries, universal benefactors' offices and political missions working in Nepal, national and worldwide non-government associations, press, human rights activists, race spectators and remote guests. Both parties commit to function exposure campaigns in a not too bad and respectable way.

4.6. The end of war

We declare the end of the war that has been going on since 1996 on the basis of the historic agreement that was reached on November 8 between the senior leaders of the seven political parties and the Maoists, granting permanent status to the ongoing ceasefire between the government and the Maoists. The primary foundation for the establishment of permanent peace will be the decisions that were made at the meeting of the senior leaders of the seven political parties and the Maoists. After the Nepali Armed force is set in the military enclosure and the Maoists' soldiers are contained in the cantonments, ownership of arms, show of arms, making fear, utilization of weapons or such demonstrations against the arrangement or regulation will be deserving of the law. The military on the two sides will not be permitted to crusade for any gathering or will not be permitted to communicate their help towards any of the sides yet they will not be denied from their freedoms to cast a ballot.

4.7. Human rights, fundamental rights and following humanitarian laws

Both parties express their commitment towards universal declaration of human rights 1948 and international humanitarian law and basic principle and values of human rights. Human Rights: Both parties reaffirm their commitment to respect and protect human rights and international humanitarian law and accept that no individual shall be discriminated on the basis of caste, gender, language, religion, age, ethnic groups, national or social origin, property, disability, birth or any other status, thoughts or conscience. Both parties have agreed to create an environment where the Nepali people can utilize their civic, political, economical, social and cultural rights and are committed to create an environment in which these rights will not be violated in the future under any circumstances. Both parties express their commitment and state that necessary investigation will be undertaken against any individual involved in violating the rights mentioned in the agreement and action will be taken against ones that are found guilty. Both parties also ascertain that they will not protect impunity and along with it, the rights of the people affected by the conflict and torture and the families of the people who have been disappeared will be safeguarded. Both parties shall not be involved in activities like torturing civilians, abducting, forcing them to work and shall take necessary action to discourage such activities. On the basis of secularism, both the sides shall respect social, cultural and religious sensitivity, and shall respect the religious conscience of a religious place or an individual. Both parties shall respect and protect the right of an individual to live. No one shall be deprived of this basic right and no law including capital punishment shall be formulated.

Personal prestige, freedom and freedom of movement: Both parties must respect individual liberty and reputation. In this context, even those who have been legally deprived of their liberty should not be tortured or punished for inhuman or disrespectful behavior. An individual's right to privacy must be protected by law. Both parties, respecting the freedom and security of the individual, will not frivolously or unlawfully detain anyone and will not kidnap or imprison any individual. Both parties publish details of the status of those arrested or missing and have also reached an agreement to notify family members, legal counsel or other authorized persons of the situation their status. Both parties must respect and protect the individual's right to freedom of movement and choice of residence within the lawful periphery and also commit to respecting the right of displaced persons to return home or live anywhere else they choose.

Civil and political rights: Both parties express their commitment to respect and protect an individual's freedom of opinion and expression, freedom to form unions and associations, freedom to assemble peacefully and shall work against exploitation. Both parties shall respect the right of every individual to participate in public matters directly or through representatives, right to vote and be elected and the right of equality to enter public service. Both parties are committed to respect the right of the people to be informed.

The two sides commit to respect and protect the freedom of individuals to practice in any profession. Both sides are committed to respecting and ensuring people's right to food security. It also ensures that issues such as food, food production, use, transport and distribution of food are not interrupted. Both sides accept the need to respect and protect people's health rights. The two sides will not disrupt the supply of medicine, assistance and medical campaigns, and will express their commitment to treating those injured by the conflict and also starting the recovery process. Both sides accept the need to respect and guarantee the right to education for all and commit to maintaining an adequate educational environment in educational institutions. Both parties have agreed to ensure that the right to education is not violated. An agreement has been reached that incidents such as seizure of educational facilities, use of these facilities, abduction, detention or disappearance of teachers and students must be prevented immediately and buildings Barracks are not built near schools and hospitals. The two sides believe in not disturbing the industrial environment of the country and resume production, protecting the right to collective bargaining in the industrial base, and respecting social security to encourage the settlement of labor disputes move peacefully. International Labor Organization (ILO).

Right of individual liberty was also focused in their agreement agree to the freedom of opinion and expression; freedom to assemble peaceably and without arms; freedom of movement; freedom to practice any profession, or to carry on any occupation, industry or trade; press and publication rights; the freedom to take part in peaceful political activities; the right of equality before the law; and to implement and have a tolerable system of justice implemented.

4.8. Dispute Settlement and Implementation Mechanism

Another key issue of the agreement is dispute resolution. The composition and working procedures of the Committee shall be decided by the Provisional Council of Ministers. Both parties are committed to resolving all types of current or future disputes or common issues through mutual discussion, understanding, consensus and dialogue. Both parties agree that the Interim Council of Ministers shall establish and define the working procedures of the National Peace and Restoration Commission, the Truth and Reconciliation Commission, and the High-Level Recommendations Committee on Reconciliation.

4.9. Implementation and Follow-up

Both parties have agreed to make the following arrangements for the implementation of the understandings mentioned in this agreement and for their follow-up – Both parties agree to give continuity to the task of monitoring of the human rights provisions mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal. The National Human Rights Commission shall also carry out works related to the monitoring of human rights as mentioned in this agreement together with the responsibility assigned to it as per the laws. In connection with carrying out its works, the Commission can take the help of national and international human rights organizations after maintaining necessary coordination with them.

4.10. Miscellaneous

Both parties agree not to operate parallel or any form of structure in any areas of the state or government structure as per the letter of the decisions of November 8 and the spirit of the peace agreement. The amendments could be made to the agreement with the consent of both parties after receiving the information. Thereafter, all the responsibility of implementing the obligations stated in this agreement shall be as per the arrangements made by the Interim Council of Ministers. It would be the duty and responsibility of all the political parties to extend cooperation in the compliance and implementation of the agreement. We heartily appeal to the civil society, the professional groups, the class organizations, the media, the intellectual community and all the Nepali people to actively participate in this historic campaign of building a new Nepal and establishing lasting peace through the election of the Constituent Assembly by ending the armed conflict. We heartily urge all the friendly countries and the United Nations, as well as the International Community to extend support to Nepal in this campaign of establishing full democracy and lasting peace.

V. Conclusions

The comprehensive peace agreement was the great achievement for the contemporary government of Nepal. Ten years –long conflict destroyed lots of government infrastructure, communication facilities, health and security facilities and many more. People in remote suffered a lot due to the conflict of Maoist. Finally, people got relief from the sufferings after the comprehensive peace agreement. Mainly, this agreement focused

on the termination of a decade long revolution and brings revolutionary leaders in the main stream of national development. The government agreed to fulfill their demands and agreed on changing the governance system of Nepal.

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