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**Contract for Peace: Peace Agreements and its Security Implication**

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**Abstract**

*Negotiated settlements have been increasingly accepted as the preferred way of ending civil wars. Studies show that only 50 percent of negotiated settlements last beyond five years, while in others, negotiated settlements have been shown to keep the peace for only three and half years. Contrary to this, the peace agreements/understandings were universally considered as the pivotal blue print for conflict transformation and peace buildings.*

*In our case, the management of arms and armies, reintegration of few former rebels in the national army, promulgation of the constitution from the constituent assembly etc. are the crucial tasks of the peace process. In this context, this paper highlights the major peace agreements (2005-2010) reached between the then Communist Party of Nepal (CPN)-Maoist and the seven parliamentary party alliance's government and simultaneously tries to analyze these agreements' influence on security.*

**Keywords**

*Peace agreements, security dilemma, national security, post conflict turmoil, Nepal*

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*The 12-point understanding of 2005 concluded in New Delhi is the guiding framework of the Nepalese peace process and has its geostrategic implication as well. Likewise, the Comprehensive Peace Accord (CPA) of 2006 is a milestone in bringing about an end to the decade of old civil war and beginning an inclusive, secular, peaceful and democratic nation-building process. Despite everything, delaying the transitional justice process and staling the social reconciliation can be the potential reason for a reprisal of conflict.*

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## Context

Modern Nepal has witnessed numerous attempts of rebellion, arms unrest and massacre at the state level. The significant popular uprisings can be traced back to the first popular movement of 1950, the second of 1990 and the third of 2006. The then Nepali Congress initiated an armed rebellion which ended with the tripartite agreement between the Ranas, the pro-democratic forces led by Nepali Congress and the King in 1950 mediated by India. Unfortunately, in the name of the modernization of the Nepal Army, the army was downsized based on the recommendation of the Indian military mission in Nepal after the political change in the 1950s (Adhikari, 2015; Basnyat, 2018).

In 1960, King Mahendra imposed a state of emergency, outlawed political parties and dissolved the parliament with a military coup (Basnyat, 2018). After the restoration of the multiparty democracy in 1990, the then constitution transformed Nepal into a multi-lingual, multi-ethnic state but the Hindu state and the constitutional Monarchy remained unchanged. On the fourth of February 1996, Baburam Bhattarai submitted a 40-Point demand to the then Prime Minister (PM) Sher Bahadur Deuba, in reaction to which the CPN-Maoist started a people's war on the 13<sup>th</sup> of February 1996 (Patel, 2019) three days before the given deadline, attacking the police post at Holeri (Rolpa) and Thibisikot (Rukum) (Rizal, 2012; Shukla, 2003). The data of the Ministry of Peace and Reconstruction shows human cost of this armed conflict: deceased persons: 17,886; disappeared persons: 1530; displaced persons: 79,571; abducted: 3,142; widowed: 9,000; disabled: 8,935 (Ministry of Peace and Reconstruction, 2013 in NIPS, 2013).

Ultimately, the Monarch consolidated the state power and imposed the state of emergency in 2005. On this backdrop, the 12-point understanding between parliamentary political parties and the Maoist signed in India provided a basis for the April 2006 movement and served as a guiding framework for subsequent compromises. Its goal was to implement the concept of full democracy through a forward looking restructuring of the state and resolve the problems related to class, caste, gender, region and so on in all sectors including the political, economic and cultural by bringing the autocratic monarchy to an end and establishing full democracy (ASPECT, 2011; Rizal, 2012; 236).

Simultaneously, Nepal's Seven Party Alliance (SPA) government and the CPN (Maoist) signed a Comprehensive Peace Agreement (CPA) on November 21, 2006 promising to end the decade old Maoist insurgency and begin an inclusive, secular, peaceful and democratic nation-building process. Subsequently, the Madesh Uprising of 2007/ 2008 introduced the inclusive proportional representation of unrepresented groups in state affairs, and Nepal was accepted as a Federal Democratic Republic (ASPECT, 2011; 111). The clear sweep majority of the CPN-Maoist in Constituent Assembly (CA)-I (2008) resulted in change in the political environment under which the Nepalese military had to suffer psychologically. For instance, the decision of the then PM Dahal to sack Chief of Army Staff (COAS) Katwal and the president's intervention against the government decision, are examples of vulnerability in the countries emerging from violent civil wars. After all, the new Constitution was promulgated in 2015 by CA-II, and after the completion of three tiers of election in 2017, Nepalese politics got new momentum with the two-third majority of the Nepal Communist Party-NCP.

## Literatures

Negotiated settlements are increasingly accepted as the preferred way of ending civil wars (Bekoe, 2005; 43). Some studies show that only 50 percent of all negotiated settlements last beyond five years (Licklinder, 1995; 685); while in others, negotiated settlements have been shown to keep the peace for only three and half years (Hartzel, Hoddie, and Rotchild, 2011; 195 in Bekoe, 2005; 44). Many of the remainder enter a 'no war, no peace' limbo (Bell, 2006; 375). The current literatures and practices generally emphasize the role of the international community for successful negotiated settlements (Hampson, 1996), but the experience of the UN missions in Cambodia, Angola and Somalia contradict this point. Alternatively, the civil war in Nicaragua ended without a significant involvement of outside organizations (Bekoe, 2005; 45). In short, the existing literature does not clarify what role the international community should play in ensuring stability during the implementation of peace agreements (Ibid). Even work that emphasizes power-sharing strategies does not provide satisfactory answers to a successful implementation (Horowitz, 1985; Lijphart, 1977; Sisk, 1996; Wippman, 1998; Hartzel, 1999 in Bekoe, 2005; 45).

The post-cold war years have witnessed the rise of the peace agreement as a tool for addressing protracted social conflict within existing state borders (Bell and O'Rourke, 2007; 293). Wallensteen and Sollenberg have classified peace agreements as 'full and partial' agreements. Partial peace agreements are 'those concluded between some of the parties, but not all' (Wallensteen and Sollenberg, 1997; 342). If then, the 12-point Understanding concluded between the CPN-Maoist and the Seven Party Alliance (SPA) in 2005 is a partial agreement, because it has excluded the traditional power center, the Monarch, in the peace process and did not end the conflict definitely. Similarly, Bell has also classified peace agreements as, pre-negotiation; framework/substantive and implementation/renegotiation agreements (Bell, 2006; 375-376). This clearly depicts that social scientists and conflict resolution analysts have a diverse understanding of peace agreements.

Similarly, the existing literatures have precisely examined what makes peace agreements succeed or fail. For instance, Bell has emphasized the nature and legal status of peace agreements (Bell, 2006; 374); whereas O'Rourke with Bell, have analyzed them from the lens of civil societies and participatory democracies (Bell and O'Rourke, 2007). Similarly, Bekoe's study of Mozambique, Angola, and Liberia highlights that, 'the implementation of many peace agreement, the promised concession may result in changes to military or political vulnerability, making each step towards implementation contentious (Bekoe, 2005; 43). Also, analyzing the case of Sudan, Sheeran argues that the importance of the right of self-determination and other commitments in the CPA (Sudan, 2005) is the one reason for the formation for the South Sudan (Sheeren, 2011; 423).

Research suggests that a significant number of conflicts have been resolved through peace agreements. While examining what makes peace agreements succeed or fail, existing literature has tried to cover a diverse spectrum such as nature and legal status; role of international communities, civil societies, and influence of participatory democracy. It is already known that the literature on peace agreements is slowly emerging (Zartman, 1995; Hampson, 1996; Licklinder, 1993, 1995 in Wallensteen and Sollenberg, 1997; 342) and that the short-term view of how peace is achieved can undermine the success of an agreement. However, the study analyzing the vulnerability of the state in

the transition period in terms of territorial integrity, sovereignty, national unity and human security per se was in negligible number.

Therefore, the research design incorporated in this study is descriptive and qualitative in nature. Furthermore, this article highlights the major provisions of peace agreements and their impact on national security. To analyze the impact of such provisions, this study further incorporates the explanatory research design. In terms of methods of data collection, this article mainly depends upon the secondary data accumulated through desk and desktop review of the relevant literatures.

### Peace Agreements

The peace accord is the blue print for peace (Ginty, 2006) and the problem of the post accord society stem from the failure to properly implement the accord. The majority of the peace accords concentrate on ending direct violence rather than addressing the structural factors underlying the conflict. Roland Paris findings in 'At War's End...' emphasize institutionalization before liberalization rather than transforming war shattered states into market democracies (Paris, 2004).

**Table: 1 Major Peace Agreements in Nepal**

Agreements	Date Signed
1. Twelve-Point Understanding between Seven Political Party Alliance (SPA) and the CPN (Maoist)	22 November, 2005 (India)
2. Proclamation of the House of the Representatives (HoR)	18 May, 2006
3. The Code of Conduct on Ceasefire Agreed between the Government of Nepal (GoN) and the CPN (Maoist)	26 May, 2006
4. 8-Point Agreement between the Leaders off the Seven Political Parties and the CPN (Maoist)	16 June, 2006
5. Joint Letter to the United Nations	9 August, 2006
6. Six-Point Agreement between Seven Political Party Alliance and CPN-Maoist on arms management and other political issues	8 November, 2006
7. Comprehensive Peace Accord (CPA) concluded between the GoN and the CPN (Maoist)	21 November, 2006
8. Agreements on Monitoring of the Management of Arms and Armies (AMMAA)	8 December, 2006
9. Promulgation of the Interim Constitution	15 January, 2007
10. Arrival of United Nations Peace Mission in Nepal (UNMIN)	23 January, 2007
11. Agreement between the GoN and Nepal Adivasi Janajati Mahasangha and Adivasi Janajati Samyukta Sangharsha Samiti	7 August, 2007
12. Agreement between the GoN and Madhesi Janadhikar Forum, Nepal	30 August, 2007

13. 23-Point Agreement between the Top Leaders of Seven-Party Alliance	23 December, 2007
14. Agreement between the GoN and Samyukta Loktantrik Madhesi Morcha	28 February, 2008
15. Declaration of Republic by the HoR	28 May, 2008

Source: Asian Study Centre for Peace and Conflict Transformation (ASPECT), 2011; Bhandari, 2017.

The Twelve Point Understanding signed by SPA and Maoist in 22 November 2005 focuses on keeping the democracy, peace and prosperity and on forward-looking social transformation and the independence, sovereignty, and the dignity of the country in center. The 12-Point Understanding created a positive political environment for peaceful demonstrations against the autocratic despotic regime imposed by the then King Gyanendra in February 2005 (NIPS, 2013).

The 19-day long mass protest, which finally forced the King to surrender political power to the Nepalese citizens on April 24, 2006, by restored people's sovereignty and reinstated the dissolved House of Parliament (HoR). On the 18<sup>th</sup> of May 2006, the historical proclamation made by the reinstated parliament stripped the King of all his power, declared Nepal a secular country and changed the name of the Royal Nepal Army to Nepal Army (ASPECT, 2011).

The armed conflict formally ended with the signing of the CPA on the 21<sup>st</sup> of November 2006, in which the CPN (Maoist) agreed to renounce violence, follow the rule of law, and honor universal human rights principles and democratic norms and values. This CPA reaffirmed its total commitment to the previous agreements, understandings, codes of conducts concluded between the GoN and the CPN (Maoist) as well as the decisions made at the Summit Meetings of the SPA and the CPN (Maoist) adopted on November 8, 2006, the letter of similar spirit sent to the United Nations by the GoN and Maoist, the 12-points understanding, and the 8-Point agreement concluded between the SPA and the CPN (Maoist) and the 25-Point Code of Conduct.

**Table 2: Maoist Combatant Integration and Rehabilitation process/agreement**

Activities	Date
1. Arrival of UNMIN	23 January, 2007
2. Start of the Verification process of the ex-Combatants	15 June, 2007
3. Completion of the verification process of the ex-Combatants	27 December, 2007
4. Formation of the Special Committee (SC)	28 October, 2008
5. Formation of the Technical Committee (TC)	16 April, 2009
6. Agreement to discharge disqualified-Combatants	16 December, 2009
7. Start of the discharge process	7 January, 2010
8. Completion of the discharge process	8 February, 2010
9. The CPN (Maoist) formally handed over the cantonments and the	22 January, 2011

Ex-Combatants to the SC for Supervision, Integration and Rehabilitation	
10. Seven-Point Agreement on integration and rehabilitation of the Maoist Combatant	1 November, 2011
11. Categorization of the Combatants	16 November- 2 December, 2011
12. Voluntary retirement (first installment) Voluntary retirement (second installment)	1 January-14 January, 2012 31 October-10 November, 2012
13. Integration process into the Nepal Army	5 July-20 November, 2012
14. The SC dissolved following the completion of the integration and rehabilitation process	12 April, 2013

Source: Nepal Institute for Policy Studies (NIPS), 2013; Bhandari, 2017.

Another milestone of the peace process was the Agreement on Monitoring of the Management of Arms and Armies (AMMAA), which was signed on the 8<sup>th</sup> of December 2006 between GoN and the CPN (Maoist). Here, both parties agreed to seek the United Nations assistance in monitoring the management of the arms and armies. Also, they agreed to confine arms and armies and to not recruit additional armed forces or conduct military activities. The Seven-Point Agreement of November-2011 outlined a framework of rehabilitation and integration of the combatants. Major peace agreements and the combatant integration and rehabilitation processes are presented in the tables 1 and 2.

### Provisions in peace agreements

The initial peace accords have portrayed the monarchy as the only hurdle of the full fledged democracy in Nepal. This is not the first time in Nepalese politics that the monarchy has consolidated its grip in state affairs. King Mahendra's takeover of the absolute rule by sacking the elected prime minister and introducing his party less Panchyat system (1960-1990) backed by the then Royal Nepal Army, may be one reason. But King Birendra's compliance towards the aspiration of citizens, the multi-party democracy and the constitutional monarch, despite of that, the then political parties failed to meet the aspiration of the people. Similarly, the monarch has consolidated its command in the military through the Principal Military Secretariat- a hub of National security and the defense in Palace. The King was also the Supreme Commander of the military and traditionally the military is loyal to the Monarch. The nascent democracy came to a halt after six year in 1996, when the then CPN (Maoist) declared the People's War (Patel, 2019).

In the 12-Point Understanding, the then seven political parties and the CPN (Maoist) fully agreed that the autocratic monarchy is the main hurdle of the full democracy and that peace, progress and prosperity in the country is not possible without bringing the absolute monarchy to an end (Point 1). In the name of conducting the constituent assembly election free and fair after abolishing the monarchy, the then parliamentary parties and CPN (Maoist) agreed to keep the Maoist armed force and the Royal Army under the United Nations or a reliable international supervisor (Point 3)

recognizing and awarding equal status to the rebel army, the People's Liberation Army-PLA (Gautam, 2009, 8).

The proclamation of the House of Representatives on May 18, 2006 declared itself a sovereign entity for exercising all rights until other constitutional arrangements are introduced. It vested all executive power of the state to the Council of Ministers, declared Nepal a secular state, renamed the Royal Nepal Army Nepal Army" and restructured the National Defense Council (ASPECT, 2011; 8).

The CPA concluded between the Government of Nepal and the Communist Party of Nepal (Maoist) on November 21, 2006 declared the official cease of the civil war in Nepal (Clauses 6, CPA, 2006). It not only transformed the rebel force into a political party, but also retained and glorified the previously concluded agreements. The CPA is the congregate of the prior agreements and a milestone in the Nepalese peace process. The provisions related to the management of arms and the armies were the copy paste of the eight point agreements (Clauses 4 of CPA, 2006).

In Management of Army and Arms in Clauses 4 of CPA, the Royal Nepal Army in line with the spirit of the 12-Point Understanding, 8-Point agreements, 25-Point code of conduct, the 5-Point letters sent to the United Nations, has to be democratized and restructured to assure a free and fair CA election (Clause 4 of CPA).

Under the Clauses 4.6, the NA was not only confined to the barracks, but the CPA and the Interim Constitutions of 2007 has also excluded the national army's duties to protect the territorial integrity, independence, national unity and sovereignty of nation and confined it to the securing conversation areas, banks, airports, VIPs etc. only (Clauses 4.8 of CPA). Democratic restructuring and democratization of the Nepal Army (Clauses 4.7) and the right sizing of the NA on the one hand and the integration of the Maoist combatant in the NA on the other hand doesn't seem scientific. The Nepal Police and the Armed Police Force shall continue the task of maintaining lawful arrangements and peace and order as well as that of criminal investigation in line with the peace accord (Clause 5.1.6 of CPA). The lingering in the transitional justice process may be due to this provision in CPA.

Both sides have agreed to publicize the status of the people under the respective custodies and release them within 15 days (clause 5.2.2); disappeared or were killed during the conflict within 60 days (clauses 5.2.3); and to constitute a National Peace and Rehabilitation Commission (Clause 5.2.4); a High-Level Truth and Reconciliation Commissions (Clause 5.2.5). Regardless of this, the transitional justice mechanism was still in comma, and hasn't dared to investigate a single war crime case.

The Government of Nepal and the Communist Party of Nepal (Maoist) agreed to seek UN assistance in monitoring the management of the arms and armies by employing qualified UN civilian personnel. Also, both sides agreed to confine arms and armies, and to not recruit additional armed forces or conduct military activities by signing the Agreements on Monitoring of the Management of Arms and Armies (AMMAA) on 8 December, 2006.

The Agreement between the GoN and Nepal Adivasi Janajati Mahasang and Adivasi Janajati Samkukta Sangharsha Samiti on the 7<sup>th</sup> of August 2007 and Madhesi Janadhikar Forum, Nepal on the 30<sup>th</sup> of August 2007 neither of the agreements clauses deals with the Nepal Army but GoN agreed in

federal structure with autonomous provinces, proportional representation in all political appointments (ASPECT, 2011).

But the agreement between the GoN and Samyukta Loktantrik Madeshi Morcha (United Democratic Madeshi Front) on February 28, 2008 did not only replicate the previously concluded agenda of 'Nepal as Federal Democratic Republic' with controversial autonomous Madesh State (Clauses 2). It also ensured the inclusive and proportional participation of Madeshi people, Adivasi, Janajati in all state bodies, including the security bodies (Clauses 4). In the name of giving national character to the Nepal Army and making it more inclusive, both parties agreed to establish a 'proportional, inclusive group entry of Madeshi people and other communities into the Nepal Army' (Clauses 5).

The recent constitution of 2015; part 28 is related to the 'provision related to national security', article 266, have the provision related to the National Security Council (NSC). The provisions of NSC were clearer than those of previous ones. The objective of NSC was also broadened this time, as it recommends the formulation of a policy on overall national interest, security and defense, and mobilization and control of the Nepal Army to the Council of Ministers. The provision read like (GoN; Constitution of Nepal, 2015),

- There shall be a National Security Council for making recommendation to the Government of Nepal, council of ministers for the formation of a policy on overall national interest, security and defense of Nepal, and for the mobilization and control of the Nepal Army, which shall consist of the following as the chairman and members; Prime Minister-Chairman, and members are Defense minister, Home minister, Foreign minister, Finance minister, Chief Secretary, Chief of Army Staff (Art. 266 (1)).
- The secretary at the Ministry of Defense be act as the member secretary of the NSC (Art. 266 (2))
- Annual report must be submitted to the President
- Other as Federal Law

### **Debate of national security in Nepal**

Dibya Upadesh-divine doctrine of Prithvi Narayan Shah is the first document which explicitly deals with securing the national interest of Nepal. At the same time it cautionary advices to maintain cordial relations with India and China. Theoretically, Nabilo (1988) defines national security as an intricate interaction between political, economic, military, ideological, legal, social and other internal and external social factors through which individual states attempt to ensure acceptable provisions to maintain their sovereignty, territorial integrity, the physical survival of its population, political independence and possibilities for a balanced and rapid social development on an equal footing (Grizold, 1994; 40). Thus national security can be defined as a state of security of a nation-state. It involves security of the national territory, protection of the lives and property of its population, existence and maintenance of its national sovereignty, and exercise of the basic functions of its society (economic, sociopolitical, cultural, ecological, social, etc.).

With this background, security can be defined as a conscious human endeavor to establish the state of security through social activities organized in an adequate system. Security is thus a lever of development and involves deliberate, conscious human activity to establish a state of security. A



modern concept of security must take all significant and diverse aspects of security into account; thus a definition may include three basic dimensions; state, societal and human security (Knudsen, 2012; 135). The notion of security is connected to a series of different aspects of human existence and to the processes and activities in society and nature (Grizold, 1994).

The security terminology in this paper aspires to reflect the understanding mentioned above. But the spirit of each agreement has excluded the economic, sociopolitical, cultural, ecological, social and other aspects of security. Traditionally, the Monarchy is perceived as a synonym of national security and military has the upper hand in the security realm. The traditional notion of security was prevailing during the Monarchy in Nepal. The King was the supreme commander of the military and head of the state. Consequently, the security of the King was taken as the security of the nation and vice-versa. Hence, all the agreements only focused on the containment of the Nepal Army and the reintegration of Maoist Combatant in NA and missed the major aspects of human security.

Furthermore, for the first time defining the security of Nepal as a nation-state, the National Security Policy (NSP) of 2016 incorporates the diverse aspects of security; such as sovereignty, national integrity, physical, social, economic, cultural and humanitarian aspects of a nation (NSP, 2016; 3). National security further incorporates the security and protection of public and private norms and values, national respect and dignity, lives and property and socio-cultural norms and values, aspects of environment, good governance, development and human rights (Ibid). The law of the land and the policy of the land both have conceived traditional and non-traditional security threats. The elements influencing national security, threats and challenges (political, law & order, socio-economic, disaster & natural resources, extremism and external) also relate to an internal and external spectrum of security (NSP, 2016; 10-12).

Interestingly, Nepal has never had a National Security Policy till 2016. The military Act (1959) was amended for the first time after the popular political movement in 2006. The military was confined to barracks and it was brought completely under the civilian control and parliamentary oversight. Regardless of that, it was made dysfunctional because neither the NA was mandated for any military drill, training and procurement of arms and ammunition nor recruitment. Overall the regular military activities were restricted by major peace agreements.

Almost all the peace agreements were concentrated only on the political self-serving interpretation of security. This paper argues that human security should be the core essence of each peace agreement. There is no doubt that the NSP is the first comprehensive security policy of the land, even though it has missed many contemporary security threats such as cyber security, climate change, violence against women and many more. The NSP is itself vague and blurry in terms of defining the objectives of the state and the roles of the law enforcement agencies, which also mean the NSP had not imagined about the goal of the nation, and had not indicated precisely about the vital national interest for short-term and long term respectively. The new security policy, approved by the Council of Ministers in 2019 was not yet unveiled, because of which the security strategy of Nepal is in conundrum.

## Impact on national security

The experience of war in post- conflict countries depicts the security chaos. But in Nepal, the 1990's political transition of the Nepal Army (then RNA) was perceived as hurdles for democracy, and the parliamentary parties have also perceived military as a threat to their existence. The confrontation between the military and democracy since 1950 and the military's loyalty towards the King may be one reason for perceiving RNA as an anti-democratic King's army. In another spectrum, being one of the oldest military institution in South Asia, the Nepal Army has a deep stigma of humiliation and downgrading after the political change in the 1950's and the recommendation for modernization of the Indian Military Mission in Nepal (Basnyat, 2018). In return, the Army may have perceived the political leaders as anti-national. This dichotomy may have been the most influential dynamic for the security dilemma from 1950 to 2005.

International practice shows that securing territorial integrity, maintaining national unity, sovereignty, and independence against international aggression falls into the military realm. Also, being the fifth troops contributing nation in the United Nations peacekeeping operations, it ultimately has to confine in barracks under the surveillance of the United Nations Peace Mission in Nepal (UNMIN). What would be more humiliating than this for any national army? Moreover, the signatory parties of the majority of the peace accords didn't take it as necessary to mention these roles in the Interim constitution of 2007 as well. The NA was partially isolated from political domain, but after the Katwal incidence in 2008 the same political parties have accepted NA as the ultimate guarantor of their existence except CPN (Maoist). Contrary to this, the Maoist army combatants, got international attention and certain privileges during the peace process (Gautam, 2009; 8). From 2006 to 2011, there was a dual military (NA and PLA) in Nepal, because of which we can say that the entire national security of Nepal was a dilemma.

Previously, the Ministry of Defense was depicted as a 'post-box', rubber-stamp, forwarding station etc. The military affairs were overseen by the palace and the then government didn't want to initiate any confrontation with the palace. The security and the military affairs were handled as the exclusive domain of the palace. After the abolition of the monarch in 2006, the NA automatically came under civilian control and under parliamentary oversight. For the first time, after the inception of Ministry of Defense (MoD) in 1950, it was restructured in 2006. Similarly, the National Security Council (NSC) was restructured and the new Military Act was enacted to facilitate the military affairs and the national security.

The peace process of Nepal is taken as a home grown unique model in comparison to other international practices. In some aspects it is. But the cases of human right violation, war crimes and the transitional justice an issue has been are challenging this model. For instance, the discharge of disqualified combatants (child soldiers, injured, disabled, etc.) has become the exercise of ticking boxes, counting heads, and awarding financial incentives. Both sides had agreed to make public the disappeared or killed during the conflict, yet many conflict victims remained unknown. The ex-combatants who took the voluntary retirement along with financial incentives were struggling for livelihood. Data shows that out of 32,250 combatants, 19,602 were verified by UNMIN, 8,640 were absent during verification and further 4,008 were disqualified for being minors (2,973) or late recruits

(1,035). Only 1422 were opted in NA while 15,630 sought to integrate back into society (Bhandari, 2017).

The cases of violence, rape, extrajudicial killing, torture, disappearance, grave breaches of human rights and conflict era crimes were not addressed yet. The Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) were dysfunctional to impart transitional justice. The frustration of the disqualified combatants has been the strength of some splinters of the CPN (Maoist). The recent address of the home minister in the parliament mentioning the formation of four company militants of the CPN-Maoist led by Biplop faction can depict possible threat to the national security in the days to come.

The modernization of the military with its resizing has been the fairy tale, and democratization of the Nepal Army has been an unsolved conundrum for political masters. Due to the self-serving interpretation of the clauses in the peace accords and the lack of common understanding, the implementation phase has many lapses especially in reconciliation and rehabilitation. The attempt of unionization of the Nepal Army and extreme politicization in security agencies was the common impact in post conflict Nepalese politics. Considering the over meddling of the political masters in the name of the civilian supremacy, the deepening elite civil-military nexus and economic orientation of the NA, one can say that the national army is on the way to becoming corporate army. These accelerating involvements of the military in non-military activities and the over politicization in the security agencies in post 2006 indicate the sequential deterioration in national security agencies.

The Katwal incidence of 2008, which gave the momentum of the civilian supremacy/democratic control over armed forces in Nepal. This case has not only questioned the rule of law, separation of power and other established norms of the democracy, but has also invited foreign actors in the internal defense affairs. The Katwal case and the involvement of his Indian counterpart has questioned the CMR dynamics of Nepal, adding geopolitics in it. Additionally, the recent yes and no puzzle game of the government over the participation of the NA in the BIMSTEC level military drill is an example of the geopolitical complexities in the Nepal. With the increasing involvement of China, India and the USA in the banner of the military assistance in the Nepal army, confessing the competing interests of Belt and Road Initiatives (BRI) and Indo-Pacific Strategy (IPS), the government has welcomed turmoil in the security of the Nepal.

The ethno centric politics in the post conflict period and the categorization of the citizens (as Dalit, Tharu, Muslim, Madeshi, Janjati etc.) in the new constitution of 2015 reflects the continuation of the divide and rule strategy of the colonial power. The traditional harmony, nationality, and social cohesion (Nepalese values) etc. are eroding, whereas the ethnocentric political culture is mushrooming. Inter-communal, religious, and resource conflicts are serious future security threats in the federal democratic Nepal.

**Table 3: Impact of Agreements in National Security**

Positive	Negative
1. Ended the decade long Maoist insurgency	1. Security Dilemma: Dual Army (NA and PLA) from 2006-2011
2. Defense Reform: restructuring of MoD, NSC and enact Military Act	2. Extreme politicization in security agencies/ Unstable CMR

3. Established civilian supremacy and parliamentary oversight	3. Transition: foreign intervention in state affairs (state diplomacy vs. military diplomacy)
4. Inclusive and proportional representation; ended all forms of discrimination	4. Erosion in social harmony, nationality, cohesion and rise of ethno nationality
5. Promulgated constitution, security policy	5. Arms proliferation: incentives for non-state actors
	6. Conflict victims/TJ: potential threats for National Security

### **What next: Justice, reconciliation and social rehabilitation**

Studies show that transition to democracy (democratization) is more likely to lead to war. The institutionalization of democratic institutions, periodic and free-fair election, rule of law, and accountability and transparency are fundamental principle of democracy. After overthrowing the autocratic party less feudalistic and suppressive political system in 1990, nascent democracy is yet to cradle; the communist party of Nepal (Maoist) aspired to establish people's rule through

Violent civil war in 1996 and the institutionalization of democratic institutions is in void. In this backdrop no one can clarify why the then CPN Maoist were attracted to violent movement.

The peace agreements can be taken as successful if each and every word is implemented unconditionally. It has been nearly thirteen years since the CPA was signed, but still a single stone is unturned in reconciliation, rehabilitation, transitional justice and sustainable peace building. Similarly, one of the most immediate concerns in the aftermath of violent conflicts is rehabilitating the network of social interactions, torn by the deep and wide-spread effects of violence. In setting up future goals, communities have to move beyond meeting immediate physical survival needs and build renewed ties between groups (Jeong, 2006; 155). The reconciliation and social rehabilitation is the bottom-up approach of reconstructing post conflict relations. But in the case of Nepal it is limited only to counting heads, ticking boxed and awarding monetary incentives (ad-hoc Top-Down Approach). Besides this, neither of the parties has managed to socially rehabilitate the networks by repairing relationships at a psychological level, nor have they tried to address the structural factors underlying the conflict.

The peace accords lack full fledge implementation: Issues related to state restructuring are still debatable, the diverse vice of the Terai-Madesh political parties are yet to be recognized, the structural inequalities still prevail, and the Security Sector Reform (SSR) is left unaddressed. Due to the incomplete transition, the agreements were connoted as a contract for peace. In the word of Johan Galtung still negative peace prevails in Nepal. In this situation, the probability of using grievances of people for the next episode of conflict is very high. It will be a wise decision to address the genuine expectation of the citizens as well. On this backdrop, this article draws the inference that peace agreements can resolve the conflict and at the same time can leave room for the reprisal of conflict.

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