

Insider Mediators

Exploring Their Key Role in Informal Peace Processes

Padma Ratna Tuladhar: The Role of Insider Mediators in the Nepal Peace Process

The role of Padma Ratna Tuladhar as an insider mediator in the conflict between the Nepalese Maoists and the parliamentary political parties has been characterized by the constant engagement to generate dialogue between the parties, which can be labelled as a ‘messenger role’. Tuladhar received the necessary legitimacy mainly due to his background as a human rights activist and as an independent leftist member of the parliament in the beginning of the 1990s. During this time, he had been involved to alleviate the emerging conflict between the Maoists, the democratic forces and the Royal regime. After this successful engagement, he was appointed by the government to act as a formal and informal mediator.

Tuladhar has been involved as an informal facilitator during all phases of the peace process, which officially began in 2001. He has been especially concerned to reduce the level of mistrust, suspicion and prejudices on both sides of the table. In particular, he worked towards an understanding that informal dialogues before the formal negotiation were absolutely necessary. In addition, he provided a link between the Maoists and several external/international agencies that offered facilitation of the negotiations. In sum, Tuladhar’s role as an insider mediator has been characterized by constant communication and interaction with all parties of the conflict; a messenger role that has been made possible by a high level of trust, commitment as well as support from the wider population.

Introduction and Context

The aim of this brief paper is to share my experiences gained from the twelve years of Nepal’s peace process (1996-2008) as insider mediator and facilitator. This paper will answer the key question: what lessons can be learned from the Nepal’s peace process?

The Communist Party of Nepal (Maoist) [hereinafter referred as Maoists] started an armed insurgency on the 13 February 1996, thirteen days after the submission of the forty-point demands to the government. It was a violent political movement that had been formed to dismantle the centralized, hierarchical, monarchical unitary state. Rampant poverty, structural inequality, feudal, centralized exclusionary state characteristics provided fertile ground for the initiation and expansion of the Maoist armed insurgency. The Maoists said that they wanted to liberate the Nepalese people from all kinds of exploitations and repressions. They also said that they wanted to destroy the parliamentary capitalist political system and establish a peoples’ republic.

After few years, the Maoist insurgency spread to the whole country. Consequently, thousands of people were killed and terror was created everywhere with grave human rights violations. Destruction of infrastructures, obstruction of development and shifting of resources from social services to military expenditure became widespread.

Actors

The main actors of the conflict were the king, the parliamentary political parties and the Maoists. In the battlefield there were security forces of the state (police at the beginning, and Nepal Army (NA) after November 2001) and the ‘People’s Liberation Army’ (PLA). There were also other secondary actors of the armed conflict, including different sister organizations (teachers, students, labour organizations, intellectuals, journalists, peasant organizations) as supporters to the Maoists or government side, as well as government representatives at the local levels (mainly police posts, secretaries of village development committees, and occasionally other government representative).

Issues

The main issues of the conflict were related to structural inequalities, poverty, discrimination and ideological differentiation. But at the time of the negotiation the issues and demands were summarized all together by the Maoists by formulating a new constitution through the constituent assembly elected by the people, a round table conference to settle the armed conflict and the formation of an interim government by including the Maoists. Addressing regional, ethnic, caste, gender and class contradictions through progressive and radical political, social, and economic changes were major issues; which have to be resolved through the restructuring of the state and establishing a new progressive regime that could deal with the social, political, economic, cultural and other changes.

Historical overview

A brief overview of the historical and latest developments in the peace process is presented in this section. On the 13 February 1996, the insurgency was started. On the 1 June 2001, the whole family of the king was assassinated and the conflict entered into a new context. On the 27 July 2001, the government and the Maoists declared a ceasefire for the first time and on the 3 August the first round of peace talks were started. On the 23 November 2001, the peace talks collapsed and the Maoists walked out from the talk and simultaneously attacked various police and army posts. On the 26 November the government declared a nationwide state of emergency and deployed the army for the first time against the Maoists. On the 29 January 2003 a second ceasefire was again announced and peace talks started. On the 13 May, the government and the Maoists signed a ceasefire code of conduct. On the 17 August, the army killed 19 Maoists cadres and civilians in Doramba, Ramechhap district, while the peace talks were still going on. On the 27 August, the Maoists withdrew from the talks. On the 1 February 2005, the then king Gyanendra took over the state power by arresting and or detaining journalists, human rights activists and politicians. On the 3 September 2005, the Maoists declared a three-month unilateral ceasefire in an attempt to forge ties with opposition political parties. On the 19 November 2005, Maoists and the SPA agreed to work together against King Gyanendra's direct rule. The 12-point agreement was signed between the Seven Party Alliance (SPA) and the Maoists in New Delhi. On the 5 April 2006, a people's movement started with the backup of the CPN (M). The autocratic government

then imposed a curfew on the 8 April in Kathmandu and issued a shoot-on-site order. On the 24 April, the king surrendered the people's power and reinstated the dissolved parliament, which was the main demand of the agitating parties. In 16 June, Maoist leader Prachanda and the SPA signed an 8-point agreement. On the 4 July 2006, the United Nations was invited by both parties to for the monitoring of the peace process and the management of arms and armies. On the 21 November 2006, the Prime Minister Koirala, on behalf of the SPA government, and Prachanda, on behalf of the Maoists, signed an historic peace agreement that ended the decade long armed conflict.

Some of the historical building blocks of Nepal's peace process where the author of this paper is directly and indirectly but continuously engaged includes the signing the Comprehensive Peace Agreement (CPA) and the promulgation of the Interim Constitution, formation of the Interim Legislative Parliament and Interim Government, completion of the verification process of the 'people's liberation army' (PLA) by the United Nations Mission in Nepal (UNMIN), successful accomplishment of the election of constituent assembly to write a new constitution and finally abolition of the monarchy and declaration of Nepal as Federal Democratic Republic.

Nepal's peace process was advanced in both formal and informal approaches. In the formal process both the government and the Maoists formed the special negotiating teams and they took part in the formal peace talks. No foreign countries and external individual negotiators were formally involved in peace talks (except a limited role related to monitoring that was given to UNMIN once the Maoists decided to come in to mainstream politics). However, the informal process was more practically rooted, effective, and continuous, but mainly in a low profile status. I was one of the very few Nepalese people constantly involved in both formal and informal processes. In the formal peace talks, I was involved as 'facilitator' and 'observer' in all three peace talks (2001, 2003 and 2006). In the informal talks I was a contact point for every peace related affairs between the government and the Maoists. I was involved in all phases of negotiation; creating a conducive environment for peace talk (pre-talks), participating in the negotiations as facilitator and in the implementation process as monitor and member of the Peace and Conflict Management Committee formed by the government of Nepal.

Beginning and pre-talks

Getting involved

In the 1990s, I was a member of the parliament elected from Kathmandu as an independent leftist. I was a human rights activist and earlier I had facilitated to bring various communist groups into a single United Left Front (ULF); to bring left and democratic forces together to lead a joint peoples' movement of 1990 to fight against the Royal regime and to restore the parliamentary democracy. The people's movement of 1990 succeeded within 49 days. I facilitated the talks between the ULF and the agitating democratic force and the Royal government. With the successful talks, the parliamentary democracy was restored. So I was trusted due to the past work and was therefore asked by both the government and the Maoists to play the role of a formal and informal mediator for talks between them. As an insider mediator, my aim at the beginning of the peace process was to convince all the actors of the conflict to accept the need of a dialogue, to know and understand each other and find out the possibility of political solution through serious dialogues.

I was appointed as one of the two official facilitators for the peace talks during the 2001, one of the four facilitators in 2003, and one of the five observers in the last peace talks of 2006. The human rights community, civil society and to some extent the international community helped and supported me in my continuous efforts of making peace processes successful. I facilitated a confidential informal meeting between the then Deputy Prime Minister and Home Minister Mr. Rama Chandra Paudel and the Maoist Central Committee member Mr. Rabibdra Shrestha in 2000. The follow-up meeting could not happen because of the conspiracy designed by the Deputy Prime Minister's opponents in his own cabinet. This first informal and secret talks between the two senior leaders at least proved that the revolutionary Maoists could be brought to the dialogue table. That was a successful test case.

As one of the insider mediators, I have played all kinds of roles in Nepal's peace process: as a contact person, a messenger, an adviser, a coordinator and a facilitator. Since the very beginning of the Maoist insurgency the human rights activists and the civil society leaders were asked by the then prime ministers and other government leaders to help bring the Maoist rebels to the dialogue table. Both the government and the rebels trusted some of them and therefore they could play

important role in formal and informal processes. I was one of them. Being independent, neutral and representing human rights and civil society movement, I was able to play a strong and effective role. Along with other inside mediators, I received national and international recognition and support for the various roles we played.

I, along with one section of society, mainly from the senior citizens, intellectuals and serious politicians, thought that Nepal could not sustain the protracted armed conflict and we had to do something, as the governments failed to provide peace and security and opted for the use of force for the solution. Many people could not believe at that time that the Maoists would come to mainstream national politics through peaceful means. A big challenge was to talk with Maoists to bring them in peace talks for peaceful solutions. I myself and a few other people from the human rights movement and the civil society took this challenge very seriously and made rigorous efforts, risking our own lives. The Maoists were branded as terrorists and those contacting them could be charged by the government as supporters of terrorists, and create trouble. However, having a strong conviction of a peaceful resolution of the armed insurgency, I, together with a few others, worked hard to bring both parties to the negotiation table. In this process, we failed several times but ultimately achieved success, bringing both parties to the peace talks.

Resources

In terms of resources, we were working with a strong commitment. The patience, the optimism, the dedication, the trust and support of the people gave us moral strength, which was a great resource. Our expertise was not based on the academic training but similar experiences of negotiation with the democratic forces and the royal government in the 1990's people's movement. I had also developed competence by learning from the experience of our own armed conflict. The social capital vested on us (being active in human rights community, working for the establishment of rights of marginalized, socially excluded people, minorities, etc.) was a great asset for us. We did not have specially allocated financial resources, but meetings; contact and exposure visits were supported by different national and international organizations.

Mediating in an informal peace process

We had very few people with direct access to the senior leaders of the Maoists. So only the few people who had contact with them could play any informal and insider role for the facilitation or mediation for the talks. In my case, I was engaged from the very beginning to the present stage of the peace process, this included all the key phases of the process such as the preparatory phase (pre-talks), direct negotiation phase (peace talks between the negotiators from the government and the Maoists) and the ongoing implementation phase (execution of the issues agreed in the negotiation and peace talks). My success was largely based on the trust of both the warring parties and my emphasis on building and strengthening relationships, improving communications, exploring options and linking issues, preparing draft of the agreement texts, and exerting pressure on respecting human rights issues to both parties.

Mandate

During the time of the armed conflict, the problem of human rights abuses was very serious. Extortions, abductions, disappearances, tortures, unlawful killings, displacements and destructions were serious concerns of national and international community. Therefore there was a very strong pressure on the conflict actors from all over the country and the international community to sit together for peace talks. A consensus was developed that there could not be any military solution to the conflict. The only solution could be a peaceful solution through the serious dialogues. With this strong consensus opinion - an informal kind of “facilitator mandate” from the Nepalese people – the insider mediators could play their facilitating role very effectively.

Obstacles

The main obstacles were related to suspicion, mistrust and negative perceptions. The government wanted the Maoists to give up their armed struggle, to surrender the arms and come to the dialogue process. The Maoists wanted the government to accept their major political demands like the abolition of the monarchy, round table conference and the new constitution to be made by the elected constituent assembly. There was a big gap of misunderstanding and distrust between them. The government suspected that the Maoists had a strategy of wanting to be involved in peace talks but at the same time they were accumulating more arms and expanding their organizational base and strengthening their capacity of insurgency. On the other side, the Maoists suspected that the government wanted them to engage

in dialogue process and then encircle and finish them off. So I was working as insider mediator in such a situation of deep mistrust. I talked with both sides separately through different channels for a long period of time to reduce mistrust and to gradually develop confidence. It took six long years to bring them together in the first informal talks in 2000 and the first formal official Peace Talks in 2001.

Highlights

The main highlights and successes of the peace process were the moments of developing confidence between both parties, obtaining wider support (both nationally and internationally). It was also essential to make the warring parties realize the importance of informal dialogues, discussion and preparation (a pre-talk phase) before entering to a formal dialogue process.

Link between formal and informal processes

In many occasions, I was a lone mediator for the informal process, which led to the formal process. I had constant and regular telephone contact with the Maoist top leaders to convey the government stand, their positions and messages. Also I offered my service to convey the Maoist responses to the government. The informal process was the foundation for the formal talks and it was linked up with various meetings, discussions, and channel of communication.

Link to other third parties

I was one amongst very few people to coordinate and facilitate the offers for external third party involvement in the process. I introduced several international agencies, organizations and states including the UN, Humanitarian Dialogue Centre, Geneva; the Carter Center, the Swiss, the Norwegian and several other diplomats and international experts to the Maoist leadership. In the background of the two talks that failed, I myself was advocating the need of a very strong facilitation with the preference of national and international mediation. I pleaded for a strong national facilitation supported by International expertise. One programme was initiated and facilitated by the Humanitarian Dialogue Centre based in Geneva for serious secret talks abroad during the time of the government nominated by the king in 2003. That was cancelled at the last moment. I do not know any other process initiated or programme organized by any other external third party for formal or informal talks.

Evaluation and Lessons identified

Some of the key lessons learnt were:

- Negotiations and peace talks are messy, complicated and time consuming and they require constant informal engagement, strong commitment and support from the general public.
- Risk taking is crucially important. Based on my bitter experience (my life was threatened, I was targeting by security forces; my statements were wrongly interpreted by the general public based on mis-information, there was suspicion by the state security apparatus (during the time of the full fledged war between the government and the Maoists, etc.). Insider negotiation, mediation or facilitation is very challenging. Insider negotiators face more risks compared to the international actors.
- The success of negotiation and peace talks depends upon trust. One of the major causes of the failure of both the peace talks was mistrust. Trust is build through contacts and dialogue that can be facilitated by informal facilitators.

We had three formal talks between the government and the Maoists in 2001 and 2003 and 2006. The first talk was at the time of the elected democratic government. The second talk was with the government appointed by the king. The third was in 2006. I was one of the two official facilitators in the first and one of the four facilitators in 2003. Although the 2001 and 2003 talks failed, we could learn a lot.

The main challenges and opportunities for any mediation process are:

- Challenge: Convincing warring parties about the importance of dialogue and negotiation to end armed conflict (peaceful solution).
- Opportunity: Bringing change, promoting new approaches, and learning from experiences.

I wish to have complementary human resources available in the country to help and develop a widely coordinated and representative institutional arrangement for making any future negotiation works more effective.