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Making of a New Nepal:
Ensure Democratic Inclusiveness for
Women, Dalits, Janjatis, Madhesis and
other Marginalized People



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Contents

1. *Editorial* : Making of the People's Constitution: The Way Ahead/2
2. Issue of Inclusiveness and *Madhes* Movement/3
3. Impact of Ongoing Conflict on Minorities in Nepal/11
4. Inclusive Democracy and Political Parties in Nepal/13
5. Towards a New Nepal: Experience with Federalism from Africa/18
6. Nepal: Women's Suffrage or Women's Suffer Age/23
7. Freedom of Expression for Inclusive Democracy and Peace/27
8. Human Rights in the Context of Abolition of Death Penalty in Nepal/30
9. Information Society vs Fear Society/33
10. Media in Conflict Resolution and Peace Building/35
11. UN Concern: Political Actors must Protect Children's Rights/37
12. *Book Review*: In Defence of Democracy: Dynamics and Fault Lines of Nepal's Political Economy/40
13. Human Rights Monitor: Representative Incidents/42

Editorial

Making of the People's Constitution: The Way Ahead

Article 63 under its sub-article (4) of the Interim Constitution of Nepal, states that the principle of inclusiveness shall be taken into consideration while selecting the candidates by the political parties. The sub-article explains, "The political parties shall have to ensure proportional representation of women, Dalit, oppressed tribes/indigenous tribes, backwards, Madhesi and other groups, in accordance as provided for in the law."

The country is heading towards the election of CA to make the new constitution with the involvement of the people from Mechi to Mahakali. For the first time in Nepali history, the Nepali people are drafting our constitution. Thus, making of a new constitution in Nepal through an elected Constituent Assembly (CA) is enviable. Democratic inclusiveness in making of a new constitution is fundamental to participation in a society, since the excluded cannot be equal in any real sense of the term. In this regard, the Nepali cultural commons must be explored, mapped and furnished with national standards of different identities while making the new constitution.

It is decisive that socio-cultural, ethnic minorities including women, dalits, janjatis, Madhesis and other marginalized people have always, and will always, contribute to the very cause of making a new Nepal. Now it is the time they would be heard. There should be a conducive environment to provide them participate fully in the process of CA election. There are many ethnic and cultural groups raising voices for their right to self-determination, who consider the present state as an annoyance on them. In this regard, CA can work as a forum where all the Nepali will cooperatively apply the right to determination in terms of choosing the form of state and the type of government.

It is a high time for interim government to relinquish any form of violence and make common people assure on rule of law. A smooth transition depends on creating a favorable environment for free and fair elections to the CA. Maintaining law and order, adhering to the rule of law and effective monitoring of the elections are prerequisites to be followed by the eight political parties. There is also the need to adequately address calls of democratic inclusiveness by providing economic and social goods and services to the masses, whose vision of democracy is guided mainly by their daily struggle for a mooch of cash.

The guiding principles of the new constitution in Nepal must include universal principles of democracy. The new constitution should assure sovereignty of the people and fundamental rights including economic, social and cultural rights. It is also essential to guarantee the periodic elections based on adult franchise; representative government; multi-party competitive politics; independent judiciary, local and regional autonomy; protection of human rights, culture, language of ethnic and indigenous groups and people. Proportional representation of social and cultural groups at all levels of political structures through political parties is mandatory.

For this, the election of the CA should be based on proportional representation. The electoral system should be devised to assure that social plurality of women, ethnic and indigenous people including Dalits and Madhesis, will be represented in proportion to their population size.

The interim government when considering a question of having a new constitution through CA should take into account, greater benefits for its citizens in the course of making such a decision and the methodology thereof in achieving what has been conceived. Allowing the Constituent Assembly to come up with a final draft calls for maximum caution and safeguards to ensure that minimum and reasonable time is spent in concluding the exercise. It will also make it cost effective and also ensure that the composition of the Constituent Assembly will not doctor a final draft that will have no bearing on the needs and the aspirations of the Nepali people. In this end, inclusiveness is the only way out.

Issue of Inclusiveness and Madhes Movement



» Dipendra Jha «

1. Madhes Movement: Causes and Consequences

The unrest in the *Madhes* has raised national concern on how to bring about peaceful solution to the crisis. Moreover, it has raised national and international concerns that the situation will be exploited by royalist and reactionary forces. There have been many attempts to explain the unrest in *Madhes*. Some of the explanations have focused upon the proportional representation by restructuring state institutions through inclusive way and right to self determination through federalism.

The key political players engage in the peace process failed to learn experiences from other countries about the essentials of legal and institutional reform to maintain the principles of inclusiveness, which can unlock the ways to transform ad hoc peace into permanent. Unfortunately, it does not take place in case of Nepal. There is less concern for the inclusion of the rights of *Madhesi* community in the peace process, Comprehensive Peace Accord, Interim Constitution and practices as well. The political actors overlooked institutional and

structural violation such as: economic, social and cultural discrimination faced by large number of the people of *Madhes*, which is measured as the root cause of conflict in Nepal. When they felt that their agendas would not be addressed through mainstreaming peace process; they started asserting their rights. So, the *Madhes* movement began as an outcome of the failure of the Government and *eight party alliances* to recognize the *Madhesi*'s grievances and rights in the interim Constitution.

The institutional reform through proportional inclusion is the first stair towards strengthening democratic control over the legislature, judiciary, bureaucracy, military, professional organizations and social service sectors as well. In case of Nepal, the reform through inclusion is a big challenge for the key political actors as the internal democratization and inclusiveness inside the political parties are the pre-condition to democratize the state structures and make them inclusive. The Comprehensive peace agreement signed between SPA and CPN (Maoists) and even Interim Constitution failed to integrate the totality of reform through proportion-

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al inclusion. It is the reason; the general *Madhesi* population reached a consensus that the historic discrimination must be addressed now; otherwise the opportunity will be lost forever.

It is clear that even though the structural discriminations are the reasons behind the outbreak of the Madhes Movement, arrest of the leaders of *Madhesi* Janaadhikar Forum (MJF) from Kathmandu, while burning down the Interim Constitution, killings of Ramesh Kumar Mahato by Maoists in Siraha district, opinions of Maoist Chairperson Prachanda in public media regarding the movement and the anger towards pre-existing police administration involving in the suppression of the movement were found the major reasons of the movement.

If the Interim Constitution could address the issues of federalism, proportional representation and inclusion in the state structures, the *Madhes* movement would not take place. So, there is enough room to claim that *Madhesi* movement occurred as structural causes of the conflict have not been addressed through CPA and Interim Constitution.

It is natural that at the time of restructuring of the state, all the marginalized communities are searching their space and struggling for ensuring their rights in the constitution. The state should perceive their efforts and struggle to incorporate their genuine demands in a positive way. In case of *Madhes* struggle, it has not been taken in a positive way and there was excessive use of force by the security persons, which resulted in the death of around 30 protesters. The movement was peaceful in the beginning but when it was intervened by the Maoists in Siraha, the reactionary forces got chance of giving color of violence.



2. Genuine Demands of the Madhesi People

2.1 Proportional Representation and Equal Access to Resources

The notion of proportional representation comes forward under state restructuring. It is true that due to the influence of limited castes in the state institutions, other communities have been historically marginalized. So, it is necessary to bring all the marginalized community in the state institutions in the main streaming process through the proportional representation in all state and non state institutions. The reform process can be initiated from the laws, security sectors, state administrations

and media, which can assure that the CA election, will be free, fearless, transparent, inclusive, unbiased and democratic. Without making these pre-condition, if the CA election will be held, it will encourage another conflict. More than 10 years of conflict, Janaandolan-II and *Madhesi* movement had already exposed the essentials of reform and democratization of security sectors as they have been widely criticized for deteriorating to deal adequately.

2.2 Question of Equal Identity

The civic education is crucial to transform the thoughts of the large numbers of the population towards *Madhesi*. Especially, to edu-

cate those who are at the power positions like judges, politicians, high-ranking governmental officials, and policy makers about equality, justice and non-discrimination in order to break the cycle of discrimination of all level. *Madhesi* have citizenship, but they do not have equal identity and respect as other nationals. To transform the attitude, re-defining nationalism can be the first footstep in which the pluralistic structures of Nepali society, language, culture and others socio-economic factors must be incorporated. It will be challenging to eradicate deep rooted sense of discrimination through single approach. There is lack of programs on awareness and sensitivity, which are necessary for understanding various issues that affect economic inequality and social discrimination against *Madhesi*. The government is less concerned on the implementation of the empowerment program through wider participation such as public hearing and interactions.

2.3 Right to Self Determination through the Structure of Federalism

The principles of human rights recognize the right to self-determination in the form of right of self-rule, autonomy and enjoyment of own language, culture, land and resources. Nepal is a state party to ICCPR and ICESCR, which accepted the right to self-determination. The Constitution of 1990 did not recognize the right to self determination of ethnic, indigenous, dalits, *Madhesi*, and other marginalized groups. The systematic violation of economic, social and cultural rights was the major reason of armed conflict. Even the Interim Constitution (IC) failed to recognize right to self determination in the beginning, but the first amendment of IC after *Madhes* movement has recognized

the right to self determination to some extent. It has been delivered in an installment way, as the power holder's elites groups have fear of loosing their illegitimate power position. It is the reason, they are not willing to come with comprehensive constitutional, legal and practical approach, which can eliminate all kinds of social, economic, cultural and political discrimination against *Madhesi*. Until, there will be strong political commitment with the view of scarifying power position, the structural conflict will continue in Nepal.

As the centralized elites' structures have been already institutionalized, it requires greater popular participation and community mobilization for the realization of right to self-determination in the federal structure. To break these types of central rigid structures from all level, it is necessary to educate the power holders. Let them aware that the decentralization of power and authority is the only way to democratize the country. The governance of democracy can be only realize at the grassroots level if the notion of equality should be viewed on the contextual basis rather than formal equality. Equality among equals is only equality but equality among unequal is itself inequality and inequality among unequal is finally equality. In this regard, the state must ensure substantial equality in order to ensure justice. In this context, federalism provides a venue, for expressions of cultural distinctiveness, self-determination and mechanism to legitimize *Madhesi*' identity.

3. Amendment in Interim Constitution

Prime-minister Girija Prasad Koirala on February 7 was agreed upon some of the political demands forwarded by these communities

and the Interim Constitution has been amended on March 9 by the Interim Parliament. However, the movement organizers including *Madhesi* Janadhikar Forum (MJF) and Jantantrik Terai Mukti Morcha (JTMM) continue protests and their activities claiming that the structural causes of the discrimination have not been adequately addressed. After the amendment of Interim Constitution, the government did not show interest to develop the standards and mechanisms. The political leadership hesitates to provide the ownership of the amendment process to the protesters and to the people of *Madhes*. Firstly, they dictate and control to those who has the right to claim for their self-determination. Secondly, they privileged their own class. Therefore, it came as no surprise that these amendments were written by elites and ruling class to protect and continue their legitimacy.

On one side, the state utilizes its power with the support of so called super state-Maoists to suppress the movement on the name of dealing with the reactionary forces. They were violently suppressed and even the dead body of Ramesh Kumar Mahato snatched from his family. On the other side, the amendment process has been used as a tool to display and uphold unequal power relation. Surely, the amendment of IC came as a way to change the structure of the government from pre-existing system with the respect of self-government by the people themselves. The amendment places importance of participation in the political system and in government. Still, there are no mechanisms for scrutinizing and monitoring state power. It is the result of upper-hearted acceptance, which is the clear sign that the spirit of Interim Constitution will not be respected by the rulers. Only the full implementation of its clauses can

ensure the rights of the people in *Madhes*.

The hope for realization of total reform as mentioned in the Interim Constitution, for a strict adherence to and observation of the spirit of the constitution depends on the question whether or not the standards exercised in the selection process of state and non state organizations.

regime. The administration protected those, who tried to crush the movement. In that condition, all the roads seemed blocked for them. Only hope for them was human rights defenders and journalists. But Human Rights Defenders (HRDs) and journalists were attacked in many places, which could never be justified in any context. In this context, it is necessary to find and ana-

community at large. For human rights activism, it is necessary to have the people from the same community, who can analyze the things through cultural way or the people from another community, who have depth knowledge of understanding socio-economic and cultural factors.

During *Madhes* movement, many human rights defenders gave reference of the situation of *Karnali*.



4. Role of Human Rights Defenders and Journalists in *Madhes* Movement

The change in rulers and democracy at the central level does not guarantee the democracy at the grassroots level. People observed activities of the democratic government through the behaviors of security forces and local administration. In case of *Madhes*, people find more brutal activities by the local administration and it was frustrating for them as they did not find any change in dealing than the royal

lyze the reasons of why they have been attacked. There is one truth that most of the HRDs and journalists are from *Pahadi* community, which provides opportunity to some of the extremists within MJF, JTMM and MRMM as well as royalists to persuade large number of people in *Madhes* that their reports and monitoring can not be credible or free from biasness. They forget the fact that all of them may not be biased, but without having empathy and deep understanding of culture and language, if they write and monitor unknowingly it seems bias for the

One problem can not be the solution of another. Why did HRDs so worried about the condition of *Karnali* only at the time of *Madhes* Movement. It is true that the condition of *Karnali* should also be improved, but we can not escape from our responsibility by giving reference of other places. It is general trend in Nepal that human rights monitoring, investigation or reporting means monitoring of civil and political right, the economic, social and cultural rights have been left behind. So, the report or monitoring itself seems incomplete, which gives

sense of biasness to the community being monitored. Most of HRDs have the perception of human rights as civil and political rights. So, they are ambivalent towards economic, social and cultural rights. They forget one important part of human rights, while monitoring another. These two rights are inseparable just like two parts of the same coin. One can never function without another. Like right to life is interrelated with right to food. There is no use of right to food if we have no right to express of hunger.

Another lacking in human rights field is that we give more importance to the protection than promotion. There was wider use of stick or bamboo in *Madhes* movement, which was criticized by all including HRDs. Carrying stick or bamboo can never be justified, but blaming them of being foolish is just end of our responsibility. Why do we not feel that it is our weakness to educate or aware them? Protection through the way of promotion can be sustainable and can decrease human rights violations as well.

In Nepal, human rights defenders and journalists have also the culture of speaking, giving statement or publishing reports in media, without having appropriate evidence or without finishing full investigation. There are many HR organizations in Nepal, who have long experience of investigation or monitoring, but for acquiring chief popularity due to their eagerness of appearing in media, mislead them from human rights principles. Even in the case of Gaur incident, many human rights defender, only on the second day of the incident, kept on giving their statement that most of the dead women were brutally raped. But in absence of autopsy reports or without having complete concrete credible evidence, these types of statements spread the flavor of biasness to the community as a

whole. These types of reports or statement may be challenge in future, so HRDs must be conscious to give their clarification with the support of autopsy or other reports to continue their pre-existing credibility. State has the primary responsibility to respect, protect, promote, and fulfill human rights, if it fails to protect the lives in Gaur, it means, state should be made accountable at first than others.

5. Who is behind the Violent Activities?

The reactionary forces, royalists, Hindu fundamentalists and *Madhesi* failure leaders in different political parties, used this opportunity to restart their political career and regain popularity. It was a kind of flood for them in which they want to clean their dirt. Royalists, in a rearguard action, were fishing in the troubled water. There were no communal feelings in the movement but they used lot of efforts to demonize the Movement. The human rights defenders and journalists have been attacked and threatened by these reactionary forces. So, almost these movements were not being monitored by the human rights defenders.

It is very difficult to define whether *Madhesi* Janadhikar Forum (MJF) is a social forum or the political party. If it is only a forum for the failure leaders of different political parties, they should come forward with the democratic agendas and must be accountability for the loss of life and damage of property in *Madhes*. In the beginning of movement, the MJF was presenting them with an alternative to fight against the injustices and social discrimination, were therefore able to gain considerable influence and support from *Madhesi* community.

The reason people of *Madhes* supported to the MJF uprising in the

beginning is not mysterious. It is due to the wide disparity of resource distribution, poverty and structural inequality. There are many Scholars who think that the main cause of *Madhesi*' movement is a response to historic discrimination, which may not be completely right. It may be a supportive cause but the major hidden cause is the lust for political power of the few MJF leaders who used the innocent people as their instruments by giving different slogans. Most of the persons who lost their lives were ordinary citizens and those that were always marginalized and excluded from the mainstream. A majority of the victims have been the poor, daily wage laborers, and school children. Sharing political power is the major reason behind the unrest. So, the principle and agenda are limited to the resignation of Home Minister Krishna Situwala, which is a moral question for him rather than demand.

The historic discrimination against *Madhesi* played vital role to be attracted to the MJF's agendas. The MJF strikes the hammer, when the people are frustrated as they have been marginalized from the peace process. The spread of the *Madhesi* movement was also increased due to geographical terrain of the land; open border with India and brutality by security forces. The poor performances of the democratic government have played a major role than the MJF's ideology and strategies. Therefore, the primary blames for creating the environment of violence in *Madhes* directly goes to the eight political parties.

There was enough space provided after the amendment of Interim Constitution and request for dialogue by the government, the leaders of MJF did not use the opportunity to make more reforms in the political state in a peaceful

ways with direct interaction. So, their eagerness to continue the movement clearly indicates their faith in the democratic function. The genuine demands of the *Madhesi* people have been overshadowed in the dubious characters and act of violence of MJF leaders. The Gaur carnage is an outcome of the recent example of their act of violence, which stigmatized *Madhesi* community as a whole.

6. Issues of Inclusion

The principle of proportional inclusiveness has been designed as a policy of empowerment. There are two important features of the provision, the principle of 'non-discrimination and equal opportunity', which develop sense of ownership among marginalized and disadvantaged groups. Somehow, it has been intent to uplift those, who faced discrimination and socio-economic injustice. But gender status, marginalization, economic hardships, social discrimination and geographical marginalization are the basic criteria to implement the provision of proportional inclusion for disadvantaged and marginalized.

In the context of Nepal, women in *Madhesi*, Janjatis and Dalits are the most vulnerable and exploited from all sides and levels, so it is necessary to include gender mainstreaming process as marginalized inclusion process to establish fair path towards justice. If the provision of inclusion has not been implemented in a proper way, it results in strengthening hierarchies among marginalized groups by creating new elite. Specially, the concept of elitism and hierarchical values are central and dominant in *Madhesi* Society. These are also known as "elite's structure", which are influential and shaping various socio-economic and political process in *Madhes*.

In *Madhes*, there are various folds of hierarchies. First, *Dalit* and non-*Dalits*, upper caste perceived *Dalits* as inferior than them. They think themselves superior and try to dominate the people from *Dalit* communities. Second, is the hierarchy among *Dalit* themselves. Each of them considers superior than others. The so-called higher among *Dalits* like "*Mandal*" never drinks water touched by *Dom*, *Chamar* and *Musher*, the lowest among *Dalits*. *Dalits* and others men consider themselves superior in comparison of women. In many areas of *Madhes*, the male supremacy resulted in violence over the women. These are some of visible hierarchical relationships, except them; there are lots of invisible hierarchies, which often led to domination and humiliation. So, without considering these factors, the proportional inclusiveness will not be effective to include the most vulnerable among marginalized groups. Only a few will enjoy all the benefits of the policy by dictating over the vast majority of the people from the depressed section of the society.

It is true that the *Madhesi* as a whole and *Dalit* women among *Madhesi* have been oppressed since long time. But, the policy of inclusion alone is not going to solve problems. The discrimination against *Madhesi* is closely inter-related with the economic status. Those who are economically well off, need not face the level of discrimination as the poor *Madhesi*. In such case, there is less possibility of discrimination against economically well off *Madhesi*. Therefore, until and unless the economic status and discrimination are not linked up, the policy on proportional inclusion could not bring the expected outcome.

There is no doubt that the *Madhesi* are in need of special kind of protection mechanism for their dignity, equality and justice in order

to exercise their rights. The experiences of other countries in case of marginalized communities have revealed that the policy on inclusion is not the panacea to eliminate social discrimination in absence of civic education. In absence of inclusive state institutions or without proper representation of the marginalized communities in the state administration, it creates suspicion to expect that the process and result of the CA election will be free and fair. So, the reform of state structures guided by democratic principle and human rights can be a new option to rebuild credibility among all. In this critical condition, civil societies and NGOs should play a vital role in putting pressure on the present governments to make them commit to reform the structures as a whole.

Still, there is lack of pressure from civil society members to adopt comprehensive approach which can address the demands of the marginalized communities who continue their protests for the guarantee of their rights through Constituent Assembly election. The role of local civil society and outreach non-governmental organizations with the focus of historic discriminated groups and community in decision making process can be more effective. For the reform of structure, the participation of non-state actors, including the business sector, non-governmental organizations, professional groups and the community at large are as important as parliament, judiciary and executive.

Even some key political actors considered, as either less progressive or outright conservative may not like any changes. They did "ineffective work" during royal regime and twelve years of democratic period thereby losing their credibility among people. Therefore, NGOs and civil societies should be more focused, targeted and results-oriented in pushing forward to

reform agendas. Even though all reform process may not be easily tolerated, but it will contribute to activate the democratic structure. It will build the legitimacy of the institutions and develop the sense of ownership among all in a new context.

We have just reached near the down of the mountain; still the climbing of the whole mountain remains uncompleted. It is only the beginning of the journey and the destination is still very far. It is time for all to be sensitive and ready for another struggle of inclusive reform, which will be invisible and challenging.

7. Conclusion

The prevalence of conflicts in *Madhes* and the adverse effects of armed conflict limit the promotion and protection of human rights. The mechanism on the proportional inclusion must therefore identify ways and means of addressing such effects in a comprehensive approach. The overall objective of reform process should be based to develop equal opportunity, sense of ownership and addressing structural causes of conflict. The proportional inclusion must give special priority to the most vulnerable among marginalized like women, *Dalits*, *Tharu* and the people of *Karnali* zone. But the reform of pre-existing structure is a big challenge for the whole nation. It is a big challenge for us to transform the elite's representative democracy into gender democracy, racial democracy, community democracy, grassroots democracy and realization of democracy for the marginalized groups as a whole. Unless, we reform the whole structure from the grassroots level to the top level, the realization of inclusive democracy seems impossible.

Domination of a single caste in every sector is against the norms of inclusive democracy. Still, there is

no political party, which has a *Madhesi* as president, general secretary or secretary except the *Sadbhavana Party*. In the Nepali Congress central committee, nearly 80 percent are *Pahadi Bahun*. In the central committee of the Communist Party of Nepal (United Marxist Leninist) there is only one *Madhesi* and he too is a *Bahun*. In the Maoist, there is not even a single *Madhesi* in the central committee. Matrika Yadav is only an alternate member.

Inclusive democracy also failed to change the train of selection in social sectors including human rights, development, law, journalism and other areas, where their representation of *Madhesis* are more vulnerable. They can only be agriculture, forest and supply minister but not home or foreign. Leading post in the security forces is like a day dream for them. *Madhesis* are good enough to be doctors, teachers and engineers but not fit for government jobs. There is not even a single *Madhesi* heading the district administration in Nepal, which is the clear evidence of the systematic violation of right to self-governing. So, the immediate reform in all these sectors with the emphasis of political parties from central Committee to the local level can only ensure that the CA election will be democratic and inclusive. If the political parties will not select candidate on the basis of proportional inclusion, again there will be possibility that the Constitution draft by them may not be able to include the agendas of all.

In this concern, it is necessary to consider for whom the constitution is going to be made through Constituent Assembly election. If it is for the people, the participation of the people must be ensured in the whole process. The representatives elected by the people do not only guarantee the participation of the people as they are also the members of the political parties. In this condi-

tion, it is necessary to collect the agendas of the marginalized community throughout the country to incorporate in the Constitution. The people of marginalized community must realize that it is their constitution, "ownership of the Constitution". For developing sense of ownership, the interim government in the public consultation must develop and reform the laws and code of conducts, which can assure that the CA election, will be free, fearless, transparent, inclusive, unbiased and democratic.

The claim of the *Madhesis* is recognized by all political parties but none of them interested in starting process of sharing political power. And when the justified demands are not being addressed in a peaceful manner, military activities will take over like two armed splinter groups led by Jwala Singh and Jaikrishna Goit (*Jantantrik Terai Mukti Morcha*) are claimed themselves as fighting for *Madhesis'* rights. So, the political leadership of the country must be sensitive as they can not escape from their responsibility just by blaming as the activities of royalists and Hindu fundamentalists. There must be holistic and integrated approach to address the agendas of *Madhesis*, *Janjatis*, *Dalits* and others. One set of rights are always inter-related with another, like the particular issue of women and *Dalits* for which eight political parties are interested. The particular issue of *Madhesis* requires participatory governing system in the local administration so that the *Madhesis* have a voice in the discussion by which they are governed.

To build-up an understanding and appreciation of cultural diversity is one of the key factors to reform state. Another important factor is cooperation and networking among stakeholders. Coordination and information sharing should start at the local level and reach out

nationally. Sensitize professional groups such as lawyers, judges, politico-administrative authorities, parliamentarians, artists, trade-unions and academic institutions to make their activities inclusive. Mobilization of financial and human resources and support for restructuring of human rights NGOs through proportional inclusion should be delayed. The traditional way of keeping a symbolic representation from *Madhesi* community, *Dalit*, *Janjati* and women must be changed. Symbolic representation of an individual does not guarantee the inclusion without restructuring the structure as a whole.

Finally, the pluralistic perspective of cultural identities must be used to see from humanity point of view. For the realization of social, economic, cultural and political rights, violence and killings can never be justified on the name of protest or movement. It is true that fighting against the injustice and unjust laws, and discrimination are the moral duty of all. But while fighting for rights, it is necessary to understand that 'eye for an eye make the whole world blind.' Only the nonviolent means of struggle can lead towards the door of success. Thus, courage, discipline, patience, tolerance and sacrifice are the key factors to lead the movement, which enabled to get rights through nonviolent means.

8. Recommendations to Government and Political Parties

- As immediate remedial meas-

ures for the inflected protesters whose rights were violated, the government should immediately provide compensation for the injury to body and damaged property, cease legal action against them.

- As a measure to prevent the recurrence of an incident which violates the rights, the government must appoint an independent committee to investigate the whole incident, respect for people's right to peaceful assembly under the Constitution, and to take due action against those responsible for violence and suppression.
- As a first step, a natural Commission should be formed on the community right to self-determination. This Commission should be composed of representatives from communities all over the country including marginalized groups. Foreign representatives should be included as an observer.
- This Commission should be given authority to determine how to reform state institution with the responsibility over seeing community self-determination and the implementation of relevant Constitutional provision.
- Wider civic education to clear the misconception about the right to self-determination as it does not intend the fragmentation of the national territory. It can be used to find a better balance between community interest and national

interest, which can be vital to halt ongoing violence and conflict. Right to self-determination is the only way to liberate the local communities from centric power and protect cultural rights and identity. Promotional activities to spread that it is a forward looking approach to replace the top-down exercise of state.

- Empower the community to avoid socio-economic, cultural and political violence of domination.
- Participation by the marginalized community from the beginning of the process. The government must ensure participation channels for the voices of their feelings.
- Accountability must be adhered to by all parties including government and individual as well.
- As the main stream media wither, alternative media such as community FM, newspaper, TV and others must be promoted with the full support of the government.
- Finally, the participatory process for ensuring proportional representation commensurate with the population, a federal system of governance and delimitation of constituencies to ensure equal number of votes, with the consideration of geographical marginalization, decides the size of each constituency. ♦

(Mr. Jha, a human rights activist holds Master's Degree in Human Rights from Mahidol University, Thailand)

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Impact of Ongoing Conflict on Minorities in Nepal



» Subodh Raj Pyakurel «

Nepal is a multi-ethnic, multilingual and constitutional monarchical Kingdom with a parliamentary form of government. The kingdom is presently party to 16 international instruments on human rights, but a vast gap exists between the commitments and their implementation.

Because the pervasive caste system is superimposed on even non-Hindu communities, impoverished indigenous peoples and ethnic minorities are treated much the same way as lower caste Hindus. Nepal is estimated to have over 59 different cultural groups and approximately 125 languages. Approximately 36.3 percent of the population living in the country has been designated as *Adibasi Janajati* or Indigenous Nationalities by the government. Any non-Hindu group of people is considered as an ethnic minority, though indigenous peoples are distinct from other minority groups. Lower castes and minority ethnic groups are disproportionately affected by widespread health problems aggravated by poverty and lack of public health awareness. Available data for the selected indigenous groups on literacy and economic status shows that 58 percent of the indigenous peoples excluding *Newars*, live below the official "poverty line."

Present Situation

Before starting to analyze the present scenario, it is most to mention following factors of discrimination against indigenous people in Nepal, which have been prevailing since the culmination of the territorial unification of the nation in 1768 by King Prithivi Narayan Saha:

- Declaration of the state as "Hindu Kingdom"
- Caste System and *Brahminism*
- Imposing Nepali as the only Official Language
- Inequitable Representation in the Governance
- Restriction on Freedom of Association and Expression
- Centralized System of Governance
- Unequal Access to Education
- Denial of Communal Land and Resource Rights
- Unequal Resource Investment by the State for Welfare
- Denial of Right to Self Development
- Rationale Constitutional provisions

In such context of exclusion of the minorities, the Maoists originated their "People's War" in the *Magar* heartland of the mid western region with an attack in February 13, 1996. The stated objectives of the "protracted people's war" is to overthrow the bureaucratic-capitalist class and state system, uproot semi-feudalism and drive out imperialism in order to

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establish a new democratic republic. The government of Nepal has responded by labeling CPN (Maoists) as terrorists, disrupting law and order. The failure of two peace talks and continued war during the last eight years has resulted in unparallel violence and grave human rights violation in the history of Nepal. Indigenous peoples have been affected badly by the violent political conflict.

Of the total 8,265 people killed between 13 February 1996 and 31 December 2003, 21.3 percent are identified as belonging to the indigenous population. Out of those killed, 65 percent are reported to have been killed by the state security forces. Although more than 40 percent of those killed remain unidentified, the caste and ethnic pattern of the fatalities suggests that the state victims are concentrated amongst indigenous population while Maoist victims are concentrated among higher caste *Chhetris*, *Brahmins*, and *Thakuris*. The indigenous people of Nepal have an account that they are perceived as the powerless communities, since they don't have any influential person or role in the state. They have come to a conclusion; therefore, the security forces treat them as whatever they like.

Incidents of disappearance of people reached its highest peak during the year 2002 and 2003. With a total of 444 people disappeared during the two years period; Nepal is rated by Amnesty International as one of the countries with the highest number of people disappearing in the world.

The record of arrest of the people is equally bad. According to the available data our organization, the state security forces arrested a total of 5,507 people during the last two years. Of the total people arrested, 20 percent comes from the indigenous peoples.

The conflict induced suffering of the high caste *Bahun*, *Chhetri* and

Thakuri community in terms of killing, disappearance, arrest and torture is equally high. The pattern of greater Maoist victims being concentrated among the higher caste *Chhetris*, *Brahmins*, *Thakuris* suggests the nature of the Maoist movement as class struggle with a goal of radical political revolution. Nevertheless, Maoist has incorporated in their struggle various agenda advocated by indigenous peoples' civil movement. For example, along with their assertion that Nepali state is 'semi-feudal', the Maoist also agreed with the indigenous peoples' contention that the state is 'communal'. Through the establishment of the Ethnic Liberation Fronts and the recent declaration of the 'Ethnic Autonomous Regions', the Maoist has put the indigenous issue in the front. How the autonomous regions will work to benefit the indigenous people is, however, not yet clear. While the historical grievances of the indigenous peoples and Maoist vested interest may bring convergence in some of the issues, the situation remains to be a double-edged sword for the indigenous population in Nepal. Specifically, it contributes to tensions between minority ethnic groups and low castes in the rural areas and the upper caste Hindus who still have a hold – albeit tenuous – over the country. Neglect of rural areas by the government enhances the appeal of the Maoists who criticise the government and issue broad demands for reform.

Apart from the incidents of killing, disappearance and arrest, the impact of the conflict on women, children and the indigenous communities at large remain unrecorded. As the war is concentrated by and large in the indigenous territories, it has disrupted the lives of the people to a high degree with displacement, aggravation of poverty and trauma especially for women and children.

Nepali civil society, currently

working for the initiation for the establishment of peace has been demanding for the mainstreaming the issues of minorities. In such context of conflict, Nepal's indigenous organizations along with the organizations like INSEC have put forward the following concerns:

1. Ensure representation of the issues and also the institution of the Indigenous Peoples in the process of peace talks, purposed roundtable conference, creation of national government of all concerned.
2. Undertake immediate action by forming an independent commission to carry out a judicial inquiry to look into all the extra-judicial killings perpetrated against Indigenous Peoples collectively or individually during the course of the conflict,
3. Release immediately all indigenous arrested on the basis of suspicion and kept in unlawful detention since after the beginning of the Maoist insurgency,
4. Make arrangements for compensating and providing necessary treatment to Indigenous Peoples women, children and others killed, injured and missions made to disappear during the violent conflict.
5. Make all arrangements by the state, for the necessary security and reconstruction for rehabilitating Indigenous Peoples displaced by the conflict in their traditional lands, the rebels should also respect the right of the Indigenous Peoples to live in their own lands. ♦

(A brief presentation by Subodh Raj Pyakurel, Chairperson INSEC Nepal during the panel discussion jointly moderated by himself and Zaman Khan (HRCP, Lahore) on 14 September, 2004 in Bolzano, Italy. As a contribution to the Europe-South Asia exchange project, the paper has tried to examine the situation of minorities in the difficult scenario of national conflict in Nepal.)

Inclusive Democracy and Political Parties in Nepal



» Lalbabu Yadav «

"The promotion and protection of the rights of person belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of states in which they live."

(Preamble of the United Nations Declaration on the Rights of persons Belonging to National or Ethnic, Religious and Linguistic Minorities.)

1. Introduction

The issue of proper inclusion of all ethnic, religious and socio-cultural groups in the mainstream politics and all layers of decision making and governance in Post-April 2006 Nepal has become one of the hotly debated issues in Nepalese politics. Most of the political parties in Nepal have played significant roles in advocating inclusive democracy in pre and post *Jana Andolan* 2006 periods.

In Post-April 2006 period, some positive achievements took place in Nepalese politics particularly in solving the national issues and signing Peace Accord with the CPN-Maoist. The signing of the Comprehensive Peace Agreement between the government and the Maoists on 21st November 2006 formally ended 11-years long internal conflict. The agreement set and example in conflict resolution and attracted

world attention towards a new Nepal. The 11-page long Accord, which contains 10 sub headings including a preamble, declared the end of armed conflict that claimed the over 13,000 lives and left thousand wounded. Rt. Hon'ble Prime Minister Girija P. Koirala and CPN-Maoist Chairman Prachanda affirmed their commitment to implement the historical Peace Accord and said the nation has entered into a new era. The United Nations, India, United States and other countries have hailed the Peace Agreement. People overwhelmingly welcomed and celebrated the signing of the Agreement by lighting candles (IFA, 2007)).

This article intends to analyze how far the political parties of Nepal have internalized the concept of inclusive democracy in their behavior in real sense; this paper is broken down in five parts focusing on various issues of inclusive democracy among political parties, followed by short conclusion and reference.

2. Inclusive Democracy and Political Parties in Post-April 2006 Period

During and after *Jana Andolan II* (April 2006), a number of political issues and agendas including inclusive democracy have been raised by

The issue of proper inclusion of all ethnic, religious and socio-cultural groups in the mainstream politics and all layers of decision making and governance in Post-April 2006 Nepal has become one of the hotly debated issues in Nepalese politics.

the major agendas of political parties of Nepal. After the restoration of House of Representatives in 2006 and formation of the government, the government and the mainstream political parties have reiterated their faith in various main agendas: negotiate with Maoist and bring them into mainstream politics; frame interim constitution and form interim government including CPN-Maoist. Moreover, election of the Constituent Assembly (CA) and restructuring of the Nepalese state with special emphasis on federalism, proportional representation (PR), electoral reforms (ER) and inclusive democracy. However, the issue of inner party democracy had been frequently raised even before second *Jana Andolan* but the political parties in practice failed to encourage prop-

er representation of the marginalized and vulnerable groups and minorities. As a result, they have remained as the disadvantaged groups (DAGs) and powerless so far in Nepalese politics and accordingly, the *women, Madhesi, Jananati* and *Dalits* remained underrepresented in every layer of governance and decision making process.

Table 1 shows that Hill Brahmins, which consists only 12.7 percent of the total population of Nepal, have larger representation (50 percent) in all three major political parties (NC, CPN-UML and CPN- Maoist). The next dominant groups are Chhetris and Newars which constitute 17 percent and 5.5 percent of the total population respectively and occupy 13 and 7 percent respectively. The above

mentioned three groups, which, constitute only 35 percent of the total population in the country have obtained 70 percent in the central committee's members in the three major political parties. While only 30 percent of the central committee member posts go to the 65 percent of the population. Similarly, women who consists more than 50 percent of the total population obtained only 8 percent of party posts is pitiful in terms of their population of the Nepal. *Madhesi* Representation obtained only 7 percent in party posts when their population consists of 33 percent, Janajati constitutes 37.2 percent of the total population but occupies only 13 percent of the central committee of the major three political parties. However, Dalits comprised 12.9 percent of the total

Table 1; Representation of Various Caste/Ethnic Groups of Major Political Parties' Central Committee

SN	Political parties	Brahamin	Chhetri	Newar	Women	Madhesi	Janajati	Dalit	Total
1	Nepali Congress	17	3	3	4	4	5	1	37
	%	46	8	8	11	11	13	3	100
2	CPNUML	36	6	4	6	4	8	1	65
	%	56	9	6	9	6	12	2	100
3	CPNM	17	8	3	2	1	5	1	37
	%	46	22	8	5	3	13	3	100
4	NC D	12	10	2	2	3	4	1	34
	%	35	30	6	6	8	12	3	100
5	NSP- A	0	0	0	4	20	4	1	29
	%	NA			14	69	14	3	100
6	NSP- K	NA							0
	%	NA							0
7	NMKP	2	2	6	1				11
	%	18	18	55	9				100
8	RPP	4	13	2	1	6	5		31
	%	13	42	7	3	19	16		100
9	RJP	3	3	0	1	1	2		10
	%	30	30		10	10	20		100
10	JMN -KC	NA							0
	%	NA							0
11	SBMN	NA							0
	%	NA							0
12	SJMN	NA							0
	%	NA							0
13	SJM Thapa	NA							0
	%								0

Table 2; Caste/Ethnic Composition of Percentage of Three major Parties Central Committee

SN	Political Parties	Brahmin	Chettri	Newar	Women	Madhesi	Janajati	Dalit	Total
1	NC	17	3	3	4	4	5	1	37
	%	46	8	8	11	11	13	3	100
2	CPN-UML	36	6	4	6	4	8	1	65
	%	56	9	6	9	6	12	2	100
3	CPN-M	17	8	3	2	1	5	1	37
	%	46	22	8	5	3	13	3	100
	Total	70	17	10	12	9	18	3	139
	%	50.4	7.2	8.6	6.5	13	2.1	13	2.1

population of the Nepal and has only 3 percent representations.

The NC, CPN-UML, and CPN-Maoist are major political parties and they can play significant role for the inclusion of DAGs in the decision making process in the polity. These parties have insignificant number of the representation of DAGs in the central committee. However, these DAGs are continuously raising their voices for inclusion. They think that inclusion is an important aspect in democratic theory and practice. The past 13 years in Nepal have also showed that violence was and still associated with exclusion of these DAGs. The role of these DAGs and marginalized groups in peace, democratization and development is emerging as the main agenda of the day because none of these processes can become sustainable in a real sense without including them. But one critical prerequisite to such inclusion is the question of inner party democracy or their inclusive representation among the political parties, which is emerging as another major agenda after *Jana Andolan II*.

As table I suggests, the status of inclusiveness within these parties is far from adequate representation. These parties are exclusionary in terms of the representation of *women, Madhesi, Adivasi, janajati* and *Dalit*. These DAGs are being traced back mainly to the domination of the Hindu elites in the evolution of the

Nepali state and their hegemony role in existing power structure and the patriarchal culture of Nepali society. In any democratic political set-up the even participation of all linguistic, socio-cultural, ethnic, regional and religious minorities and groups are must. The goal of stabilization of the democratic values cannot be realized until and unless the political parties themselves encourage inclusive democratic values within their organizational networks and activities. The exclusion of *women, Madhesi, janajati* and *Dalit* and other ethnic minorities has resulted in violent outbursts in different parties of the country. The political parties as representative institutions have to encourage their participation in the party structures, in the government mechanism, and in constitutional and other bodies such as the National Planning Commission etc.

Some of the political parties have raised the issue of inclusive democracy and state restructuring very seriously in the Post-April 2006 period. They are saying if needed even by introducing the system of reservation for excluded groups till they become able to stand on their own feet. Though, NC-D has touched this issue in their central committee, other parties are yet to steps towards it. Nepal is a constitutionally declared multilingual, multiethnic, multi-religious, and multi-cultural pluralistic society and inclu-

sive democracy thus cannot be encouraged without the adequate representation and participation of these groups. The political parties after *Jana Andolan II* have made some provisions to encourage the concept of inclusive representation (IR), but they are not enough and have to be effectively promoted in future realizing the needs of the present political scenario.

The political parties also have to play a significant role in discouraging the discriminatory policies and practices of the state and in introducing and encouraging the concept of IR in their organizational network and policies, if needed, through reservation in their membership structure. (e. g. in the Central committee).

3. The Interim Constitution, 2006; inclusive democracy and political parties

With the clear promulgation of Interim Constitution of Nepal, 2006, the concept of inclusive democracy and state restructuring ending all types of discriminations existing in Nepalese society remained an agenda. But the beginning of *Madhesi* movement in southern plains and the *Adibasi janajati* and *Dalits* in all parts of the country in 2007, has raised some serious issues regarding the participation and representation of these groups in layers of administration and decision making process. The present government has attended to positive address the ongoing movement in Terai and other parts of the country. The seven parties' coalition government and CPN-Maoist leadership held several rounds of serious discussion and displayed their political acumen ship. As a result of Rt. Hon'ble P.M. Koirala's recent address to the nation, more particu-

Table 3; Caste/Ethnic Representation in Interim Parliament /Legislative

SN	Parties	<i>Brahamin</i>	<i>Chhetri</i>	<i>Newar</i>	<i>Madhesi</i>	<i>Janajati</i>	<i>Dalit</i>	M	F	Total
1	NC	39	14	6	15	10	1	78	7	85
	%	45.9	17	7.1	17.5	11.8	1	91.8	8.2	100
2	CPN UML	32	13	6	14	16	2	69	14	83
	%	38.6	16	7.2	16.9	19.3	2	83.1	16.9	100
3	CPN-M	15	8	8	21	19	12	52	31	83
	%	18.1	9.6	9.6	25.3	22.9	15	62.7	37.3	100
4	NC D	13	16	3	11	5	0	45	3	48
	%	27.1	33	6.3	22.9	10.4	0	93.8	6.3	100
5	NSP-A	0	0	0	5	0	0	4	1	5
	%	0	0	0	100	0	0	80	20	100
6	NSP K	0	0	0	1	0	0	1	0	1
	%	0	0	0	100	0	0	100	0	100
7	NMKP	0	1	3	0	0	0	4	0	4
	%	0	25	75	0	0	0	100	0	142.9
8	RPP	0	3	1	3	0	0	6	1	7
	%	0	42.9	14	42.9	0	0	85.7	14.3	100
9	RJP	0	1	0	0	0	0	1	0	1
	%	0	100	0	0	0	0	100	0	100
10	JMN -KC	2	1	0	0	0	0	3	0	3
	%	66.7	33.3	0	0	0	0	100	0	100
11	SBMN	2	1	0	0	0	0	3	0	3
	%	66.7	33.3	0	0	0	0	100	0	100
12	SJMN -A	1	0	1	1	1	0	3	1	4
	%	25	0	25	0	25	25	75	25	100
13	SJM-P	1	1	0	0	0	0	2	0	2
	%	50	50	0	0	0	0	100	0	100
	Total	105	59	28	71	51	15	271	58	329
	%	31.9	17.9	8.5	21.6	1.5	4.6	82.4	17.6	100
Total Popn. (%)		12.7	17.3	5.5	33	37.2	12.9	50	50	
To be representation		42	57	18	109	122	42	164	165	
Surplus		63	2	10	-38	-71	-27	107	-107	

larly the agitating groups, has proved to be solacing event and hence became a historical declaration in the annals of modern Nepalese history. In reference to this, a ministerial level committee was convened by Mananta Thakur, Ministry of Agricultural is constituted to hold dialogue and to find lasting solution to the on going agitation. (FFA, 2007;1)

But the political parties' have to adopt some practical measures in resolving the issue in the changed political context. The participation of the marginalized groups including *women*, *Madhesi*, *Adivasi Janajati* and

Dalits in the current interim parliament/Legislative is shown in the table 3. The table shows that overall, the representation of excluded groups in Interim parliament/legislative is dismally low. Out of 329 members of the Interim parliament/legislative, the women, *Madhesi*, *janajati*, and *Dalits* occupy 17.6, 21.6, 15.5 and 4.6 percent respectively. CPN-Maoist has given adequate representation, that is, 37.3 percent to women, 25.3 percent to *Madhesi*, 22.9 percent to *Janajati*, and 14.5 percent to *Dalit* which is comparatively better than NC and CPN-UML. Moreover, without the repre-

sentation of CPN-Maoist in the interim parliament, the inclusion of the excluded groups in the interim parliament would be even more piteous than what it is now.

The table demonstrates that the supreme leaders of their political parties are dominated by Brahmins and Chhetris by 31 and 38.6 percent respectively. (The table shows Chhetri majority because of split of Jan Morcha Nepal and three fractions). Likewise, *Newar*, *women*, *Madhesi* & *Janjati* are represented by 7.6 total. *Madhesi*, Women leader belongs to the Nepal Sadbhawana party. The *Dalit* which constitutes

Table 4: Supreme Leader of political parties by caste/Ethnicity

SN	Political Parties	Leader by Caste						
		<i>Brahamin</i>	<i>Chetri</i>	<i>Newar</i>	<i>Women</i>	<i>Madhesi</i>	<i>JanaJati</i>	<i>Dalit</i>
1	NC	1						
2	CPN -UML	1						
3	CPN-Maoist	1						
4	NC-D		1					
5	NSP -A				1			
6	NSP-K					1		
7	RPP		1					
8	RJP		1					
9	SJMN - A						1	
10	SJMN- P		1					
11	SJMN -KC		1					
12	SBMN	1						
13	NMLS			1				
14	Total	4	5	1	1	2	1	0

12.8 percent of the total population has no representation.

4 . Rationale

The exclusion of *women*, *Madhesi*, *Adivasi*, *janajati* and *Dalits* in the political parties renders them unrepresented in their nature and addressing this gap will help them become not just more representative, but also more responsible and responsive. So, for the addressing the inclusion issue, the political parties needed to expand the scope of inclusive representation in some important aspects: to improve the number of representation in party apparatus at both local and central level, the political parties should declare agenda of the excluded group or DAGs- *women*, *Madhesi*, *Adivasi*, *janajati* and *Dalits*; and review of the role of the political parties in parliament/ legislation in terms of their accountability, responsibility and responsiveness. In this context, it is also essential to understand the question of the study of inclusive democracy in political parties in three dimensions. They are: representation, policy platforms and performance. The objective of the paper is to show the actual position

of the representation of the marginalized groups, *women*, *Madhesi*, *Adivasi janajati* and *Dalits*, and other smaller groups in the political parties.

5. Issues, Problems and Challenges

In order to materialize the concept of inclusive democracy in practice in Post-April 2006 Nepal, a number of problems and challenges exist. The absence of political commitment on the part of larger parties, the lack of awareness among the people and the concerned stakeholders, the lack of political and administrative culture are some of the principle bottlenecks in this direction.

6. Recommendations

To strengthen and effectively implement the concept of inclusive democracy in practice, a number of recommendations could be put forward:

- The political parties have to demonstrate a democratic culture in their attitude and behavior so that the concept of inclusive democracy be better realized.
- In order to make people aware about the concepts of inclusive

democracy and state restructuring, advocacy programs be conducted throughout the country in a massive scale.

- The political parties, including the larger ones, have to demonstrate a culture of tolerance and attitude to respect the concept of inclusive democracy and state restructuring

7. Conclusion

The inclusion and even just participation of the marginalized and vulnerable groups (e. g. *women*, *Madhesi*, *Adibasi Janajati*, *Dalits*, *Muslims* and other small ethnic groups e. g. Raute, Chepang Jhanger), the powerless and voiceless DAGs in the mainstream politics, and in all layers of governance and decision making are the burning political issue in Nepalese politics which have to be addressed very practically in the changed political context, particularly in the light of the on going *Madhesi* movement in one hand and the movement of the *Dalits* and *Adibasi, janajatis* on the other. ♦

(Mr. Yadav, an assistant professor of Political Science at Patan Multiple Campus, is a board member of INSEC.)



»Michael Bjorn Poulsen«

Towards a new Nepal: Experience with Federalism from Africa

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Generally the hopes of both political and grass root movements are that the creation of Nepal in a new federal structure, will enable the ethnic diversity of Nepal to flourish under their own guidance, free from an oppressive, corrupt and some times indifferent centralized government in Katmandu.

There are forces at work to create a new Nepal, how this future Nepal will look like is as of yet unknown, but the cry for Nepal to become a fully fled federation, is often heard and it could very well be first item on the agenda after the Constituent Assembly (CA) election that the eight political parties have agreed to take place on June 20, 2007.

The Maoists have been working towards this goal for some time: almost three years ago they introduced the concept of autonomous regions along ethnic lines; this is widely seen as a precursor to a federal structured state. Also the CPN (UML) has advocated a federal structure, it is however not precise as to which premises such a construction would be created upon? The Nepal Sadbhawana Party is strongly in favor of a federal state (mainly a unified autonomous *Madhes* one). Not only political voices have cried out, also Dr. Om Gurung the General Secretary of Nepal Federation of Indigenous Nationalities (NEFIN)¹ has made

statements in the aspiration of a federal construction in Nepal where people of one ethnic heritage, language and culture possess their own autonomy. Generally the hopes of both political and grass root movements are that the creation of Nepal in a new federal structure, will enable the ethnic diversity of Nepal to flourish under their own guidance, free from an oppressive, corrupt and some times indifferent centralized government in Katmandu.

The Experience of Federal States in Africa

Federalism is a state structure where individual regions retain autonomy and a partial self-governing status; essentially it operates as a union of countries with a supra-national government controlling various degrees of power but always retains foreign policy and national defense. The federal dream of peace and prosperity under the solid structure of federalism is not an uncommon dream across the globe, especially successful examples of federations include: The United States of America, Canada and the United

1. Nepal Federation of Indigenous Nationalities

Arab Emirates. However at the other end of the spectrum there shows up a completely different picture, here we find dreadful examples of federalism in nations such as: Sudan and Nigeria.

We will now have a closer look at the less successful examples in Africa, and see if any comparison can be made between the Nepali dream of a federal system and the horrors of the African federations.

The Nigerian Federal State

The Federal Republic of Nigeria did not choose the federal state structure; it was inheritance from the British colonial era, one that has remained with them since the country's independence in 1960. In 1960 there were three states in the federation, at present there are 36 states, the number has steadily risen due to political maneuvering and the steadily raising number of recognized ethnic groups that has demanded their own statehood. On the surface that doesn't seem to be of much concern for any federal nation, and the fact that Nigeria is immense rich in natural resources especially oil, has meant that the country has generated a large intake of foreign currency for the last 40 years. These resources could have been used to develop the nation. However the people of Nigeria has learned that the promises of democracy and a federal structure have not brought development, peace, equal rights, or a stable government –neither on state or federal level. Nigeria on the contrary had several violent coups, changing governments, numerous human rights abuse cases, and for many Nigerians life is hard.

The Nigerian Federal States: Road to Disaster

Nigeria ethnic makeup where to ensure stability, its federation was created based on its three dominating ethnic groupings sharing power: the *Hausa/Fulani* alliance, the *Yoruba*, and the *Igbo*. The inclusion of minority ethnic groups where a secondary consideration; they quickly became structurally marginalized. Several minority uprisings has occurred in order to gain political recognition and even emancipation movements, most notably the short-lived secession of the Delta Peoples Republic which was a reaction to the secessionist threats of the *Igbo* majority, who tried to dominate the deltas oil resources. The *Igbo* dominates the eastern parts of Nigeria and encompassing the Nigerian Delta and thereby the Delta People. The resulting *Biafran* war resulted in the *Igbo* agreeing to share oil revenues with the other two major ethnic groups; the Delta People however received nothing. This illustrates that smaller minorities in Nigeria often find themselves as a minority in a federal province, where the ethnic majority controls the economic and political spheres, they are at the same time faced with unfavorable representation in the governing institutions and unfavorable oil revenues even if the oil is located in their province and they bear the ecological cost of production, this creates resentment often resulting in violent revolt.

The fact that Nigeria is a very oil rich state makes the distribution of oil revenues central to understanding the federal states economics and it is subsequently miserable allocation of oil revenues. Oil is the dominating

income in Nigeria: it once had a significant domestic food and primary commodity production with good prospects for a competitive industry processing agricultural materials. These prospects were ruined when the oil industry crowded out all others. All oil revenues in Nigeria go through the Federal government they in turn distribute the revenues towards the different provinces. In Nigeria, the reality is that revenues from wealth-creating provinces are redistributed to subsidize resource-poor areas (populated by the majority ethnic groups) to the utter destitution of the former as the latter exert considerable political clout to lobby for greater entitlements. This is a case where the value of ethnicity determines the allocation of resources, history and power in Nigeria, meaning that the lines between the acts of the government and the will of the ruling ethnic groups are blurred. The central question of the Nigerian Federation remains to be addressed by the long sought-after Sovereign National Conference which once and for all may reconcile the "*terms of association in a multi-ethnic polity*".

The federal state construction in Nigeria has also made it easier for multinationals oil firms to bribe government officials to ensure that their interests are met, due to the fact that the government official has a stronger ethnic affiliation than that of his country, bribes have ensured that oil pollution newer will be cleaned up, the continual oppression of some ethnic groups, and the almost certain assassination of Ken Saro-Wiwa, the environmental activist and leader of the *Ogoni* indigenous movement by Shell Oil.

.....
*A Nepalese federal
state must be created
less on ethnicity and
more on administra-
tional demands, division
of power, and fair
economics.*
*No matter what
road Nepal takes be it
federalism or not, the
people of Nepal will
properly have to realize
that the promises of
development, peace and
equal rights will be long
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Furthermore the United States of America has, due to its reliance on Nigerian oil, often supported the Nigerian oppressive government in clear light of human rights abuse, much to the distress of environmental and human rights groups.

The Governable Space of Ethnic Policy

To understand why the different ethnic groups in Nigeria resent sharing their resources revenues, we must understand that any ethnic movement is based on disputed and exclusive heritage-founded land rights in the struggle to claim "their resource" (in the Nigerian case oil). Resource control is at the core of most indigenous claim requiring the formulation of ethnic and territorial identification, inventing one if needed be. Unfortunately the creation or identification of an ethnic affiliation are almost always done on the expense of others, the ethnic group define themselves as opposed to others: religion, race, territory, or custom. These quarrels often manifest themselves in the form of gerrymandering to endow certain ethnic groups' additional influence when vying for the territories resources. On a larger scale the Federal government which has distributed provinces according to ethnical claim would also be inclined to grant political access depending on its ability to provide exclusive ethnicity and historical ties to the land, ethnicity therefore becomes a political force and currency. Which in turn leads to the dissension of the national unitary identity since it is eclipsed by an ethnic segregation of self-interested divisiveness exacerbated by the competition for land resources. A mixture of ethnicity and land rights could thus served to squelch the integration of a national communal identity.

The Case of Sudan

Another Federalist example from Africa is the Republic of Sudan it is today divided into 26 federal states. This is yet a case where the initially five regions created after independence in 1956, have been divided into 26, this however had more to do with consolidating power in *Khartoum* then sharing power with the different ethnic groups of Sudan. The states however do serve to satisfy the ethnic group's identity claim. The *Khartoum* government and thereby the president have appointed the executives, cabinets, and senior-level state officials, and the individual federal state's budgets are limited and determined by and dispensed from *Khartoum*. The federal states, as a result, remain economically dependent upon the central government.

Sudan has been ravaged by civil war since before its independence, the main conflict has been between the Northern Muslim fractions and the South Christian/Animism fractions which essentially is an ethnic struggle between the light skinned Arabs and the dark skinned Africans, in 2005 a peace agreement was reached wherein there is the possibility of secession for the south through a referendum in 2011. However to this day there are border disputes between the southern region and the central government over land rights where nobody lives but oil is too be found. However one conflict has triggered another -the much publicized *Darfur* crises, where atrocities are occurring daily and genocide reportedly has taken place. This conflict can be attributed to lack of political responsiveness, and different lifestyles (farming culture contra herding culture), but also in this con-

flit do ethnic differences play a part. Especially the *Janjaweed* militia which is from the ethnical north has been accused of playing on ethnical difference towards the ethnical southern groups of *Darfur*. The *Darfur* crisis however is not religious motivated since both sides ascribe to the Muslim faith. The tired and final conflict in Sudan is the presently ended conflict in the northeast where the Eastern Front, mainly consisting of two ethnic groups, where fighting for more oil resources and political representation. This conflict seems to a certain degree to be instigated by Eritrea.

Internationally speaking the *Darfur* crisis has spilled over into neighboring Chad where large refugee camps are targeted by militias, and Sudan's military has been suspected of supporting rebels and Sudanese militias within Chad. Sudan has generally few international friends, China however is a close allied due to the fact that China has invested heavily in oil production in Sudan and has supplied the government with weapons and sheltering from political pressure to comply with international law and human rights, and thereby enabling Sudan to continue oppressing the people of *Darfur*.

Nepal's Case for a Federal Construction

Can Nepal learn from the African experiences with federalism? –Well at first glance there is a big difference between the oil rich nations of Africa and the mountainous Nepal. Furthermore there seems to be a much larger difference between the religious conflict in Africa and the more homogeneous religious population of

Nepal.

When we look closer at Nepal's energy strategy, there enters another element namely - hydro power, which many have their hopes riding on. The hydro power prospects for Nepal are huge. Minister for Finance Dr. Ram Sharan Mahat stressed on March 26, 2007 that there needed appropriate development of massive hydropower infrastructure so as to cater to the growing demand of energy in South Asia, and too supply domestic demands. But besides the clean nature of hydropower there are many similarities between hydro power and oil production; they are both extracted from a fixed location and then often transported through cables or tubes to their next destination. This similarity between hydro power and oil give rise to the discussion that if one ethnic group would control an area under a federal construction, would they in fact lay claim to the profit generated from their land through hydro power? Experience from Nigeria would confirm that hypothesis.

In regards to international relations, India and China would of course try to prevent any conflict spilling over into their territory, yet one could speculate that if the creation of hydropower in Nepal became a success, then India would slowly become reliant on a steady energy delivery and a federal construction would perhaps mean that India or foreign private energy companies would have an easier time persuading a local state authority to grant them favorable deals than a central state authority would, as experience from the Nigerian delta have illustrated.

On the issue regarding religion the fact that most Nepalese

are Hindu, did not discourage the Maoist's Peoples War from occurring it is an example that the same religion does not restrict people from waging war against each other. In fact, it has been speculated that due to the nature of the cast system, the Maoists were able to recruit followers much faster than otherwise. This experience coincides with the ones from the *Darfur* conflict where Muslim is fighting Muslim.

The Maoist Proposal

Another issue that could create similarities between a Nepalese federal government and the federal governments of Africa is the federal borders between ethnical groups. According to the current proposal from the Maoists, which calls for the creation of nine ethnic autonomous regions, with an ethnic autonomous government for the nine largest ethnic groups in the country? However according to the 2001 census, the largest group is the *Bahun-Chhettri* castes, which accounts for almost 30 percent of the entire population, yet they have not received an autonomous state themselves. This is mainly due to the fact that the *Bahun-Chhettri* is spread out over the whole country and is not centralized. This would in fact make the *Bahun-Chhettri* a force to be recognized with on federal level but not on state level. Furthermore according to the Maoist plan; each state would grant representation due to its ethnical demographics, yet when one looks closer into the different proposed state's demographics one realizes that very few holds a ethnical majority which would make the Maoist claim ambiguous, because how can a territory be awarded based on ethnic

affiliation, but due to democratic “restrains” not be autonomous to that ethnic group? These questions are debated in Nigeria where they are still struggling with the concept of a multi-ethnic polity.

Another issue that arises if the Maoist plan, in its current form, is implemented is the issue of identity. The territories awarded to the nine different ethnic groups will most certainly help enforce their identity and self respect. However the minority groups within the established states will have their identity suppressed, due to the likely fact that the political landscape will be drawn along ethnic borders maintaining political power for the majority, based on their “natural ethnical right”, -it will be a case of giving identity to one group but excluding others within a given area. The excluding of one or more ethnic groups identity will in all likely probability create resentment among the excluded ethnic groups, and will strengthen their identity in opposition to the majority group of the region. Then Nepal might face yet another struggle for emancipation, political rights and representation. Then the cycle can begin as it has done in Nigeria and partly in Sudan, where the tally of federal states are steadily rising, due to ethnic groups demanding their own territory. But more important perhaps will it be that there is a real danger of developing a version of ethnical NIMBY², where the Nepalese people begins to feel a stronger affiliation towards their own ethnic group then they do towards the country of Nepal. This degradation of the Nepalese national soul could very well bring about nepotism and favoritism in

its wake, and may breed more hostility between different ethnic groups. Furthermore it would be easier for any foreign nation, or in the case of Nigeria, international companies to influence the bureaucracy or the politicians of a nation that is deeply divided in loyalties.

Final Thoughts

State structure, as seen with the examples from North America, but it is important to notice that those states were not specifically ascribed to certain ethnic groups, and they had a strong government that retained considerable power. Furthermore their ethnic composition did allow for a long struggle between fractions and a large civil war and several Indian wars, proving that the road to peace and prosperity is a long one, even if it is by means of a federal construction. And in the case of United Arab Emirates (UAE), the federal system was agreed upon by already existing states, which have already found their identity and merge together for protection and economical gain, in their cases the ethnic borders were already drawn. However with the UAE, it is important to note that federalism might have brought prosperity but it has not brought democratic culture and human rights.

Nepal is presently finding itself in a bit of a predicament, if Nepal on the one hand chooses a federation based on ethnic borders it could very well open up at hole new cane of worms -if the experiences from Africa are to be taken into consideration. On the other hand, if Nepal chooses a federation not based on ethnic borders, or remain a centralized state then the voices for ethnic autonomy continues despite the experience from

Africa. However if Nepal should opt for the former solution, there are several considerations that must be attended to before a federal construction should begin. First of all there must be a consensus between all ethnic groups as to what terms of affiliation is between state and multi-ethnic policy is. Second of all, the ethnic groups should understand that the selfish pursuit of identity on the expense of others will only lead the nation to ruin. Third a central government must retain some sort of power -especially defense and foreign relations with other nations or foreign investors in hydropower.

The experience from Africa should not be ignored; the ethnic movements are a strong vehicle for oppressed minorities to voice out their grievances but their search for ethnic identity should not become the political currency used in the pursuit of political power, as it will always be at the expense of other groups. And then there is a real opportunity that in a couple of years, Nepal will see a criticism to conflict and violence due to new minorities being oppressed. A Nepalese federal state must be created less on ethnicity and more on administrative demands, division of power, and fair economics.

No matter what road Nepal takes be it federalism or not, the people of Nepal will properly have to realize that the promises of development, peace and equal rights will be long and hard, and there is no easy solutions. ♦

(Mr. Poulsen, a Master thesis student of Development and International Relations in Aalborg University Denmark, is currently working at INSEC as an intern on conflicts and human rights.)

2. Not In My Back Yard



» Suvechha Adhikari «

Nepal: Women's Suffrage or Women's Suffer Age



Nepal's transition to a democratic setup is further strengthened with the formation of an interim government (IG). The IG that is hailed by everyone has representation of only two women as Ministers in 22 member's cabinet, a worthless 9%, whereas, building lasting peace that sustains post-conflict economic, political, and social development requires the full participation of all citizens. Though all political parties have made commitment in addressing gender concerns and having 33 percent representation in all level of state structures, it has been limited to words as their actions contradicted the same. The advocacy message and rhetorical agenda that the government and the Maoists both have carried on working for gender equity does not match in terms of its implementation into reality. The IG has become a negative precedent for women representation in political apparatus and has pushed women further from the political structures.

Women's Roles: Leadership and Marginalization

Women comprise 51 percent

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 Suffrage or Women's suf-
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 tion and yet have always
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 - with the help of our
 men, must ensure that
 there is equal participa-
 tion and representation of
 women in every walk of
 life in the post-conflict
 reconstruction of Nepal.
 Men need to understand
 that women can be
 empowered and yet main-
 tain the social, cultural
 and traditional dignity
 that they have honored
 for thousands of years.
 That the participation of
 women is not threat or a
 nuisance but an opportu-
 nity to join hands and
 create a New Nepal.*

of country's population and they have always played a significant role in every struggle for the institutionalization or reinstatement of democracy by coming onto the streets and retaliating with the oppressive forces. They were also active peace-makers during the worst days of conflict; they came out into the public sphere, confronted security forces, dealt with the court system to protect their disappeared men, managed homes single-handedly while the male of the family had to flee. Women also took part in the Maoists people's war and retaliated with the security forces being Maoists cadres. During the conflict, it was women whose humane creativity, civic movements, life-promoting and peace-seeking activities that generated hopes for the peaceful future of Nepal. However the women participation in formal and informal peace-building activities was not acknowledged during the formal peace negotiations. The high-level negotiations became the male domain and they employed discourses and practices that were closer to men's reality than to women's. As a result, women's full representation in the interim government was not perceived or realized. The patriarchal structure, compounded by the existing cultural stereotypes has thwarted the society from considering them as agents of peacemaking and restricting them to a constrained periphery of social life. And now only 9% of women representation in the transitional government has resulted in further acts of discrimination due to the imbalance of power in the IG.

The transitional phase is a critical juncture in the peace building process where there is a challenge of not only overcoming the structural causes that initiated the conflict but also effectively mitigating ongoing conflict and dealing with the legacies of conflict.

Therefore the transition phase requires restoring legitimate and inclusive government that is accepted by all citizens. Since, it is the transitional government that will manage the reconstruction, rehabilitation and reintegration activities through regional and district channels. In this situation, establishment of interim government ignoring the principle of inclusiveness and representation might derail the peace process with the eruption of violence by unsatisfied individuals and groups who are not represented in the IG structure. When the Comprehensive Peace Accord was signed, it raised the expectations of women, ethnic and other minority groups; however their expectations were deposed when the interim constitution didn't address their demand, needs and proportional representation in the state structure. The failure to address these led into violent disturbances, particularly in the Terai region and also by the Indigenous people in their respective regions. Amidst of these violence and the demands made by Indigenous and Madhesi, the SPA and the Maoists made efforts to establish an interim government that reflected the country's ethnic and regional character. However women who are in majority population and adopted the way of making a peaceful demand for equal representation were once again excluded from interim government structure. Whereas, the transitional period is considered as a stage where all marginal groups receive the opportunity of engaging in the state and having the national agenda altered in their favour - not so for women of Nepal. The transition phase to democracy and periods of post conflict reconstruction provides unique opportunities to promote gender equality and gender justice. Each of these peace and post-conflict reconstruction process offers an



opportunity to focus on women's rights and to acknowledge their contribution of peace building during violent conflict.

Post-Conflict Situation and Women Representation

In the post conflict situation the government crafts a reconstruction and rehabilitation plan which recognizes issues that sparked conflicts, the prevention mechanism for further recurrence and the post-conflict reconstruction process. And the IG has exclusive right to exercise sovereign power in a number of critical areas- restructuring of state, democratization and reform of secu-

rity forces, institutionalization of peace, and structures for rehabilitation, reconstruction and conflict transformation. In this situation, limited representation of women in the interim government poses a threat that their participation in rebuilding of "New Nepal" could be undermined. Their special needs, concerns and demands might not be incorporated while formulating those policies. It will still be men - elite setting the agenda for post-conflict agenda and appointing people in power.

In Kosovo, very few women were involved in the peace negotiation process and the 17-member interim government which was

established with support of UN mission mostly comprised of men. Due to exclusion of women from the official negotiation process the violence against women were not acknowledged and were not challenged. Women were also excluded from the planning process for the reconstruction. They participated only in the implementation phase as cosmetic extras and their potential contribution to post conflict reconstruction was lost. This was mainly due to the failure of appointing women in the decision making position in the transitional phase.

Studies have shown that in times of armed conflict, it is woman who preserves the social order. In post-conflict period, they perform role of peace educators in their families and their communities and support in fostering a culture of peace in strife-torn communities. Including women in the IG assists in stabilizing democracy and peace as it has been proved from experiences of other countries that women are heavily committed to peace, democracy and good governance. Similarly when women are in the decision making positions, the concerns of marginalized groups will emerge out. They will also be able to represent different constituencies, those in need of education, health care system, and women's empowerment in its true spirit. However, the imbalance in the structure of the IG has virtually made women powerless to put their voice forward. Two minority votes will always be outnumbered on a cabinet of 22, especially when the minority votes are from women in a male-dominated cabinet. There is also a threat that low representation of women in the IG, might also lead into exclusion of women in transitional peace structures.

A Way Forward- Making a Difference

If Nepal is to continue to move towards a peaceful future, it is vital that the rights of women are addressed. The Seven Political Parties (SPA) and Maoists should have created a balanced power structure from the outset, one that would have enabled Nepali women, to have equal authority over policy decisions for the nation. The UNSC Resolution 1325 passed unanimously in 2000 calls to ensure the full participation of women and the integration of a gender perspective in peace and security, policy-making, conflict management and peace-building. It urges UN member states to increase the representation of women at all decision-making levels and in international institutions and mechanisms for the prevention, management and resolution of conflict. But these calls are often ignored and the government often makes the same mistake of ignoring the participation and perspective of women in peace initiatives, post-conflict programmes and policies.

Therefore, the onus now lies on the women in the civil society to trigger determined commitment from politicians and government

authorities to implement the principle of Resolution 1325. Women who are present in the informal sector - NGOs, civil society and advocacy groups now have to challenge and demand the government authorities for the full representation of women in formal peace structures such as Local Peace Councils and Truth and Reconciliation Commission. While always marginalized, these organizations have ability to mobilize large numbers of women, and translate individual grievances into legitimate social concerns and women belonging to these groups/organizations have already demonstrated that they can play an influential role through their work in grassroots organizations working for peace and reconciliation. Experiences from countries such as Sierra Leone, Liberia and Papua New Guinea have shown that strong network built by representatives of different women's organizations have been able to play a decisive role in bringing warring parties to the negotiating table and also ensuring their representation in the negotiations process and in the interim structures. The bottom line is that the Interim Government has already created imbalance but there is still a space to be corrected by appointing

more women in the local and regional level governments and peace structures and especially in transitional government structures that is stipulated in the interim constitution.

Is the women's movement in Nepal a Woman's Suffrage or Women's suffer age? We form the majority of the population and yet have always been marginalized traditionally. We - the women - with the help of our men, must ensure that there is equal participation and representation of women in every walk of life in the post-conflict reconstruction of Nepal. Men need to understand that women can be empowered and yet maintain the social, cultural and traditional dignity that they have honored for thousands of years. That the participation of women is not threat or a nuisance but an opportunity to join hands and create a New Nepal.



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Freedom of Expression for Inclusive Democracy and Peace



» Shobhakar Budhathoki «

Freedom of Expression (FOE) is considered a fundamental human right of the people, which strengthens the foundation of democracy and initiates the steps for establishing a sustainable peace. The assurance of freedom of expression facilitates a conducive environment to conduct confidence building measures and achieve the goals of ongoing peace efforts. It can increase the participation of civil society in the nation's political process and support carrying out human rights promotion activities. FOE promotes fundamental freedoms of the people and increases awareness of human rights through education, advocacy, training, skill development and dissemination of information, particularly because FOE safeguards the right to speak, read and write of human rights defenders, journalists, lawyers, teachers, art performers and others, who are involved in such work.

The strengthening of FOE is one indicator of a state's assurance of protecting human rights and fundamental freedoms, such as the freedom of peaceful assembly, freedom of press, freedom of access to information, right to privacy, etc. Likewise,

restrictions on FOE are generally initial indicators of the state violating other human rights protected by international laws. Often, FOE and other human rights are violated under the guise of security. Such is the case in Nepal, in which the state has been found responsible for massive violations of human rights in the name of security, during the ongoing conflict that emerged as the "people's war" in February 1996, launched by the Communist Party of Nepal (Maoist) to set up a republican state by abolishing the hereditary monarchy.

The situation in Nepal has further worsened after the establishment of the King's autocratic regime in February 2005, resulting in the flagrant dismantling of democratic institutions, further militarization of state mechanisms, and severe restrictions on fundamental freedoms and rights. The King's direct rule began in October 2002 with the assumption of all executive powers, at which time he altered or amplified state mechanisms, primarily the security forces, to suppress the Nepalese people's right to freedom of opinion and expression. After the King's February 1, 2005 coup, by which he became sole

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legislative and executive authority, and directly influenced the judiciary, human rights and political activists have faced numerous threats from the state authorities that include arrest, harassment, intimidation, restriction on freedom of movement, access to information, etc.

In retrospect, the Maoists have been more responsible in respecting human rights, particularly the FOE of the people, since the

rate fronts, but to the same end, ending the authoritarian regime and establishing a people's democracy in the country via a constituent assembly. The understanding is part of the commitment by the political parties and the Maoists to human rights, and particularly FOE, which had been severely restricted in Maoist strongholds. The understanding is also the most viable effort for a peaceful resolution to the armed conflict. Despite its vague-

the shutdown of public services such as telephone, the use of military barracks as detention centers, the customary use of torture by the state, the imposition of prohibitory orders, the declaration of unnecessary curfews, restrictions and bans on information and peaceful assembly all demonstrate the deteriorating situation of rule of law and human rights in Nepal. The absence of freedom of expression, which also directly affects the availability of



encroachment of democracy by the King and the signing of 12-point understanding, which underlines the importance of human rights, multiparty system, rule of law, press freedom, etc., with the seven political party alliance (main political opposition to the King and his regime) on November 22, 2005, and reaffirmed on March 19, 2006. The understanding saw the seven political parties and the Maoists agree to launch a movement from their sepa-

ness regarding the peace process and process running up to the constituent assembly election, this commitment recognizes the constituencies of human rights defenders and free expression activists and realizes their important role in the constitution-making and nation building process.

The increasing indiscriminate killings, the alarming rate of disappearances - with the highest numbers in the world, arbitrary arrests,

information, places restrictions on every sector of society, and only enhances the authoritarian regime, further institutionalizing unaccountability. The status of FOE remains in a volatile state and free expression activists are continually at risk, while they furnish critical reports and opinions on the regime's human rights abuses and arbitrary rulings. Arrests of students distributing political pamphlets are all-too commonplace,

human rights organizations that document human rights abuses face intimidation and threat, journalists are taken by security forces and beaten or threatened for carrying out their duty of reporting the news, and even peaceful demonstrators have had their political party flags ripped from their hands or bags. All of these are examples of FOE that have been viciously suppressed, further deteriorating other civil and political rights.

Article (19) of the 1948 Universal Declaration of Human Rights reads: "Everybody has freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Similarly, the 1966 International Covenant on Civil and Political Rights (ICCPR) of which Nepal is a signatory, further states that "everyone has the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice." Article 9 (2) of the 1990 Nepal Treaty Act states that the state has a responsibility to implement international laws as domestic laws and that international laws supercede domestic laws. Unfortunately, the state has zero tolerance for the FOE, and has established or abused laws and promulgated ordinances, such as the Public Security Act, Offence against State and Punishment Act, Terrorist and Disruptive (Activities and Punishment) Ordinance, Media Ordinance, etc.

The state has taken an offensive stance towards free expression activists, such as human rights defenders, journalists and lawyers because of their proactive role in

disclosing the misuse of authority and misappropriation of state funds carried out in the name of suppressing the Maoist movement. The regime's imposition of restrictions on FOE through legal and administrative measures has adversely affected conducting the legitimate activities of human rights and free expression organizations/individuals. The Media Ordinance and the NGO Code of Conduct are prime examples of the regime trying to tightly control FOE and extract the right to information, rights that are necessary for ensuring civil and political rights and securing a democratic state. The Department of Military Intelligence closely monitors the movement of FOE activists and other human rights defenders. They carry out intimidation and harassment as part of the regime's strategy to discourage FOE activists and human rights defenders, particularly those that work to expose human rights violations and impunity of state actors.

The continuing militarization state mechanisms and the unlimited access of the military to the civil administration, severely encroach universally accepted principles of the freedom of expression, press freedom and rights of human rights defenders. The state mechanisms that were once created to carry out protecting and promoting human rights and FOE have had their autonomous authority spoiled through military and/or the King and his representatives' intervention. One such body is the current National Human Rights Commission established by the regime's unilateral amendment of the 1996 Act and appointment of pro-monarch officials. Similarly, the judiciary seems hesitant to exercise its supposed independent authority. Court verdicts scarcely contradict

the regime's actions that have institutionalized the autocratic King's rule, because the regime has great influence over the judiciary and is strengthening its grip by appointing judges that are anti-democratic and bend to the will of the monarch. The armed conflict also continues to be an obstacle to FOE and promoting human rights, but current peace efforts are addressing these issues and need continuing moral support from the national and international community.

The FOE and other fundamental rights are imperative to the ongoing struggle in Nepal for the establishment of an inclusive democracy and a sustainable peace that addresses the root causes of the armed conflict. But the regime's efforts to suppress the FOE, creates dangers for pursuing a peaceful option to ending the armed conflict and bring the Maoists into the political mainstream. It also prevents the will of the people to be expressed and incorporated into a representational democratic system. As FOE is restricted, so are other rights that would ensure accountability of the government and security forces, and without these we see that Nepal is being ruled without accountability, further pushing the country into an economic, political and security downward spiral.

Despite the obstacles and dangers, FOE activists and other human rights defenders in Nepal are continuously involved in increasing awareness, disseminating information, and supporting the ongoing non-violent democratic movement and peace efforts of the political party alliance. ♦

(Steering committee member of the Defend Human Rights Movement- Nepal, Budhathoki holds Masters Degree in Peace and Justice Studies from the University of San Diego, USA.)



»Bijaya Raj Gautam«

Human Rights in the Context of Abolition of Death Penalty in Nepal

According to the Interim Constitution, 2063, Nepal is an independent, indivisible, sovereign, secular, inclusive and a fully democratic state. The Constitution has vested the sovereignty and the state authority of Nepal in the Nepalese people. It states that the executive power of Nepal shall, pursuant to this Constitution and other laws, be vested in the Council of Ministers. Earlier, the Constitution of the Kingdom of Nepal, 1990 had a provision to Nepal as a constitutional monarchy with a parliamentary form of government that is multiethnic, multilingual, Hindu, and retained the King in the role of head of state. This constitution has come to a complete end with the promulgation of the Interim Constitution which was made on the basis of the mandates of Janandolan-II (Peoples' Movement-II). This article assesses the state of the king's direct rule and the grave violation of the human rights, which seemed to be contradict to the Constitution of the Kingdom of Nepal, 1990. The extrajudicial killings of the citizens during the king's rule assumed Nepal practically a country with death penalty.

The former "party-less" Panchayat system of government was abolished in April 1990. Under the constitution, the democratically elected parliament consists of the House of Representatives (lower house) and the National Assembly (upper house). International observers considered the 1999 parliamentary elections to be generally free and fair. There have not been any parliamentary elections since 1999. King Gyanendra assumed the state power in June 2001, after massacre of the whole family of the then King Birendra, elder brother of the present King.

Some progress was achieved in the transition to a more open soci-

ety and greater respect for human rights since political reform began in 1990; however, substantial problems remain. Poorly trained police sometimes use excessive force in quelling violent demonstrations. In addition, there have been reports of torture under detention and widespread reports of custodial abuse. In 2000, the government established the National Human Rights Commission, a government-appointed commission with a mandate to investigate human rights violations. To date, the commission has investigated over 50 complaints. The government is sometimes slow to follow the commission's recommendations or to enforce accountability for recent and past abuses.

The King's February 2005

dismissal of the government, taking over state power, subsequent imposition of emergency rule and suspension of many civil rights -- including freedom of expression, assembly, and privacy -- is a setback for human rights in Nepal.

In Nepal after the adoption of Constitution in 1990, it provided many domestic legislations. Constitutional and legal remedies had been provided to ensure enjoyment of all basic human rights. Those measures demonstrated Nepal's firm commitment to the protection and promotion of human rights and to the concepts of an independent judiciary and the rule of law.

The right to life had been guaranteed and no one was to be

deprived of personal liberty. Capital punishment could not be incorporated in Nepalese legislation, and the death penalty had been abolished.

But the real term emerged after the beginning of armed conflict in the name of launching “people’s war” by the Communist Party of Nepal (Maoist) and in the name of quelling it through armed forces by the government, since 1996. The state security forces have committed hundreds of extrajudicial killings in this run. Nepal has the constitution abolishing death penalty and it is also a party to the second optional protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of death penalty. But, increase in extrajudicial killings and systematic gross violation of human rights by the state security forces has in fact established the practice of “death penalty” which has been one of the major issues of great concern for human rights defenders in the country. There are examples where government security forces have involved in killing innocent persons and also those who have been in custody. In some cases, the security forces held arbitrarily arrested person in the incommunicado detention and entirely kill them without following any judicial procedures. In some cases, such extrajudicial killings have been reported encounters which are later found to fake. Fact-finding missions and reports of national as well as international human rights organizations have revealed the fact that the Nepalese security forces have committed serious crimes against humanity and responsible for violation of the common article 3 of the international humanitarian law.

Around 13,000 people have been killed since the Maoists’ “people’s war” started in 1996; of them more than 8,000 were killed by the state. Status of more than 1,000 persons disappeared by the security

forces is still unknown. Since 1996, around 20,000 persons were arrested; most of them have been subjected to torture in the custody. Besides the incidents directly taken place in relation to the state actions against Maoists’ “people’s war”, arbitrary arrest, torture, ‘disappearances’ and extrajudicial killings of civilian people have also been reported. More than 50 percent of those killed by the state security forces, suspecting them to be Maoists, were civilians. This has been a general trend of human rights violations, where innocent people have been suffering from such indirectly sowed and officially unrecognized “penalty” to death. For some of the cases where security forces commit extrajudicial killings, sometimes try to declare the killings of the persons as a death in encounter trying to justify killings as penalty for being involved in war, though the persons are killed after arbitrary arrest in real term. Action against Maoists is turned to be license for extrajudicial killings resulting in actions accusing of people to be Maoists and giving undefined “penalty” to death.

Some shortcomings regarding effectiveness of the entire judicial system is another major aspect relating the cases of human rights violation in the country. Still there are the issues that the court should be more attentive towards saving the lives of people, it has not been able to address this as a broader mandate and jurisdiction. Judicial errors and the approach and access of people to the court are also other factors that have now seem much more responsible for not being able to control state violence and bring perpetrators to the judicial actions. As there are no checking and balancing institutions, state security forces contempt the court order even re-arresting those released in habeas corpus and the court cannot take any action except asking the reason for such acts.

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But, increase in extrajudicial killings and systematic gross violation of human rights by the state security forces has in fact established the practice of “death penalty” which has been one of the major issues of great concern for human rights defenders in the country.

Long rooted trend of impunity is another major aspect that has fueled in deepening the state violations. The security forces are motivated from impunity and result in increase in human rights violations, including extrajudicial killings. On the other hand, impunity has been flourishing from the security institution's act of contempt of court. For example, in 2003, the court ordered to send a written reply on half dozen Habeas Corpus writ applications filed demanding the release of people held by security persons illegally. But the court's order was not responded by the concerned authority. It shows that the security institution is trying to escape from its responsibility of fulfilling judicial process and to end impunity.

It is really tragic that the directive order issued by the Supreme Court to the government to take necessary study-investigation to formulate necessary law in following the International Humanitarian Law has not been implemented even after around two years. Such carelessness of the government has questioned its effectiveness and readiness to abide by the existing laws. In a writ petition filed regarding International Humanitarian Laws, the decision made by the Supreme Court on January 9, 2004, ordered the government to work on formulating suitable law after necessary study and investigation. Instead, the state has promoted acts against humanity and human rights by promulgating the draconian laws such as the Terrorist and Disruptive Acts (Control and Punishment) Ordinance, 2005.

Already facing the crisis caused by the state of human rights violations and resulting in mass casualties, including serious extrajudicial killings, Nepal is in a national crisis after the royal-military

takeover on February 1, 2005. The takeover resulted in political deadlock and further deterioration in human rights situation. The present regime of the King, directly threatened the human security through weakening state institutions and controlling over state power as well as further encouraging impunity. In the name of quelling the Maoists, state security forces have committed serious violations of human rights which are encouraged through the royal-military takeover on February 1, 2005. Per day killings rate has been doubled after the takeover. Similarly, there are examples recorded, that the state security forces have involved in killings of innocent villagers and even backing up of vigilante groups in some districts causing mass casualties, displacement and destruction of properties. As there is no any check and balancing mechanism such as parliament and local bodies with people's representatives, the state security mechanisms have been losing credibility and failing to be accountable to the people. It is further fueled by the royal-military regime that always encourages impunity, creates obstacles on peaceful resolution of the conflicts, and disrupts the

norms and values of internationally recognized human rights standards.

In nutshell, though Nepal has abolished death penalty, gross violation of human rights and international humanitarian laws have established a practice of penalty to death. Effective measures have not been taken place to address such violations and held the responsible to the court. Death penalty is not present officially but the people have been facing more crucial forms of violations that cannot be left behind for putting argument that the country has no official legal provision for death penalty. There is urgent to act against the extrajudicial killings of the people which have been the major concern of us, the human rights community in the country. Any form of killings by the state that result in the end of life of a person is to be defined as an act to death penalty. And, any kind of misdirection or misinterpretation of the killings of a person should not be justified. ♦

((Mr. Gautam, Director of INSEC, presented this paper in International Leadership Conference program on Human Rights and the Death Penalty held in Tokyo, Japan from Dec 6 to 7, 2005.))

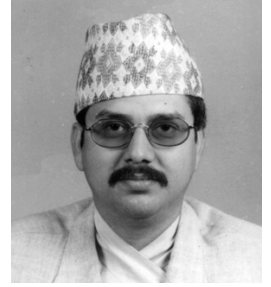
Abolitionist and Retentionist Countries

Over half the countries in the world have now abolished the death penalty in law or practice.

- ❑ 89 countries and territories have abolished the death penalty for all crimes;
- ❑ 10 countries have abolished the death penalty for all but exceptional crimes such as wartime crimes;
- ❑ 29 countries can be considered abolitionist in practice: they retain the death penalty in law but have not carried out any executions for the past 10 years or more and are believed to have a policy or established practice of not carrying out executions, making a total of 128 countries which have abolished the death penalty in law or practice.
- ❑ 69 other countries and territories retain and use the death penalty, but the number of countries which actually execute prisoners in any one year is much smaller.

Source: Amnesty International

Information Society vs Fear Society



»Kundan Aryal«

Nepal was struggling for the establishment of essential climate for an information society after 1990. Endeavors of mass media in real sense had been gradually pushing the polity to the region of transparency and accountability. After the authoritarian move of February 1, 2005, Nepali society has been forcefully caught into the fear.

The Global Village as perceived by Marshal Mc Luhan, more than four decades ago, has started to become a reality in many senses. The entire world has been struggling for being established as an Information Society.

However, other side of the coin also needs to be considered in this regard. That is the political dimension of the Information Society which is worth illustrating here. Just two years ago, the World Bank has estimated that out of six billion 1.2 billion people in the world live in the society with free press, 2.4 billion without free press and 2.4 billion in society with partly free press. Therefore, we have miles to go to achieve the realm of

Information Society in the globe. And in the context of Nepal after February 1, 2005, we are compelled to traverse the same journey that we did in the past.

Certainly this is the age of global journalism, and thus, the age of free-flow of information across the globe. The technological changes all have an effect on global news flow and the way journalists are able to report what is happening around the world. Average readership of the newspapers throughout the world is on the rise. The communication revolution has been catalytic in real sense in making the world appear as an Information Society. The Internet alone has put anyone within the range of computer connection - the enormous amount of information. Thus the world has been struggling to emerge as Information Society, a post-industrial society.

The eleventh world audit report of the millennium released in November 2005, has reexamined prevalence of public corruption, the state of human rights, political rights, free speech and the rule of law in 150 nations. All those exceed-

.....
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ing one million population. The audit jointly carried out by Human Rights Watch, ICJ, Amnesty International, Freedom House and others shows the globe divided into two kinds of society.

We consider living in an Information Society as our fundamental right. But we are still facing the challenges from those who are trying to create a fear society. It is relevant to cite Nathan Sharansky's town square test which states that if a person cannot walk into the middle of the town square and express his or her views without fear of arrest, imprisonment and physical harm then that person is living in a fear society. Nepal, where all the prominent public places are restricted zones even for the peaceful demonstration, all the rudiments of fear society are prevailing.

The above latest democracy audit reconfirms that there are still only thirty-six countries listed in the First and Second Divisions in regards to press freedom. That means unquestionably they are the Information Society. But the matter of encouragement is that the world is moving ahead. At the beginning of the century back in 2001, there were only fourteen nations in the First Division, now it is twenty-nine. The second division, just five years ago was twenty-two, but now stands at seven, mostly on the brink of promotion.

According to the same audit eight of the top ten nations with press freedom are the countries of the constitutional monarchy. However after February 1, 2005 we have been moving back from consti-

tutional monarchy to the absolute monarchy of 16 century. Reporters Sans Frontiers' annual round up of 2005 published recently, reveals that Nepal is among the countries where journalists at their professional tasks were even killed. More than 1300 physical attacks and threats were recorded by RSF around the world in 2005. The RSF study shows that these occurred almost daily in Bangladesh and Nepal. At least 1,006 cases of censorship were recorded in 2005. The previous year it was 622. The big rise was mostly due to the worst situation in Nepal, where more than half or 567 of all cases worldwide were recorded.

RSF explicitly states that after February 1, 2005 Nepali media has been receiving a battering which is getting harsher. This has included a ban on FM radio stations broadcasting news, blocking of websites, seizure of equipment and politically-inspired distribution of government advertising. Internet is still tightly controlled by some repressive governments in the world and Reporters San Frontiers (RSF) has drawn up a list of 15 enemies of the Internet that includes Nepal along with Burma and North Korea.

Nepal, the country which has undergone through an authoritarian attempt is now in the battle to defeat the doctrine of fear society. It is to be final round of battle in real sense. In this juncture, though the road ahead is not so smooth, it can be confidently vowed that the fear society will not replace the emerging information society. Ours too will be the Information Society - the world will definitely be freed from fear. ♦

Media in Conflict Resolution and Peace Building



»Laxman Datt Pant«

How should the media cover conflict? The debate is widespread and ongoing. This has been our most violent decade, and the media must respond appropriately. It's time for new paradigms more suited to our day and age and plurality of cultures. The last one decade in Nepal has been characterized by an armed conflict of an extraordinary scale. In this age of instant digital communication, is there a role for pro-active deployment of newspapers, radio, television and the Internet to help the complex process of conflict management and transformation to peaceful, liberal democracies?

Modern journalism in Nepal is at unrest. The intensity of the debates over issues such as multiculturalism and public, civic and community journalism signal us that the future of the profession is very much up for grabs. Objectivity - and indeed journalism itself - is only one of the media tools available to the local actors and the international community for conflict resolution purposes. There is ample evidence

to show that objective, fair, accurate and timely journalism is an effective way in preventing or managing conflicts. But at the same time, there are many media-based strategies that have nothing whatsoever to do with journalism that may be noticeably effective.

In particular, journalists can play the following roles to prevent and manage conflict:

Educating

Simply changing the information environment in which the parties operate can have a marked impact on the dynamics of conflict. It is particularly useful to promote the complex factors meddling with the conflict situation, and appreciate the tolerance for the negotiation process itself.

Confidence Building

Lack of trust between the parties is a major factor contributing to conflict. The media can help to reduce suspicion through their reporting of contested issues and increase the trust through reporting of stories that suggest or illustrate

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that accommodation is possible.

Counteracting Misperceptions

Similar to the confidence-building role above, journalists can show the misconceptions of the parties in a story, and through this encourage the parties to revise their views, moving closer to the prevention or resolution of a conflict in the process.

Analyzing Conflict

This differs from conventional conflict reporting in that the media self-consciously applies an analytical framework to systematically enhance the public's understanding of the key aspects of the situation, as well as the dynamics of the efforts to manage it.

Identifying the Interests Underlying the Issues

This is standard conflict resolution practice, but it is surprising how infrequently journalists address this question in stories. Explanation in Nepalese journalism practice is a kind of long-distance mind reading in which the journalist elucidates the motives, intentions, purposes and hidden agendas which guide individuals in their actions.

Providing an Emotional Outlet

Conflicts may escalate or explode in part because the parties don't have adequate outlets to express their grievances. Conflict can be fought out in the media rather than in the streets. Journalists, already prone to report conflict, could better serve their readers and viewers, as well as the cause of preventive diplomacy, by

more fully understanding this role and, perhaps, pursuing it self-consciously.

Encouraging a Balance of Power

This helps get the parties to the negotiating table. A media report can weaken a stronger party or strengthen a weaker party in the eyes of the public, thereby encouraging the parties to negotiate.

Framing and Defining the Conflict

This is nothing but good journalism practiced on the right occasions. The media can help frame the issues and interests in such a way that they become more susceptible to management. The media can be particularly attentive to the concessions made by the parties, the common ground that exists between them and the solutions they have considered.

Face Saving and Consensus Building

Similarly, during the course of negotiation, when the parties take steps toward resolving a conflict, they risk being attacked by more intransigent members of their own constituencies. The media can create an environment for compromise by getting the negotiators to address their own public to explain their positions through the media.

Solution Building

Conflicts are prevented or managed when the parties table or consider possible solutions to the grievances. Journalists can play a role in this process by pressing the

parties for their proffered solutions. Although this seems self-evident, many third-party negotiators have noted that the parties are often so obstinate on their stances that they do not consider options for potential agreement with their adversaries. The simple act of eliciting ideas and reporting them could assist in the formal mediation process.

Conflict Prevention

There are diverse and contending approaches to conflict prevention. It is likely that proponents of each will come to very different conclusions regarding the potential of media-based preventive action. Realists, focusing as they do on state actors, will likely find little use of the notion that the media can play any role other than that of facilitating the realization of state interests.

In light of the foregoing requisites, when it comes to examining the potential function of journalism in the media mix, it seems that we need to operate analytically on both the operational and the paradigmatic levels. At the operational level, we need to consider what can be done to prevent and resolve conflicts through activities consistent with the existing journalistic practices in different regions of the world. By challenging ourselves to conceive media-based preventive actions that are possible under the current professional paradigms, we increase the likelihood of their adoption by ensuring that they are not fundamentally at odds with the profession as it is currently understood.



UN Concern

Political Actors must Protect Children's Rights

Lena Sundh, Representative of the Office of the High Commissioner for Human Rights (OHCHR), and Gillian Mellsop, Unicef Representative

The right of children in Nepal to grow up in an environment free from violence has been severely affected during the last 11 years of armed conflict. Children have been manipulated, indoctrinated, used, injured, and killed by both parties to the conflict. In addition, the political culture that has developed during the past few decades has not fully respected the right of children to mature independently from political interference.

Examples include the politicization of educational institutions and the selection of teachers along political party lines; political actors, including political parties and student unions, entering schools to take children to rallies in contradiction of basic rules and without the knowledge or consent of their parents; the CPN-M recruiting children from schools into their militia, cultural groups and other organizations against the will of their guardians, and the luring of large numbers of children living on the streets to play an active part in political rallies and protests. This was

clearly illustrated by the high number of children injured during demonstrations throughout 2006 and more recently in the *terai*.

Children might face further violence and manipulation, if necessary precautionary measures are not adopted.

Principles on Children and Political Activities

Children are free to express their views or, if they prefer, to not do so. They should not be pressured, constrained or influenced in ways that might prevent them from freely expressing their opinions or leave them feeling manipulated. Children should be guided throughout childhood to develop informed opinions and be given the appropriate space to express themselves in a constructive manner.

The Convention on the Rights of the Child (CRC) which Nepal has signed, defines a 'child' as a person below the age of 18 years. It guarantees children a number of rights, including the right to express their views on any matter affecting them.

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Children have been manipulated, indoctrinated, used, injured, and killed by both parties to the conflict. In addition, the political culture that has developed during the past few decades has not fully respected the right of children to mature independently from political interference.

The CRC stresses children's entitlement to influence decisions, but does not state that children's opinions should be automatically endorsed. Dialogue and exchange needs to be encouraged, in which parents must provide direction and guidance to their children.

The CRC also guarantees the right of children to receive and share information. It is essential that children be provided with appropriate information about the options that exist and the consequences of such options, so that they can make informed and free decisions. The rights to freedom of thought, conscience, religion, freedom of association and to peaceful assembly are also guaranteed in the CRC.

Both the Government of Nepal and the CPN-M in February 2007 endorsed provisions in the Paris Principles, which commit them to 'ensuring that children who are released from or have left armed forces or groups are not used for political purposes by any party, including for political propaganda'.

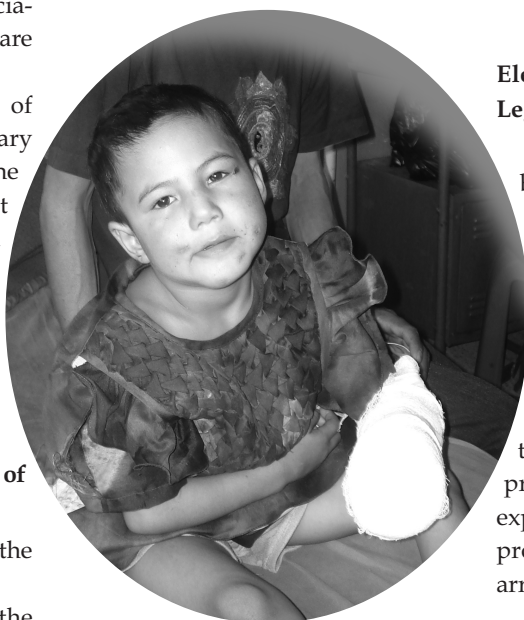
Preventing the use and abuse of Children by Political Actors

UNICEF and OHCHR believe the following:

- It is the responsibility of the Government of Nepal to put in place safeguards to guarantee the protection of children from political manipulation.
- Organizers of political gatherings, rallies or demonstrations must be responsible for ensuring the safety and protection of children present.
- Political parties must adopt a Code of Conduct that includes provisions for preventing the misuse and manipulation of children in political activities.
- Parents should be encouraged to hold discussions with teenagers

to allow for their informed participation in political activities.

- Young children should not participate in demonstrations or rallies unless under their parents' supervision.
- Older adolescents should have their parents' informed consent prior to participating in political demonstrations or rallies.
- State authorities, political parties and child protection agencies must take special measures to ensure that homeless and vulnerable children are properly taken care of while at or near public demonstrations or rallies.



- Children's understanding of democratic processes must be developed through the educational system, and its curriculum must be reviewed to permit this.
- Administrative regulations must be developed by relevant ministries to:
 - prevent political activities from being conducted in educational facilities;
 - guarantee that only pupils, staff, parents, legal guardians and others whose presence is necessary are

allowed into schools, and that schools can operate during *bandhs*;

- promote the creation of youth associations, without political affiliation, suitable to educational facilities;
- prevent the creation of politically aligned groups and unions in schools;
- use schools as polling stations only outside school hours.
- Children's participation in the ongoing national dialogue should be encouraged, but through a process appropriate to the child's age.

Electoral Code of Conduct and Legislation

A Code of Conduct is now being developed to be endorsed by the political parties, and other legislation is being drafted concerning the electoral process. OHCHR and UNICEF are proposing that the drafters of these documents include several provisions to respond to child protection concerns. The aim is to prevent children from being exploited and manipulated, and to protect them from violence and arrest.

The Code of Conduct must commit political parties and other political actors to keep schools free of political meetings or other activities and to not ask, encourage or force children in schools to participate in any political gathering or demonstration. Other laws and regulations should ban: the use of schools by political actors; the use of children at schools in political activities; the enrolment/involvement of other children in such activities without their parents' prior consent, and the use of school buses for transporting political activists.



Statement by Lena Sundh, Representative of the United Nations



»Lena Sundh«

High Commissioner for Human Rights in Nepal

Delivered at the Closing Ceremony of the First Class of the INSEC School of Human Rights

8 April 2007, Kathmandu

Dear Colleagues, Friends and Graduating Students,

I am very happy to be with you here today at the close of this innovative 3-Month School of Human Rights established by INSEC. No doubt the graduates will make an important contribution to respect for human rights in Nepal during this critical post-conflict phase, especially when campaigning for the Constituent Assembly elections starts to gather speed.

I would like to commend INSEC for your foresight in planning and carrying out this endeavor. I'm encouraged to see the diversity of your first graduating class, nearly half of whom are women and more than half of whom represent the Janajati, Dalit and Madheshi communities. I note that issues concerning these marginalized groups figured prominently in the students' month-long project work.

With your unique perspectives, you dear graduates should be able to make an enormous contribution to the challenging task of end-

ing deeply-rooted discrimination in this country, which will be essential in building a new, inclusive Nepal.

It is also very good that you hail from outside the Kathmandu Valley and will be returning to your districts to apply your newly acquired knowledge of human rights perspectives, laws, peace-building and recent political and human rights developments in this country.

OHCHR has been encouraged to see the prominence given to human rights in the Nepal peace process. This is an essential first step to improving respect for rights across the nation. Some of pledges made, such as restructuring the state to make it truly reflective of Nepal's diversity, cannot happen overnight. In other areas however, including the strengthening of law and order and ending impunity for past human rights violations, measures can be taken immediately that will contribute to greater respect for human rights on the ground.

This week I was in Saptari meeting with human rights defend-

ers, other members of civil society and the political parties. One of my messages to the parties was that they must commit themselves to respecting human rights during the peace process and the upcoming election campaign. Among other things that means that all political actors must be free to hold rallies and distribute campaign materials anywhere; the press must be permitted to report without obstructions on all aspects of the campaign, and voters must be allowed to support any party and to vote based on their own beliefs.

Undoubtedly, these are issues that you graduates will be seized with in your work in the coming months. This work will not always be easy, but it is of great importance. I congratulate you for making a commitment to it. I wish you all the best in your future human rights work, and I am looking forward to a good and fruitful cooperation between you and your OHCHR colleagues all over the country.

Thank you

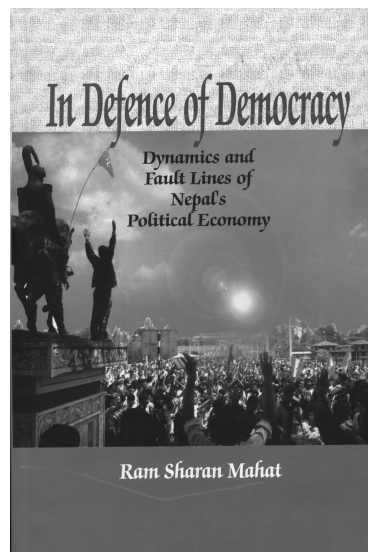
Book Review

Inadequately Defending the Democracy

Does the *democracy*, as a political system, need any defence? Theoretically, it does not. Democracy has been accepted as the best political system in the world. Even though the acceptance might be only in words, no person, no political party or no government feels easier to be termed as 'undemocratic'. Rather, attempts are made to package the undemocratic rule as democratic one. In such background, to write a book defending democracy seems somewhat bizarre.

But it is the case of Nepal, where evidences show that democracy has been fragile. The same person, take Girija Prasad Koirala for example, was agitating for democracy about six decades ago and he is still fighting for the same purpose. Despite many significant achievements Nepal's democratic exercise has been shattered once more. The country is facing pro-democracy confrontation again. In such background, to write a book defending democracy seems not only to be admirable but also remains the duty of those committed for democratic system. Thus it is not hard to understand that Dr. Ram Sharan Mahat has written the book "In Defence of Democracy: Dynamics and Fault Lines of Nepal's Political Economy" to address the miscommunication campaign against the post-1990 democratic period.

After the royal take over on February 1, 2005, the country witnessed propaganda-like campaign from the royalists to defame the democratic period. To denounce the 'propaganda' against democracy, timely and effective dissemination of objective information is the



**In Defence of Democracy:
Dynamics and Fault Lines of
Nepal's Political Economy**

Author:

Ram Sharn Mahat

Publisher:

Adroit Publishers, New Delhi

Price:

Rs 675 (IC)

only tool. The very nature of the propaganda is such that it cannot exist where alternative sources for objective information are available. But, if you justify your good cause without truth, you are supporting the other side of the propaganda in a long run. Democracy flourishes with the informed citizenry, armed with true

information. So, even after considering the noble cause of Dr. Mahat there is the need of an assessment to examine whether he has based his arguments for democracy objectively or subjectively.

The book has been divided in three parts and 17 chapters. The first part deals with the historical perspective and consists four chapters. The second part deals with the development after the restoration of democracy and it consists three chapters. The third part is dedicated to critical issues and fault-lines and consists 10 chapters.

Dr. Mahat considers the national unification by King Prithvi Narayan Shah as the foundation of Nepal. (pp. 3) Interpreting the foundation laid down by Prithvi Narayan as extraordinary political foresight for his time (pp. 3) he maintains that very little time and resources were devoted for the welfare of the people and little interests was shown to undertake administrative reforms, socio-economic development and other nation building activities. (pp. 21) However, other scholars may not agree with him in this regard. In addition for the national unification, historians have accredited Prithvi Narayan Shah for his maximum possible efforts for reformations and nation building activities.¹

Dr. Mahat criticises Rana rulers for appropriating entire national revenue to the ruling family, exploiting all national resources to promote self interest and personal wealth of the family, banning freedom of opinion and expression, discouraging education, shielding the country from modern influences and keeping the country in extreme backwardness

1. Interested readers can refer to: Baburam Acharya; *Shri Panch Badamaharajadhiraj Prithvi Narayan Shahko Samkshipta Jivani* (2nd ed.); The Secretariat of His Majesty the King, Royal Palace, Kathmandu; B.S. 2061; pp. 443-541

and ignorance. (pp. 23-45) The fall of Rana regime resulted in the establishment of democracy which opened the door to modernization. This period has been characterized by political instability and confusion. (pp. 48-50) However, it witnessed promulgation of new state policy, inauguration of the annual budgetary system, the beginning of foreign economic assistance, initiative of development planning and currency unification. (pp. 50-57) The first elected government led by Nepali Congress leader BP Koirala has been characterized as progressive. (pp. 57-63) But the multi-party democratic system could not remain for more than a decade.

It is ironical that Nepal lost its first democracy within a decade though the autocratic Rana regime lasted for more than a century. Mahat has not shed much light over the root cause of such an irony. Neither has he presented sufficient analysis why an era of authoritarian rule, the *Panchayati Vyavastha*, lasted for another three decades. Rather, Dr. Mahat satisfies merely stating some political analysts' view that the royal takeover of 1960 was an imminent outcome of a system that suffered from the dichotomy between an elected Prime Minister with popular mandate and the monarch with sweeping power. (pp. 70)

The Panchayat regime collapsed after three decades. "The arguments of 'soil and climate theory', divine rights, and indigenous conditions, could not stand the demands and imperatives of the emerging realities of the modern world. The tidal waves of liberal ideas, human rights and democracy were dismantling much stronger citadels of authoritarian regimes backed ideologically and militarily by international alliances." (pp. 107) Was it a sufficient cause for restoration of democracy? It is not only insufficient but also consists false conceptions about the democratic system thinking it to be imported.

The fall of Panchayat era again opened door to multi-party democracy. The Constitution of the Kingdom of Nepal, 1990 not only incorporated all the

basic features of parliamentary democracy some claimed it as one of the best constitutions of the world. In second part of the book, Dr. Mahat has discussed various achievements made during the democratic regime. It was the period while he served the country in various capacities including the Deputy Chairman of National Planning Commission, a parliamentarian, Finance Minister and Foreign Minister, and he was one of the key architects of the economic policy of the country. It is natural that he firmly defends this period despite of some drawbacks in performance and delivery. (pp. 114-221) After all, the post-1990 democratic period of about 12 years has various achievements in its credit.

Again, even though with many achievements to admire, democracy could not be practiced for long time. Taking advantages from conflicts within the constitutional forces, efforts have been made from both right and left corners to mark the period as failure. Such efforts got a shape of "mission" since early days of restoration of democracy. First, the Maoists challenged the Constitution of the Kingdom of Nepal, 1990, which was the glorious outcome of the People's Movement, and launched armed struggle thereby making space for royalists to comeback in the power. Whatsoever were the causes, the democratic system in the country derailed once again.

The writer discusses about ethnic exclusion, regional disparities and gender divide (pp. 227-241), the Maoist war (pp. 311-340), political deadlock in the country (pp. 343-364) and the fault-lines (pp. 367-386). He rightly says, "With their shrewd manipulation, the Maoists have succeeded in dividing and confusing other political forces." (pp. 340) He is again right when he says, "The twelve years of democracy was not a lost period." (pp. 390) But it is disappointing that Dr. Mahat has not been successful in finding answer to the main question: "Why democracy has been proven so fragile in our country?" Thus the book has inadequately defended the democra-

cy.

Dr. Mahat, here in particular, and most of other political leaders, in general, failed to interpret democracy as an indigenous system of Nepal? Perhaps they believed thinkers like Huntington who claim that "The great political ideologies ... all share one thing in common: they are products of Western civilization. No other civilization has generated a significant political ideology."² They must not forget that Huntington goes further and concludes that universal civilization is an impossible? You have to modernize your country with your cultural (civilization) root and obviously without Westernization.

Nepal represents old civilization with a known history of thousand of years and having a distinct cultural identity of its own. One must always remember that Nepal is the inheritor of culturally rich civilization rooted to Vedic period. So no political system could be flourished without establishing its connection with the inherited civilization/culture. If we think democracy as imported concept, we equally open door for the arguments of 'soil and climate theory' promulgated by King Mahendra in 1960s. There are persons like Dr. Tulasi Giri, though few in number, who prefer to argue even these days that democracy is exogenous for Nepal; and such persons would be very happy to interpret multi-party democracy as imported thing. Though Dr. Mahat intends to defence democracy he is not aware to see whether it is indigenous.

In fact, democracy is not new concept for us. Rather, it is indigenous for ancient *Bharatavarsha*. We should be aware that, nevertheless, '*paurajanapada*' of ancient *Bharatavarsha* was a mode of parliament; the word *samsad* (parliament) has been used even in the Mahabharata; and during this time, it was called *jana-samsad* (the people's parliament).³ These must be consciously explored and explained to the general public. ♦

Nirmala Mani Adhikary

2. Samuel P. Huntington; *The Clash of Civilizations and the Remaking of World Order*; Viking Penguin India, New Delhi; 1997; pp. 53-54
3. Satyaketu Vidyalkar; *Prachin Bharat Ki Shasan Aur Rajshastra*; Saraswati Sadan, New Delhi; 2001; pp. 236

Human Rights Monitor

Supplementary Report of Human Rights Yearbook

Representative Incidents

(January-March, 2007)

1. By Maoists

1.1 Killing

Taplejung, Mima Sherpa, 30, of Niguradin VDC-3 has been killed by the Maoist militias on January 5 morning. According to sources, militia duo Dhan Bahadur Sherpa and Kamal Sherpa of Phulbari VDC-8 had shot Mima dead at 10 pm in Niguradin VDC. Verifying the incident, Maoist district secretary Suman said he was yet to get the details of the incident. District Police Office has dispatched a team towards the site.

Siraha, Ramesh Kumar Mahato, 19, of Majhaura VDC died on spot after a Maoist cadre opened fire on the crowd on January 19 at 2:45 p.m.

It has been learnt that the Maoist opened fire at western bus stand in Lahan municipality following debate with Madhesi

Janadhikar Forum for plying vehicle. The Forum had called upon bandh in the area today.

Bardiya, Jileram Yadav, injured in a clash between the Maoists and Madheshi people on February 25, has died on February 26 while undergoing treatment at Baharaich Hospital, India.

Yadav, 56, of Chhedapur in Gulariya Municipality-3 was injured when hit by the Maoists with baton in head when they clashed with local people at Shiva Chok of Gulariya-3. The Maoists got into fighting when they were stopped to pass the district where the locals had called for bandh.

Banke, One civilian was killed and 17 others injured in a clash between the cadres of Maoists and Madhesi Janadhikar Forum (MJF) at Puraina VDC of Banke district on February 27.

Khodhawa Kori, 18 of Puraina, Puraina VDC was killed on the spot when Maoists cadres attacked the villagers in Lallanpurwa village. The deceased, who sustained serious injuries in head and chest, was on his way to a rice mill.

Bhojpur, Maoists cadres have beaten Dinesh Kumar Rai, 18 of Yu VDC to death on March 3 night. According to the District Police Office (DPO) Bhojpur, local Maoists cadres including Shanta Kumar Rai, Birbal Rai, Dewan Kumar Rai, Ram Kumar Rai beat Dinesh to death at the village which is one and a half days walk away, south from the district headquarters and buried the body in an unknown place. Police Inspector Mukunda Marasini informed that villagers had handed seven Maoists to the police after taking them under control.

It is learnt that the cadres beat Dinesh following a dispute between the deceased and Shanta Kumar, a Maoists cadre. Saying that Shanta Kumar was at large after the incident, the DPO stated that the deceased's body was not found although hundreds of villagers and police searched for it. Dinesh Kumar was studying in a local school in grade 10.

1.2 Abduction/Disappearances

Jhapa, Cadres of Dalit Mukti Morcha, a sister organization of Maoists, have abducted Hem Kumar B.K., 35, of Anarmani VDC-1 on January 4 from a hotel in



Budhbare bazaar. The victim is a laborer at Bishwanath Furniture in Budhabare bazaar.

According to locals, Maoists abducted him as his brother left a girl after assuring to marry her. The victim's brother and the girl had fled from their house to get married. Earlier too, Maoists had threatened the victim of abduction. However, Durga Dhungel, Maoist office secretary, said that Hem Kumar was not abducted but called for inquiry.

Makawanpur, Maoists have held captive eight youths on charge of their involvement in the killing of a Maoist cadre on January 4. Maoists claim they are undertaking investigation on this matter.

Those held captive by the Maoists are identified as Ram Krishna Syangtan, Nar Bahadur Syangtan, Nir Shankar Syangtan, Ananta Syangtan, Badrilal Syangtan, Dhanlal Syangtan, Keshman Syangtan and Ghanlal Syangtan of Thunwang, Raksirang VDC-2.

Maoists have held them captive accusing them of shooting dead Maoist area member Karna Bahadur Syangtan on December 30, 2006. Locals say that Karna Bahadur was shot dead following personal dispute. However, Maoist suspect of political indifference behind the killing.

Maoists have confirmed the killing but have not acknowledged holding captive of eight youths. A team of human rights activists and media persons led by Him Rights Makawanpur has left for the incident site today.

Kapilbastu, Maoists have abducted Devendra Mishra and his

son Manish Mishra, 22, of Bedauli VDC-7 from their home on January 13 at 6 am. According to locals, 12/13 Maoists cadres abducted the duo charging them of not cooperating in their program. The Maoists cadres led by Kibu took them to Titirkhi via Parsohia, the witnesses reported. Their whereabouts are not known yet.

Nepalgunj, A group of three Maoists have abducted three villagers from Guruwa Village of Mahadevpuri VDC at around 5 pm on January 26. According to the villagers, Maoist cadres Tek Bahadur Oli, Dambar Shahi and Bir Bahadur Oli abducted Lok Bahadur Oli, Purna Bahadur Oli and Durga Bahadur Oli. The reason behind the step could not been known.

Demanding release of the abductees, the villagers have placed obstruction at Dhakeri of Mahendra Highway from early morning of January 27.

Udaypur, A group identifying itself as Maoists abducted Parshuram Khatri, 50, of Bhima, Hadiya VDC-2 from his house on January 27 night. According to Bimal, Parshuram's son, the group had taken him away in the pretext of having something to discuss.

He added his father had called at the house on January 28 from Bhulke of Triyuga Municipality- 8 informing he had been crippled and the abductors were Maoists. Bimal has asked the human rights defenders to initiate steps for his father's release.

Panchthar, Maoists have released Ganesh Sampang, 30, of Rabi VDC-5 after taking him into captivity for over three hours on

February 21. Sampang was travelling to Rabi VDC from Limba when he was abducted by a group led by Maoist area number 11 in charge Gyanendra. He had gone in the area to collect information as an activist of Human Rights Network Peace Group.

Khotang, Maoists have abducted a 13 years old child of Fedi VDC-1 on February 27. The Maoists abducted the child luring her of employment, the victim's father Yubaraj Rai said. Rai added that he had no idea of the kind of job the Maoists would provide to a 13 years old girl studying in seventh grade.

Dang, Maoists on March 4 have abducted Birman Budha of Taksera in Rukum district for his alleged involvement in nine-year-old killing. Budha, currently residing in Tribhuvan Municipality-10 was abducted in connection of the death of Sirupati Budha of Takesera-3. He is also accused of extorting money in the Maoists' name. Informing that the team heading from Young Communist League, Rukum had abducted him, the family members of abductee said he was learnt to have been taken to Rukum.

Jhapa, Maoists have abducted five persons from Durgapur on March 4 night. Jivan Basnet and Ram Bahadur Rai among the abductees have been identified while the Maoists have denied revealing the identity of others. Though the Maoists confirmed the incident they are yet to disclose the reason behind the abduction. District vice-president of Young Communist League Himmat con-

firmed the incident claiming all the abductees will be released by March 6 amid a press conference.

Nawalparasi, Maoist cadres have abducted former VDC chairman of Ruchang VDC Homnath Pandey, 42, and secretary of the same VDC Baburam Acharya, 28, on March 5. Both of them were abducted by the Maoists following a minor dispute. The duo was abducted while being with the Citizen Distribution Team. However, the place where the Maoists have held them captive remains unknown.

Morang, Maoists abducted Pramod Thapa of Kathari VDC-5 from his home on March 10, alleging him of taking bribe. Maoists cadres claimed that Thapa took eight thousand rupees from Ratan Mandal of Biratnagar Sub-metropolis-2, assuring him of citizenship. Thapa, who works as a correspondence outside the District Administration Office, is held captive at the Contact Office of Maoists affiliated Youth Communist League in Biratnagar Sub-metropolis-2.

Chitwan, Maoists have abducted two business entrepreneurs from Chitwan on March 10, alleging them of not paying amount of another business entrepreneur. Maoists, who were on motorcycles forcefully took the brothers, Nawal Kishor Gupta, 24 and Bijay Gupta, 27 of Khairahani VDC-6 to their regional office.

When Nawal declined to go with them, they beat him with sticks and the locals who complained not to do so, were also threatened, eyewitnesses said. Meanwhile Maoists area no. 1 in

charge Bibek has said that the brothers were abducted prior to the complaint filed by Sunil Mandal, an Indian national against them of not paying one lakh rupees on July/August 2006. He added that the abductees would be released after investigations.

Dang, A group of Maoists abducted Opendra Bahadur Oli, 26, of Bagale in Dhanauri VDC- 4 on March 12 midnight from his house. According to Oli's relatives, he was abducted in connection with a land dispute case with Maoist cadres. His whereabouts is yet to be known.

Kavre, Maoists have abducted Man Bahadur Ghalan, 38 of Banakhu VDC-6 from his home on March 9. Issuing a statement on March 14, People's Front Nepal (Ale) Kavre has demanded safe release of Ghalan.

The victim's family informed that Maoist cadres Jatil, Prem Bahadur Bamjan and Tul Bahadur Moktan abducted him after taking him from home in the pretext of discussing issue of social work. Ghalan, also a Village Committee member of PFN, was abducted for issues regarding land. Locals of Banakhu staged demonstrations the whole day demanding his release, PFN cadre Majorman Tamang said.

Kathmandu, Cadres of Maoists affiliated Young Communists League (YCL) have abducted a printing press owner of Kathmandu-6, Sitapaila on March 17. A group headed by YCL Kathmandu-6 area commander Bishal Dongol abducted Suresh Bahadur Malla, 50 and took him to an undisclosed place, a police

source said. Malla is the proprietor of the Malla Press in Chhauni.

According to YCL coordinator Sagar, Malla was taken to 'that' place after he agreed to pay back 40 lakhs and 50 thousand to one Raju Maharjan. Sagar claimed that Malla had cheated the sum from Raju.

Gulmi, Maoists have abducted Loknath Pokharel, the Aapchaur VDC secretary on March 17 from his house in Turang village accusing him of going against the 'party rules'. The family members of the victim said they knew nothing about Pokharel except that he had been sighted in Bishukharka VDC on March 18.

When asked, Maoist district secretary Jitjung said his party had no formal information about the abduction. He added he had already issued release order if Pokharel was really abducted.

Rautahat, Maoists have abducted two Janatantrik Terai Mukti Morcha cadres on March 18. Birendra Ray Yadav, 27 and Manoj Ray Yadav of Hardiya Paltuwa VDC-6 were abducted from Katariya VDC as they were traveling on motorcycle armed with two 315 gun and four rounds of bullets.

Khotang, Maoist cadres have beaten Bishal Rai, 16 of Saunechaur VDC- 7 after abduction. According to a local Toyanath Niraula, the Maoists had taken Rai away saying they had something to ask him from Jana Bikas Lower Secondary School and beat him at Aduwapari of the same VDC on 27 March. Niraula added the Maoists freed him the next day when Rai started having mouth and nose bleeding.

Rai was accused of using 'foul words' while even teasing a local Bijaya Tamang in the Bazaar. When asked, the Maoist district in charge Pasang said his party had no policy of taking people into their captivity and beating. He further said action would be taken if someone of his party was found involved in such activity.

1.3 Threat

Surkhet, Work in Comprehensive Jhupra Drinking Water Project has come to a complete halt from February 28 following the threats from Maoists. The project office said the work was stopped after the Maoists exerted pressure to pay two million rupees as per the past agreement.

Khotang, Maoists have started threatening civilians laying different charge in recent days. Maoist cadres Anuhang and Astha have, on March 21, threatened Netra Karki, the Lichkiramche VDC secretary of dire consequences for 'holding village council meeting without informing them'.

According to Karki, the duo had come to his house demanding 10 percent of the VDC budget of 1 million but when he said that the amount had already been distributed, he was threatened saying 'anything could happen to him'. Likewise, Lila Shrestha and Dewan Kiranti of pro-Maoist Young Communist League and United Revolutionary People's Council respectively have issued a list of 10 persons threatening them.

The list names former DDC chairman Parshuram Karki, VDC secretaries Balram Acharya, Tosal Shrestha, DDC staff Madhav Acharya and teacher Lab Kumar

Rai of corruption. Accusing a teacher Yuvraj Sunuwar, Subash KC of Okhre VDC and Atalser Rai of Nirmalidanda of being rapists, Madan Deuja of Chyandanda VDC of being an informer and Takman Rai of hooliganism, they have threatened them of social boycott and resistance.

Kanchanpur, Khem Bhandari, the editor of Avijan daily being published from Mahendranagar has received death threats from a Maoist on 26 March. The Maoist, who refused to give his name, even threatened to impose ban on the newspaper.

According to Bhandari, he got the threats in connection with a news article on Maoists demanding big donation from contractor of Doda Bridge construction. He added the caller also verbally abused sub-editor Keshav Raut.

The construction work of Doda Bridge which will link Waisibichawa and Tribhuwanbasti was halted in 2001 when the Maoists demanded five percent of the project budget and abducted an engineer and a driver. The work resumed after the peace process began.

Sankhuwasabha, Maoists have threatened teachers of Jyoti Primary School in Yafu VDC-1 of action on failing to donate their salary of one month.

Maoists had demanded salary of one month from three teachers including Kedar Katuwal in the school on 27 March. But the teachers replied that they would not give donation as Maoists were being included in the government. Though Maoists threatened teacher of action on failing to give donation,

no teachers have given donation to the Maoists.

1.4 Injured

Tehrathum, At least four youths have been seriously injured when Maoist area secretary Tika Rijal alias Pawan stabbed locals with *khukuri* on January 5. In retaliation, locals destroyed Rijal's house situated at Ausidanda in the same VDC by setting fire.

Area secretary of Maoists during the conflict, Pawan had captured private properties of locals and was using it for personal interest. But, when the locals approached him demanding their properties to be freed, a group of Maoists led by Risal stabbed four youths with *khukuri* leaving them seriously injured.

Those injured are being treated at Area Hospital, Simle bazaar situated in Simle. The injured have been identified as Aas Bahadur Limbu, 40, Bharat Limbu, 30, Chandra Bahadur Limbu, 28, and Bishwa Limbu, 31, of Simle VDC-9. However, perpetrator Rijal is at large after the incident.

Meanwhile, police has headed to the incident site whereas Maoists claim that they have already taken action against Pawan.

Saptari, Maoist cadres have shot injured two persons in Pipra for refusing to renew the job contract of a wife of Maoist cadre currently working as a teacher.

Kamal Kafle, 30, of Naina Dawa Lower Secondary School management committee member and his helper Dhane Pariyar, 35, were shot at Kafle's house at around 8,30 pm on March 3.

Jhapa, The cadres of Maoist

sister organization Young Communist League (YCL) have beat injured four persons, one of them seriously, on 26 March.

The persons include Santosh Nembang, 23, of Ghailadubba VDC- 9, Deepak Ghimire, 24, of Anarmani VDC- 3, Gopal Rai, 23, of Charpane VDC- 1 and one Kamal of Phidim, Panchthar. Nembang is said to be in serious condition and is undergoing treatment at Lifeline Hospital in Damak for his deep head and leg injuries. Other three are being treated at local health centre.

The victims, coming from Charpane to Birtamod, were attacked by the YCL cadres in night patrol. All of them have sustained blue stains over the body.

1.5 Beatings/Torture

Dang, Local cadres of CPN-Maoists have beaten Nepali Congress cadres Dhaneshwar Bhandari and Chudamani Bhandari of Kavre VDC-4 on January 11 regarding the issue of reinstated Kamirechaur police post. According to Nepali Congress, a dispute arose between the Maoists and them when the Maoists accused them for being responsible for the reinstatement of the post. Maoists also accused them that the police post was reinstated to search their houses. Maoist cadres led by Maoists ward chief Tej Bahadur Bhusal thrashed the NC cadre duo when the dispute between them mounted.

Surkhet, A member of NSU district working committee, Bhojraj Joshi, 26, of Gutu VDC-8, was beaten by four Maoist cadres including Gangaram Timilsina, dis-

trict president of ANNISU(R), Ratan BK and Nabin on January 14 at Birendranagar bazaar.

The victim was struck with iron rod in-front of the district party office of Maoists. He sustained injuries all over his head and has been admitted in Deuti Nursing Home for treatment. Eyewitnesses claim that the perpetrators fled on a motorbike numbering Bhe 1 Pa 714.

Locals suspect that Joshi was thrashed following his minor discussion with Maoist cadre Ratan BK some days back.

Morang, Shova Rai, 60 of Shanishchare VDC-6 was assaulted by Maoists cadre with lathis on February 14. The victim sustained blue stains on her body by the beating while her ear was bleeding.

Sankhuwashava, Maoist cadre Bishnu Tamang assaulted a woman of Sabhapokhari on February 13 night. The woman was beaten by Tamang after she informed the villagers of the rape attempt on her by Tamang.

Dang, Maoist cadres have thrashed Santu Chaudhary, 29, of Motipur, Rampur VDC-6 on March 5 on charge of beating and stabbing his wife with *khukuri*. According to the villagers, a group of Maoists tied the victim by a bamboo pole and beat him brutally. The group was heard as saying to hand Chaudhary to the police.

Rupandehi, Three brothers of a family of Parouha VDC-2 have been beaten injured by the Maoists at home on March 5. Those injured are Hariram Chaudhary, Harsha Bahadur Chaudhary and

Bechu Chaudhary. The victims have claimed that the Maoists cadres beat them on charge of being Madhesi Janadhikar Forum (MJF) cadres. They informed that they were peasants and supporters of Nepali Congress.

Rautahat, Maoist cadres have thrashed Madhesi Janadhikar Forum cadre on March 7 night. Maoist cadres beat Khaheru Ray Yadav of Sarmujawa VDC while the victim was staying at a temple beside Bhakuwa River.

Meanwhile, all the government offices locked by MJF at Gaur, the district headquarters, on March 6 are yet to be unlocked. Similarly, Janjyoti Higher Secondary School at Chandranigahpur has been closed for indefinite period from March 9 following the threat from an organization named Terai Cobra on March 8.

Kaski, Maoists have beaten up two civilians after taking them into captivity on March 20. Mithu Pahari, 37 and Basanti Rai, 46, originally from Raigaon VDC of Makawanpur and currently staying at Ranipauwa of Pokhara sub-metropolis are learnt to have been in Maoists captivity since March 9.

The duo was abducted on charge of stealing 22 tolas of gold belonging to Dev Kumari Gurung of Amar Singh Chok, Pokhara- 10 and is kept at Gurung's house.

Kalikot, Maoist cadres have beaten Dhan Krishna Chaulagain alias Gajendra, 24, of Pankha VDC- 4, the Maoist district committee member on March 18. He was attacked at the house of his in-laws for 'violating the party

rules'. The Maoists did not disclose the details of the charge.

He was beaten and was crushed with wooden pole. Following the attack, Chaulagain has blue marks all over the body and is continuously bleeding.

1.6 Lock Out

Jhapa, Demanding the promulgation of interim constitution and formation of interim government, Maoists have locked out three municipalities and six VDCs of the district for five days.

Maoist cadres locked the Mechi municipality on December 29, 2006 whereas Bhadrapur and

pasted outside the VDC building says accuses the VDC secretary of violating the agreement and that the lock out would continue till the interim government is formed. The Maoist move is likely to affect the updating of voters' list and the distribution of citizenship certificates.

1.7 Held in Labour Camp

Makawanpur, Maoists on January 4 have sent Raj Kumar Lama, 37, of Bhimphedi VDC-9 to labour camp accusing him of extorting money in the name of Maoists and bothering villagers.

Gokarna Parajuli, Maoists' 'district judge' informed Lama was sent to camp for three months on January 3 for over 100 allegation against him. He added Lama had been in their captivity for over a week for 'investigation' on charges including threatening and cheating villagers, extorting money from them among others.

Police ASI Raj Kishor Pandey of Area Police Office, local political leaders, school teachers and members of civil society were present when Parajuli delivered his 'verdict'. There are currently nine persons 'serving their terms' in the Maoist labour camps, located at Harnamadi VDC.

Solukhumbu, Maoists have still kept 21 persons in their labor camp in Bung VDC-2 Sabdi. Saying that the persons were sent to labor camp according to the decision of Maoist's People's Court, Maoist have held 18 men and three women on different charges.

Maoists have engaged them in the construction of the

Janasudhar Pre-secondary school. Those kept in the labor camp have to break stones, collect stones and build walls for 6 days a week.

Three women and 11 men are kept on charge of murder while one man is kept on charge of rape in the camp. Maoists have also held some persons on charge of leaving the party. Two persons are serving their 'sentence' in the camp since 5 years. Earlier, the Maoists had engaged the persons in labor camp in construction of school, road at Bung, Sotang, Cheskam VDC.

1.8 Obstruction

Sindhupalchok, Maoist cadres attacked the police station and torched the goods that police men had taken with them for Bhotechaur police station on January 11, CDO Jeevan Prasad Oli said. The police station was re-instated on January 10.

According to CDO Oli, the Maoist district secretary telephoned him challenging the state to come to the villages with the preparedness of fighting with the Maoists. Following the threats by the Maoists, a police team led by DSP has left for the site, DPO said.

Jajarkot, the police who had headed for remote VDCs to establish the police stations again came back to district headquarters on January 10 after being barred for it by the Maoists. The police had headed to restore Area Police Offices in Dhime VDC, Jagatipur VDC and Khagenkot VDC on January 9.

Sankhuwasabha, Maoists have barred a VDC secretary to carry out other functions except collecting the voter's name.



Damak municipalities were locked on December 30, 2006.

Similarly Maoists have also locked the Mahavara, Kohbar, Juropani, Topgachi and Marani Jhoda VDCs. Maoists are also putting pressure to evacuate the newly re-instated police postst.

Tanahun, Maoists have locked out the VDC office of Khairenitar on January 12 creating the hindering the VDC secretary to function. The Maoist move comes against the direction issued by their chairman Prachanda to cooperate with the VDC secretaries for smooth run up to the constituent assembly election. Information

Durga Magar, secretary of Mamling VDC, was barred by the Maoists to carry other activities when he reached the village on January 24.

Stating that the agreement between the government and the Maoist was only to let the VDC secretary to update the voter's name list, Maoists have barred to collect the tax, revenue, registration of birth and death and migration. CPN UML has condemned this act of Maoists.

Nawalparasi, Three civilians, injured in army beating, are yet to get financial assistance for treatment because of Maoist Obstruction.

Maya Budathoki, 18, Sanyog Gurung, 16 and Panchram Gurung, 20, of Daunne Bazaar in Dumkibas VDC-5 were badly beaten on February 9 by inebriated army men Deepak Karki and Binod Chhetri – deputed as guard at Nepal Telecom Tower. The injured had received treatment at Medical College, Parasi. District Administration Office had issued Rs 54,000 for their treatment on February 9 but could not be distributed after the Maoists formed their own investigation committee but delayed the proceedings.

1.10 Explosion

Dailekh, Maoists Area Committee Member Agni Adhikari alias Aakash has detonated a sutali bomb at the house of Upendra Adhikari of Bhairi Kalikathum VDC-9 on March 9.

According to Mohanraj Joshi, head of District Police Office, the bomb was detonated beside the house of Thapa. Stating that there was no human casualty in the incident, he added that a police team from Area Police Office in

Panipokkhara Kushapani VDC has been sent to the incident site for investigations on March 10 afternoon.

1.11 Seizing Property

Jhapa, Cadres of Young Communist League, organization affiliated with the Maoists, on March 11 announced that they have captured six *bigahas* of land of Gopi Krishna Pokharel of Arjundhara VDC-2. League cadres captured the land accusing the victim of not giving property to his son and daughter-in-law. According to Raju Sharma, YCL coordinator of Arjundhara VDC, they will not free the land unless Gopi Krishna gives land to his son and daughter-in-law.

Saptari, Organizing a press conference at Rajbiraj on March 11, a person, who has all his property captured by the Maoists, has appealed the concerned party to free his property.

Area secretary of CPN (UML), Arjun Rokka of Dadagaun VDC-8, Khotang district who is currently residing at Rajbiraj municipality-7 appealed the Maoists to free his property.

The victim claimed that the Maoists captured his fixed and liquid assets amounting to rupees 10 million on June 4, 2005. According to him, though the Maoists freed his house and lands in the initiative of CPN (UML), they still capture his property worth rupees five million.

2. By State

2.1 Arrest

Kathmandu, Police on January 1 intervened a sit-in programme organized by the Citizen's Movement for Peace and Democracy (CMPD) and arrested

civil society members including journalists from Prime Minister's residence at Baluwatar, Kathmandu. Those arrested are president of CMDP, Dr. Devendra Raj Pandey; civil society members Dr. Sundar Mani Dixit, Mahesh Maskey; president of Federation of Nepalese Journalist Bishnu Nisthuri, general secretary Mahendra Bista, senior journalist Shyam Shrestha and columnist Khagendra Sangraula. All of them have been detained at No. 2 Armed Police Force, Maharajgunj.

Police have arrested over 140 protestors as they were trying to surround Singh Darbar on January 11. The protestors were demanding the compensation money already announced by the government to the families of killed and injured persons during the Nagarkot killing carried out by inebriated army man Basudev Thapa on December 14, 2005. Eleven persons were killed and over 25 were injured in the incident.

The arrested persons included Bhim Bahadur Tamang, 19, Ram Bhakta Nagarkoti, of Nagarkot VDC-9 and Maili Tamang of Nagarkot VDC-5, who were injured in the army firing on that fateful day. All the demonstrators held by the police were released in the evening.

2.2 Beatings/Torture

Siraha, Policemen of re-instituted police station in Laxmipur Patari VDC have tortured three persons who were arrested on charge of theft on January 5 night. Bharat Yadav of Maheshpur VDC- 1, Dhanik Lal Saha of Maheshpur VDC- 3 and one person who could not be identified were made to take off the clothes prior to beating and were

kept naked in the custody without any cot or quilt throughout the night, a local Ram Bilas Yadav informed. Saying that it was really bad of police to render such condition to the accused in such a cold winter night, Yadav said even if they were guilty, they should be punished according to law. Police could not be contacted for comment.

3. By MJF

3.1 Killings

Morang, Police sub-inspector Narendra Jung Karki was killed when activists of Madhes Janadhikar Forum (MJF) attacked the police post at Budhnagar on January 31. Eyewitnesses claim that demonstrators used sharp weapons to kill Karki.

Rautahat, Twenty-seven persons were killed by the activists of Madhesi Janadhikar Forum (MJF) at Gaur in a clash with Maoists on March 21 afternoon. More than 12 persons have been critically injured. Police informed that 12 bodies were discovered at Hajmuniya while nine Maoists cadres died at Gaur and three at Belbichhawa.

The clash ensued at 2 in the afternoon when both sides staged their mass meetings at the same venue at Rice Mills area in Gaur. MJF had organized its mass meeting at the place, where its chairman Upendra Yadav was to address while Maoists affiliated Madhesi Rastriya Mukti Morcha had also announced its programme at the same venue.

According to Maoists, the deceased included Maoists youth wing Young Communist League members Praba, Rajan Pokhrel,

Laffa of Makwanpur, Arjun of Gorka, Pramod Yadav of Bara, Sanjog, Sanju, Khatun Jingadawa, Ram Bishwash Yadav Sarmujawa. Majority of the deceased died of bullet and lathi injuries in the head.

Earlier, the Maoists also held demonstrations after the MJF staged demonstrations with lathis at the district headquarters. The situation turned violent when both sides resorted to vandalizing the podium made by them for their meetings. The incident occurred before MJF could start its programme. More than 2 dozen gun shots were fired in the incident.

In a bid to take the situation in control, the police also fired bullets in air. Life is tense in Gaur after the incident. Meanwhile, the Rautahat District Administration Office has imposed curfew in Gaur from 3 pm today to 4 am tomorrow after the violence.

Among the injured are Rabindra KC, Bishnu Gajurel, Kavita, Prakash Lama, Meera Tamang, Naresh Upadhyaya, Laxman Shahani, Balananda Yadav, Shambhu Mahato, Umesh Thakur, and Santoshi.

The seriously injured have been taken to Bharatpur Medical College while the rest are being treated at Gaur Hospital. Two of the injured had died at Hetauda while undergoing treatment there.

3.2 Beatings/Torture

Morang, Cadres of Madhesi Janadhikar Forum (MJF) have beaten up journalists on February 4. The journalists, who were covering a goodwill rally organized by Tanki Sinuwari Jaycees, were attacked by the cadres at Bansbari in Tanki Sinuwari VDC at 10 am. Those injured included

Shambhu Bhandari of Nepal 1, Bijaya Pathak of Birat Darpan, Binod Bhandari of Kantipur Daily, Bikram Luintel of Sapta Koshi FM. Among the injured, Shambhu and Bijay were treated at Koshi Zonal Hospital.

Cadres of Madhesi Janadhikar Forum (MJF) have seriously beaten up a transport entrepreneur Bishnu Mainali, 45, of Biratnagar sub-metropolis-13 at ward-18 on March 10. Seriously injured in the beating, the victim is undergoing treatment at Koshi Zonal Hospital, said the police. The hospital source claimed that he sustains serious injuries on both his legs.

3.3 Threat

Makawanpur, The journalists based in the terai districts in Bara and Parsa have fled the place following growing insecurity for their lives. The journalists left for safer places after the demonstrators of the movement launched by Madhesi Janadhikar Forum (MJF) began arriving in their house after assaulting some of them on January 28 afternoon. It is said over 12 of them have left the place for Chitwan, Hetaunda and India by January 29.

3.4 Destruction of Infrastructures

Morang, Cadres of Madhesi Janadhikar Forum (MJF) torched half a dozen government offices in Rangeli VDC on March 14. Police had to fire few rounds of bullets in the air and charge baton to take control of the situation and arrested one. At least one government staff was injured in the incident.

The torched offices include Area Administration Office, Area Post Office, VDC building, Agriculture Development Bank (ADB), Eastern Rural Development Bank, Telecom Branch Office, Nepal Bank Ltd Branch office.

According to Rangeli Area Police Office, Administration, Post Office, VDC Building and ADB have all the furniture burnt. Three motorcycles and four computers belonging to ADB were also damaged. Details of the damage are not available yet. The MJF cadres had locked out those offices on March 6. Nepal Bank cashier Bajra Kant Jha sustained injuries when being attacked by the MJF cadres.

4. By JTMM

4.1 Killings

Sarlahi, The cadres of Janatantrik Terai Mukti Morcha-Jwala Singh (JTMM-J) have shot dead Bhanubhakta Neupane, 34, of Hajariya VDC- 4 on December 31, 2006 at 8 pm. They had abducted Neupane from his house tying his hand and shot him twice in the chest some 200 metres away from his house in a sugarcane field.

He succumbed to his injuries on his way to Barathhawa sub-health post. The JTMM-J cadres had hit Neupane's mother with gun butt when she tried to stop them from taking her son away.

One Aasim Ali Mikrani, 16 of Malangawa Municipality-4 was killed in the police firing in Malangawa Municipality on February 4 afternoon. Police opened fire as the activists of Madhesi Janadhikar Forum staged demonstrations in defiance of the curfew order imposed by the local administration from 7.30 am to 7 pm.

One protester who was injured during a demonstration in Sarlahi succumbed to his injuries. Sanjay Kumar Rai, 19 of Jamuniya VDC-6 died while undergoing treatment at Bir Hospital on February 5. Jamuniya was injured when police opened fire at protesters on February 4 at Malangawa.

Rautahut, Cadres of Jantantrik Terai Mukti Morcha have shot dead one person at Samanpur VDC on January 18. Hari Narayan Thakur of Gumhariya VDC was shot dead by JTMM cadres at around 1:00 a.m. in the night. Arjun, political commissar of JTMM, informed through phone that Thakur was killed for being a professional robber.

Meanwhile, a JTMM cadre Manoj Pandit of Tengraha VDC died when the gun he was carrying misfired. Arjun confirmed the incident claiming Pandit, who was returning back after shooting dead hari Narayan Thakur, died while the gun he was carrying misfired due to some technical error.

Kathmandu, Two persons, injured in Lahan tension on January 22, have succumbed to their injuries while undergoing treatment at Birendra Army Hospital at Chhauni, Kathmandu on January 23.

Bechan Yadav, 25, and Mohammad Anish, 25, were seriously injured in police firing at the demonstration. Both were airlifted to Kathmandu after they could not be taken to BP Koirala Institute of Health Sciences in Dharan on January 22.

Bara, One person was shot dead and seven others injured in a clash between the police and the

demonstrators belonging to Madhesi Janaadhikar Forum (MJF) in Kalaiya, the district capital of Bara at around 4 pm on January 27. The decease was identified as Asraf Ansari of Kalaiya-8, shot injured at Bharat Chok who succumbed to the injuries on his way to District Hospital.

One boy was shot dead in a clash between the police and the demonstrators in Kalaiya, the district headquarters of Bara on January 28.

The deceased is identified as Jamir Alam, 15, of Jagatpur VDC was killed on the spot

Morang, One Rajkumar Kamat, 40, of Brahma tole in Biratnagar Municipality- 21 was killed and at least other seven were injured by the security persons during a demonstration in Biratnagar on January 30. It is learnt that the decease was a resident of Biratnagar Sub-Metropolis- 18.

An activist of Madhesi janadhikar Forum (MJF) was killed by the security persons when demonstrators attacked the police post at Budhnagar on January 31. Pshadananda Yadav of Madhesi Janadhikar Forum has been identified as the slain.

Two protesters were killed on February 7 in a clash between the police and the protesters at Singhiyai bridge in Biratnagar. According to District Police Office (DPO), Talu Satar Hasda, 22 of Sibani Jahada VDC-8 and Nirmal Rajbansi, 18 of Katahari VDC were killed in the police firing.

Parsa, Dipendra Saha of Birgunj was killed and at least 26 injured during a clash between the

police and the activists of Madhesi Janadhikar Forum (MJF) in Birgunj on February 3. The incident occurred when police opened fire in to control the agitating activists of MJF that defied the curfew orders at various places across Birgunj Municipality.

Siraha, Cadres of Goit faction of JTMM have shot dead a Maoist cadre Ram Sagar Thakur of Devnagar Tole in Namrajpur VDC on March 16 afternoon.

According to locals, he has been shot in the mouth. According to Maoist district secretary Abinas, Young Communist League (YCL) area number one committee member had been gone to Inarwa VDC-9 on party business where he was murdered.

4.2 Abduction

Sarlahi, JTMM-J cadres abducted Govinda Prasad Upreti, 60, of Sundarpur VDC-9 at 6 pm on December 31, 2006. Upreti, father of actor Nikhil Upreti, was having dinner at his house when the abductors demanded his mobile phone set and motorcycle. When he refused, they took him away in the direction of Hajariya VDC. His whereabouts is still unknown. Deceased Neupane and abducted Upreti both are learnt to have been UML cadres.

Saptari, Ram Bahadur Basnet, 48, of Kanchanpur VDC-1 has been abducted by an armed group of JTMM (Goit) on the January 11 night.

The victim was abducted at 10:30 pm from his house. It has been learnt that the JTMM cadres have taken the victim to the eastern area. Bikash, assistant coordinator of the military department, speaking to

INSEC district representative has taken responsibility of the incident. However the reason behind the abduction remains unknown.

Cadres of Janatantrik Terai Mukti Morcha (JTMM) have abducted one government staff on January 17 afternoon. Damodar Acharya, 50, of Inaruwa Municipality in Sunsari and working Area Post Office, Bhardaha was abducted from Barrage section of Bhardaha at 2 pm. Archaya's family informed that the JTMM was demanding five lakhs rupees in ransom for his release. His whereabouts are not known yet.

Cadres of Jwala Singh led Janatantrik Terai Mukti Morcha have abducted a Maoist from home on February 5. The abductee is identified as Maoists Area no. 4 Committee member, Shivu Mandal of Teli Chapena VDC-5.

Cadres of Janatantrik Terai Mukti Morcha- Jwala Singh have abducted one Dev Ram Yadav of Lalpatti VDC-5 on February 18 on charge of being an informer. An owner of Sakhada Bazaar in Chhinmasta VDC, his whereabouts are not known. When contacted, JTMM (Jwala Singh) central committee member Bibas Bidrohi said Yavad would be released after investigation.

A group identifying as Janantrik Terai Mukti Morch (JTMM) has abducted Kumar Sardar, 23, of Mohanpur VDC from Bathanaha VDC-1 on March 7. Sardar was abducted from his in-law's house. The whereabouts of the victim remains unknown and no one has yet taken responsibility of the abduction.

Bara, Lekhnath Poudel, field supervisor at Diprox

Development Bank, Kalaiya branch has been abducted by JTMM (Goit) cadres from Patarhatti VDC on February 22 morning at around 9:30 am. JTMM cadres led by area in-charge Anand abducted him on charge of defying the three-day terai *bandh* organized by them. Maoists have also taken control of a cycle and a cash of rupees 18 thousand 486 from the victim.

Rautahat, Cadres of Jwala Singh led Janatantrik Terai Mukti Morcha (JTMM) have released Bishnu Bahadur Thapa, 85 of Chandranigahapur VDC-1 on March 3 morning. Thapa was abducted by the armed JTMM cadres from his Brick kiln, at Dhamaura VDC-7 on March 2 night.

Janatantrik Terai Mukti Morcha- Jwala Singh (JTMM-J) has abducted a local businessman on 27 March at around 2 pm. Chandra Shekhar Chaudhary, 55, of Santapur Matiwani VDC- 2 was abducted from Bankul Bazaar of Samajwa VDC. Owner of a molasses factory, Chaudhary could have been abducted for money, the family source believed. Ajay Yadav, the JTMM-J district chairman informed that they had abducted him for 'aligning with the Maoists and asking them to take action against his party.

Cadres of Janatantrik Terai Mukti Morcha (Goit) have abducted four persons from Baleri forest in Bishrampur VDC in Rautahat on 30 March night. The abductees include staff of District Forest Office, Chandranigahapur Hira Lal Yadav and three tractor drivers. The cadres have also captured three vehicles and timber loaded in them.

The names of the drivers could not been known.

Siraha, Cadres of Janatantrik Terai Mukti Morcha (Goit) have abducted Maoists' area number one area committee member Chhedi Pandit on March 3 night. A resident of Lalpur Tole, Inarwa VDC was abducted from his house. His whereabouts is yet to be known.

Identifying two of the abductors as Surja Yadav and Ram Shankar Yadav, the Maoists' district member Jitendra Singh requested the human rights defenders to take step for Pandit's release. Meanwhile, human rights defenders including INSEC district representative have issued a statement urging JTMM (Goit) to safely release the abductee.

Morang, Cadres of Janatantrik Terai Mukti Morcha-Jwala Singh (JTMM-J) have abducted Ganesh Prasad Mehta, 37, of Inaruwa Municipality- 8 and teacher at Janata Secondary School, Saterjhoda at 10 am on March 22. Abducted on charge of being an informer, Meta was heading from school.

According to Rajendra Pokharel of local human rights organisation CICSa, JTMM-J district secretary confirmed the abduction. CICSa general secretary Ram Koirala and Human Rights network member Ramesh Bhattarai have asked for Mehta's release.

4.3 Seizing of Property

Rautahat, Cadres of Janatantrik Terai Mukti Morcha (JTMM Jwala Singh) have captured the bike belonging to INSEC

Rautahat district representative Bipin Gautam on March 15. According to Gautam, his bike was forcefully taken away 'for half an hour' from Bijaypur of Laxminiya VDC- 2. They had taken away the bike despite knowing Gautam as a human rights defender

5. By KWP

5.1 Abduction

Udaypur, Kirant Workers Party (KWP) cadres have abducted Bindra Bahadur Rai, the school supervisor at District Education Office from Babala VDC on January 6. Rai, who arrived in the VDC on official duty, was abducted by them accusing him giving false promise. Locals say the WP had abducted him for failing to register the school in the VDC as promised earlier.

The KWP office at Beltar could not be contacted for comment. CDO Dulluraj Basnet has expressed his ignorance about the incident while District Education Officer Jhum Prasad Rai said Bindra was sent to the VDC for the supervision adding he had no information about the abduction. The whereabouts of the abductee are not known yet.

6. By Madhesi Tigers

6.1 Abduction

Saptari, Armed cadres of Madhesi Tigers have abducted 11 persons from Duban area in Baikha VDC-9 on February 28 night.

Among those abducted are Lal Bahadur Thapa, Hari Bahadur Thapa, Saroj Adhikari, Bikas Khadka, Amar Tamang, Mukesh Basnet, Lal Bahadur Rai, Dil Bahadur Sapkota, Ganga Roka, Yubaraj Siwakoti and Ram Bahadur Thapa. Saying that the 11 had

encroached the land in the terai region Pratap, a cadre of the group acknowledged the incident. He said that the abductees were held to safeguard the *madhesi* land. The victims had been residing in the area after migrating from Bhojpur district eight years ago.

7. By Unidentified Group

7.1 Killings

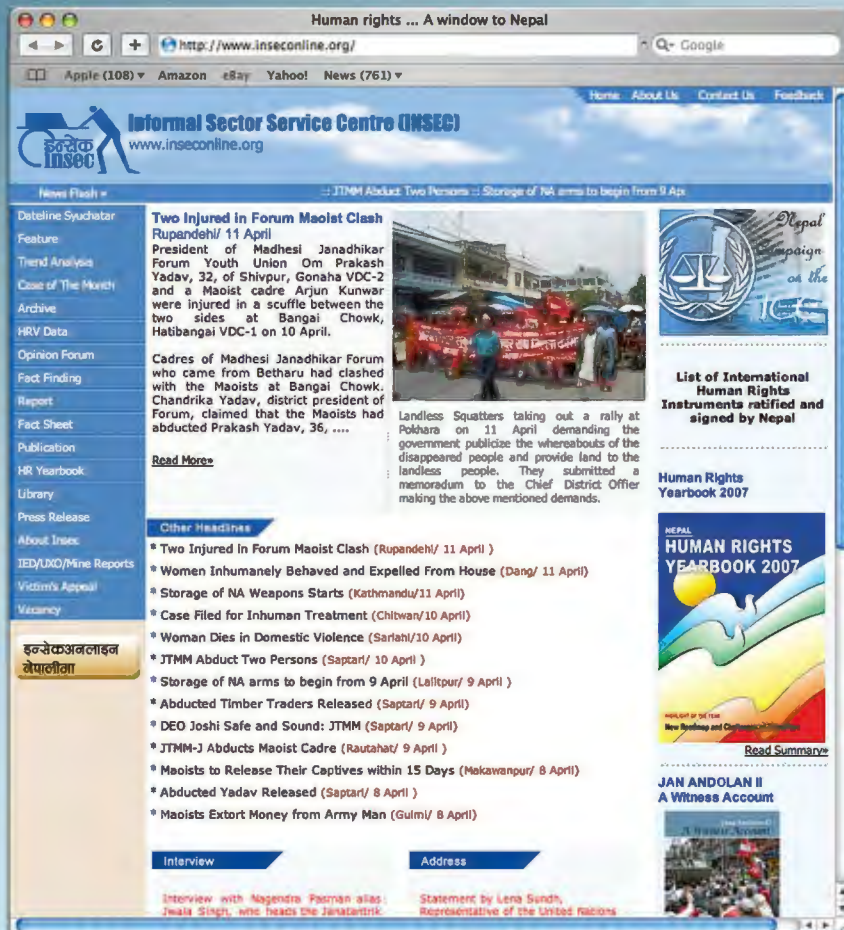
Makawanpur, A group of local youths has shot dead Maoist area member Karna Bahadur Syangtan of Raksirang VDC on December 30, 2006. Locals say that Karna Bahadur was shot on his head following the personal dispute. However, the exact reason of the killing could not be identified.

The dead body of Karna Bahadur was buried in the incident spot by a group of seven youths. The incident took place at Dingwang in Raksirang VDC-2.

Siraha, Ram Narayan Yadav, 65 of Majhaura VDC-1 was shot dead by an unidentified group of six persons on February 13 night. According to the locals, the group shot Yadav after tying the family members with rope. The victim died on the spot.

Rautahat, Chairman of Ganga Pipara VDC-3 Rambriksh Rai Yadav has been shot dead by cadres of a group calling itself 'Terai Cobra' on March 2 night. According to Pratap Kumar Jha, a local, a group of 4/5 people had called him out of his house while he was sleeping and had fired 4 shots at him. Pamphlets of the group with the name of its chairman, Nagraj was scattered at the incident. ♦

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