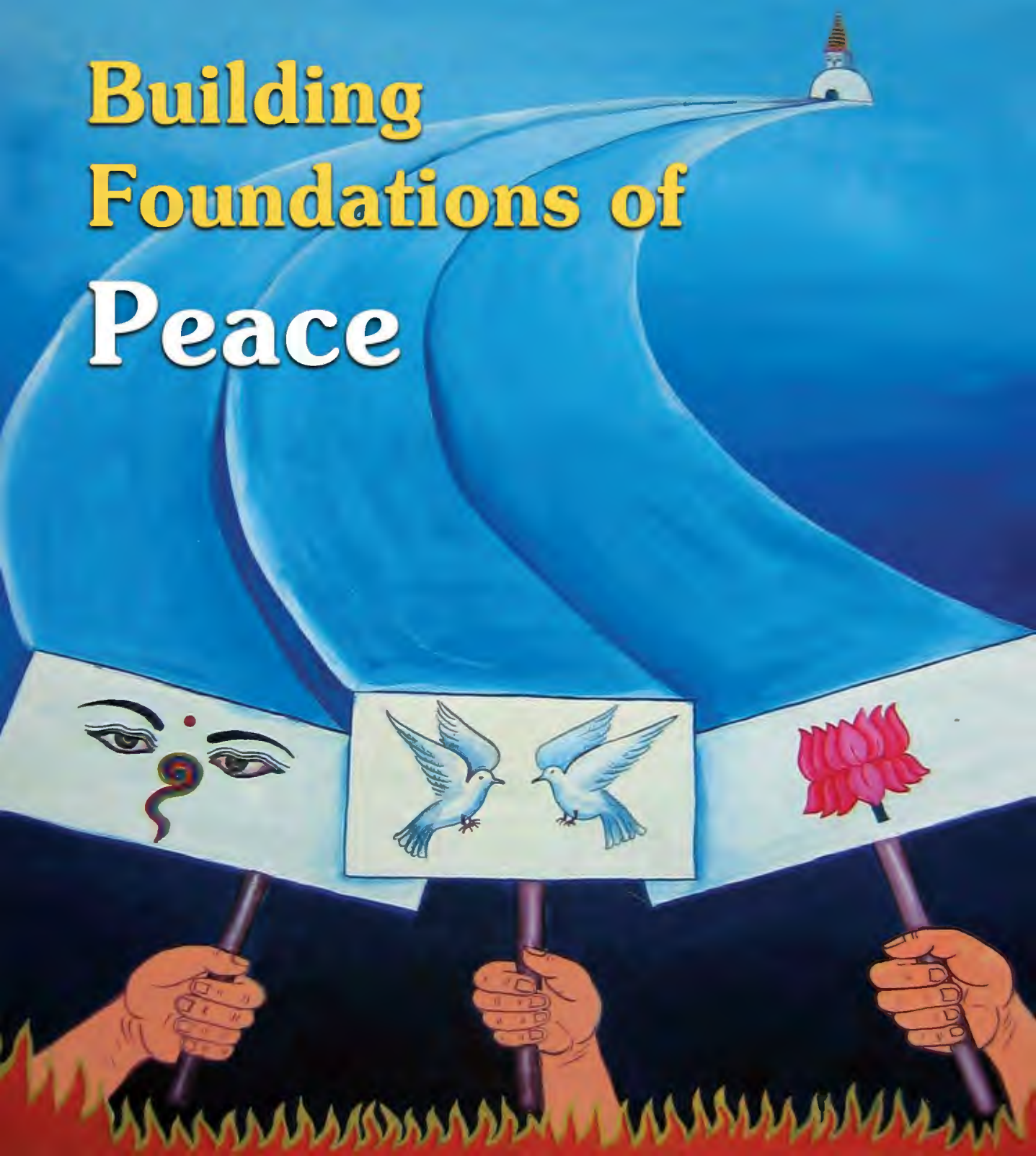


INFORMAL

Vol. 22, No. 3, October-December 2007

Building Foundations of Peace



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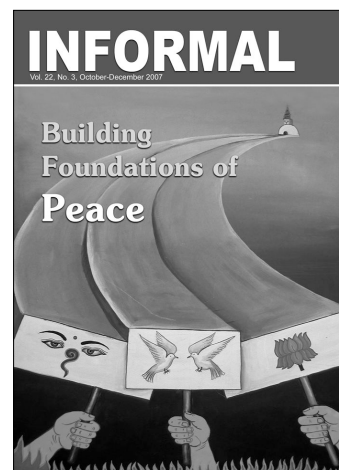
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Formal-Informal

The ongoing peace process in Nepal appears on track to deliver peace and stability, but the national political scene become more complex and challenging in recent months.

Ban Ki-moon

UN Secretary General, July 24, 2007

In his quarterly report presented to the UN Security Council



There is no alternative to holding the CA election on November 22; otherwise the nation will face mishaps.

Ramchandra Poudel

Minister for Peace and Reconstruction, September 28, 2007

At the meeting of seven-party leadership in Kathmandu



The country is facing many challenges but the government should go head with conciliation to end the present political crisis.

Subash Chandra Nemwang

Speaker of Legislature Parliament, September 21, 2007

Speaking at the fourth convention of HURFON in Kathmandu

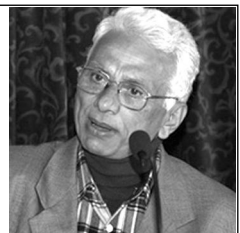


We will not accept Koirala as leader of the eight-party alliance because he hesitated to declare republic before CA polls and adopt proportional election system.

CP Gajurel

Central Member, CPN (Maoist), September 19, 2007

The Rising Nepal



If the Maoists try to create any excuse for rejecting the result of the CA polls, that will be their biggest mistake.

Nilambar Acharya

Political Analyst, August 25, 2007

The Kathmandu Post



Exploring Sustainable Peace

As we resolve our family disputes without conflict, similarly bitter and inhuman conflicts have also been resolved without big confrontations. As we seek solutions for betterment of our family, children and spouse in family conflicts, the betterment of a nation should be focused while seeking solutions for political conflicts. While observing present trends of war, it is seen that war is in liquid state. According to which, political peace is institutionalized while spiritual peace is related to the state of being. The lines of peace building are blurred in the post-war period because strategic attempts of war are changeable.

The armed conflict that started in 1996 created chaos in the Nepali society. Thousands became homeless. Thousands lost their lives. Thousands got injured. A huge number of people were victimized by both the warring parties- Maoists and the Government. Every Nepali felt insecure. Despite many peace talks held between the Maoists and the Government to restore peace, Nepali people had to wait for a long time to see the formal end to war. The peace process in Nepal attained the right track after 12-point understanding, ceasefire code of conduct, 8-point agreement and 5-point understanding. Though the armed conflict has formally ended, the scars left by the war are yet to be healed. Social, economic and cultural issues of people need to be addressed in a national level.

INSEC conducted Peace Campaign programs in various steps in 12 districts of mid and far western region at a time when a person's right was not ensured though there were voices concerning it. With the objectives of making people aware of their rights in a local level, associating people who are forced to live between the echoes of guns and bringing forward the social, economic and cultural issues, the programs were conducted in the conflict-hit areas to accomplish these goals.

In this edition of INFORMAL, we have attempted to measure the goals accomplished by these programs. The programs which were conducted in dire conditions have some concrete achievements. Locals have become aware of their rights. There is gradual decrease in the domestic and structural violence. People have succeeded in taking their local demands to the state administration. As a whole, there is widespread awareness among the people on their rights. While weighing these programs which were conducted in such a tough time, we should express our gratitude to those peace campaigners who were always busy in enlightening people at their doorsteps. This will also direct to those involved in the making of new Nepal through Constituent Assembly.

The present time should be utilized in reconstruction of the destroyed infrastructure, erasing the wounds of war, conducting durable campaigns for peace keeping and managing reparations for those who have been affected by the 11-year armed conflict. The government should take forward these issues along with the elections to Constituent Assembly. People's freedom and justice should be of prime concern for establishing sustainable peace. INSEC's peace campaigns and empowerment programmes will certainly facilitate in this regard. The horizon of peace building would be far away if these issues are not addressed with CA elections at a time when there is search for sustainable peace through elections to Constituent Assembly.

From History

Urgent Information

INSEC had issued an urgent information in connection with the incident occurred at INSEC premises on 11 January 2002. The detail of the information is as follows:

This is for the kind attention of all our well wishers and friends of the entire human rights community all over the world about the incident that occurred at INSEC Central Office on 11 January 2002.

We are amazed by the mysterious behaviour shown at INSEC office Kalanki by six persons in civil dress, who call themselves security personnel. They were seen at the INSEC central office from around 3:30 to 6:00 pm. They inquired whether our General Secretary Subodh Raj Pyakurel

was in, only at about 4:00 pm. When they were invited in the room by the general secretary, they refused and said, "we shall wait here". Earlier they were roaming around the INSEC premises for some time. A private plate vehicle brought by them was parked in a nearby corner.

At about 5 o'clock, the general secretary asked reason for their waiting. They requested him to go to the security office. But the general secretary told them that he had no time to go at that time. They did not express their motive authentically. But, they insisted to take him to an unspecified place. They did not tell anything about the purpose of taking him. Then the general secretary said, "It takes at least an hour to finish my business. So where is your security office?" But they did not say any

thing about it. Meanwhile, INSEC circulated the incident, which was occurring in its premises, to different organizations' and persons including Honorable Kapil Shrestha, Member of the National Human Rights Commission and other political personalities. Then different human rights activists came to the INSEC office. At about 6:15 pm, they had disappeared suddenly.

The concern INSEC is raising about the violation of human rights during state of emergency is known to all. In this context, we have taken yesterday's incident as an attempt to harass the role INSEC is playing for the protection and promotion of human rights and social justice. Moreover, we take it as a threat to the entire human rights movement in Nepal.

Vol. 11, No. 1, January 2002

Letter to Editor

Dear Editor,

It was my privilege to be acquainted with the opinions of experts towards Constituent Assembly and reigning social issues, through the July-September edition of *Informal*. We, the youth of Nepal can no more remain alienated from the socio-political discussions taking place around us and in my view, *Informal* can be taken as one of the best ways to gain necessary information for remaining up to date.

In the process of internalizing the issues discussed in the previous edition, I came through *Child*



Participation in Political Activities: Is it Justifiable?, which easily gained

my attention as I have just entered into the stage of adulthood. The article extensively explores the ways in which lives of children have been jeopardized in the political turmoil of Nepal. Whether it is child trafficking, child molestation, child employment or domestic violence, child rights have been violated in every way possible. During the decade long Maoist insurgency, there have been many cases of students being abducted from school premises for recruitment, security persons and Maoist cadres raping immature girls and sometimes even killing them. The article says that children are the

future of the country, but can the future be secured by destroying it?

I found another article *Prerequisites of Constituent Assembly: Human Rights Perspective* clear in objectivity of eradicating the misconception that CA election shall form yet another parliament, but it is the initiative towards formation of a new, improved Constitution. Through the *Informal Converse* with Ian Martin, I came to know that UN remains firm towards its vision of peaceful Nepal after the CA election. I agree with his idea that the CA election must not be delayed any further as that would mean delaying peace itself. I hope the technical support, which UNMIN has promised to provide the government of Nepal during election, proves to be use-

ful and would like to request the *Informal* to continue monitoring the anticipated CA election.

Yugichha Sangroula

Grade XII 'Humanities
National Integrated College (NIC)
Dillibazar, Kathmandu

Dear Editor,

I really admire your enthusiasm for bringing such a vigorous magazine to public. I never had any inkling of secure CA election until I read article on *Informal*. I was intrigued when I read views of *Pratibedan Baidya* in his article *CA Polls: Does literacy matter?*

This article was an eye opener for the people who think politicians are doing their best. It provokes the government leaders to really focus on creating secure

CA election. After such a successful long historic April movement front line political leaders turn to be aspirant disrespecting the people's aspiration and their verdict.

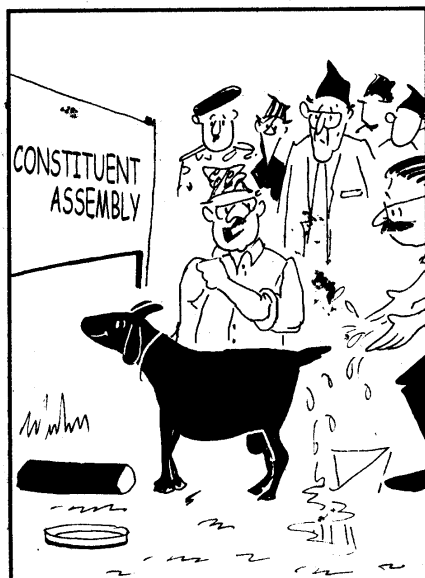
Government has not yet been able to create prerequisites of constituent assembly election even after its date has been announced to be on November 22. Political leaders appear to forget that people's ownership to the constitution making is directly linked to the nature, composition and model of the CA. How can there be free and fair election in such condition? I hope *Informal* will carry out more analytical views coming issues.

Paras Bikram Shahi

Kailashmandu-3, Bajura

Cartoon Corner

by Rajesh KC



Let's make the election a grand success by sacrificing this goat to the CA, comrade.

Source: The Kathmandu Post, September 4, 2007

Dear Readers

How did you find this issue of

Informal ?

What do you prefer to read in

our publication related to

Human Rights Issues ?

Please do write us.

Comments and suggestions
are always appreciated.

- Editor



Kundan Aryal

Nepal: Quest for Rule of Law in the Period of Transition

A number of accords have been signed between the CPN (Maoist) and the SPA. However, the implementation of agreements and understandings has been surfacing as a major challenge. Thus the state, even in the post-conflict Nepal is not able to protect a person from fear as per the expectations.

1. Human Rights and the Rule of Law

For the countries emerging from civil war or authoritarian rule or in the post conflict situation the concept of rule of law should be regarded as a key to success to achieve sustainable peace. In accordance with the UN, rule of law means to abide by the law to put an end to arbitrariness of any party: "It refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and

procedural and legal transparency"(UN 4)

After the nationwide wave of protests king bowed down and the Loktantra awoke. With Loktantra in place and subsequent lifting of restrictions on civil and political rights, Human Rights situation of the country started to improve. The Seven-Party Alliance succeeded in mainstreaming the CPN (Maoist) into Nepali politics. However, the aim to achieve sustainable peace still remains challenged. The most crucial challenge seems to be implementation of the rule of law in the country. Constitution of the Kingdom of Nepal-1990, has been replaced by the interim constitution drafted with the involvement of Maoists. On one hand, we can conclude that the country in post-royal regime has filled up constitutional vacuum, but on contrary to this we are yet to be able to perceive the better state of rule of law in the country.

Though, Nepali people's long awaited legitimate and pro-

people government has formed through the reinstatement of the House of Representatives, the challenge of the functioning of the rule of law is seen as most to be addressed problem of current Nepal. The United Nations has been expressing willingness to provide assistance to build the capacity of national justice sector institutions, facilitate national consultations on justice reform and transitional justice in order to fill the rule of law vacuum evident in so many post-conflict societies.(UN Security Council 1) As a country in the transition Nepal should initiate some effective measures to strengthen the rule of law for the protection of human rights." The heightened vulnerability of minorities, women, children, prisoners and detainees, displaced persons, refugees and others, which is evident in all conflict and post-conflict situations, brings an element of urgency to the imperative of restoration of the rule of law." (UN Security Council 3)

2. Rule of law in the Implementation of New Road Map

The success of Jana Andolan-II was the success of endeavor for peaceful political transformation. Jana Andolan-II also mirrored the people's desire for peaceful resolution of the violent conflict. Formation of Seven-Party Alliance (SPA) by NC, CPN (UML), NC (D), NSP (A), NWPP, Janamorcha Nepal and United Left Front created a new vigour in Nepali politics. The 12-point understanding inked between the SPA and the Maoists took the anti-authoritarian Movement to a new height.

Historical Jana Andolan-II, with the restoration of House of Representative, handed back the state sovereignty to the people and ended the king's direct rule. The reinstated House played pivotal role for the political transformation to meet the objectives of sustainable peace and establishment of Loktantra. Serious and prudent decisions were taken immediately after the reinstatement of the House. Aftermath of Jana Andolan-II, the House of Representatives proved to be an effective bridging institution on giving a definite shape to the road map presented by the Seven-Party Alliance (SPA) and the CPN (Maoist) for the progressive reform of the state. This has, ending the vacuum of people's representation in the state mechanism, raised new hopes among people for Democracy, peace and progression.

However, it is sad to say that the eight parties are not seen sensitive on the issues pertaining to the transitional justice. The process of investigating cases of grave violation of Human Rights

and International Humanitarian Laws in the past must have been given high priority in the sequel of political transformation. Likewise, mechanisms for acquiring factual information, working procedures, rehabilitation and relief to victims, reconstruction and legal and institutional progress were to be considered as the pre-requisite for the rule of law in a country at the period of transition. But people's aspirations were ignored. Even now, with the expectation of strengthening of Loktantra, people were eager to see the nature of punishment against violators of Human Rights and International Humanitarian Laws in the past and justice done to the victims. The issue of enabling rule of law is very much related to the issue of providing justice to the victims whose human rights were abused along with humanitarian laws in the past.

Louise Arbour, United Nations High Commissioner for Human Rights, says that the countries emerging from conflict often suffer weak or non-existent rule of law, inadequate law enforcement and justice administration capacity, and increased instances of human rights violations. (UN V) Nepal is not an exception. Moreover, such situation is often exacerbated by a lack of public confidence in State authorities and a shortage of resources which has been demonstrated in post-conflict Nepal. The government should act accordingly in this regard to minimize the damage.

3. Accountability: Prerequisite for the Rule of Law

It was an expectation of common people, that in post-conflict Nepal everyone will be free

.....
However, it is sad to say that the eight parties are not seen sensitive on the issues pertaining to the transitional justice. The process of investigating cases of grave violation of Human Rights and International Humanitarian Laws in the past must have been given high priority in the sequel of political transformation.
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 is not able to protect a
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 the expectations.*

from threat, fear, terror, greed or unfeasible influence through the state mechanism (individual or any institutional). After the series of agreements signed between erstwhile rebel CPN (Maoist) and Seven Party Alliance or the Government, peace process speeded up. Maoists have been, officially, expressing commitments for peaceful politics time and again. However, a number of activities carried out by the cadres of CPN (Maoist) give some apprehension that they were not in favour of the peaceful transformation. Such activities have been creating hindrances on the way to rule of law. Maoists have been demonstrating lack of accountability towards the already inked understanding as well as agreements. Such attitude has been considered as the hurdle to the efforts to work quickly and efficiently to re-establish the rule of law and the administration of justice in the country.

The Code of Conduct of ceasefire inked between Nepal Government and the Maoists was surrounded by debate due to the contempt from the Maoist side. The examples of breaking the commitments made by the Maoists were witnessed all over the country. Under the heading of 'Guarantee of fearless civil life' in the 25-point Code of Conduct signed between government and Maoist, a point clearly mentions that, "Armed force will not be mobilized, demonstrated and used in order to spread fear among the common people." A high level committee was formed to monitor the implementation of the Code of Conduct. But, in course of time, the committee was dissolved following the debate on the matter of

violation of Code of Conduct by the Maoist. (INSEC 10)

INSEC's documentation shows that as much as 59 incidents of extortion were carried out by the Maoists during the period of 100 days of Lokatantra dated from April 25 to August 2. Maoist cadres had collected money by obstructing highway during the great festival Dashain being celebrated after the establishment of Loktantra. Even after signing Code of Conduct Maoists cadres were involved in Human Rights abuses.

The Seven-Party Alliance and the Maoists had reached the '12-point understanding' in November 2005 for sustainable peace. After five months of understanding between the SPA and the Maoists, the king's autocratic rule had come crashing. A number of accords have been signed between the CPN (Maoist) and the SPA. However, the implementation of agreements and understandings has been surfacing as a major challenge. Thus the state, even in the post-conflict Nepal is not able to protect a person from fear as per the expectations.

4. An Immediate Need: Rule-of-Law Tools

In the Comprehensive Peace Accord (CPA), under the topic "ways of normalizing situation", the government and the CPN (Maoist) have agreed to constitute a National Peace and Rehabilitation Commission to carry out relief and rehabilitation works for conflict victims and displaced persons. However, the accord remains mute on the time line to form the commission.

The CPA puts an end to the armed conflict prevailing since

1996 and declares the beginning of peaceful cooperation with political consensus between the government and the CPN (Maoist) in guaranteeing sovereignty, progressive political resolution, democratic reform of the state and economic-social-cultural transformation. Now, the immediate need for the nation is not other than the development of the rule-of-law tools.

The agreement to constitute a High-level Truth and Reconciliation Commission through the mutual agreement in order to investigate truth about those who have seriously violated human rights and those who were involved in crimes against humanity, is an important step towards the development of such rule-of-law tools. However, it would have been concrete commitment, if the parties could fix the time line to form such commission.

The rule-of-law tools come under the effort to "reconstruct the legal fabric of a society after a conflict or an authoritarian regime." (Editorial 221) The rule-of-law tools provide practical guidance to transitional administration in critical transitional justice and rule-of-law related areas. As a rule-of-law tool: "Truth commissions can supply concrete evidence about terrible crimes. Without such evidence, social, ethnic, or political groups linked to the violence may be less inclined to accept responsibility by discrediting institutions and possibly, by extension, persons in charge of them." (Editorial 221)

5. The Way Ahead

Within some of the years we have passed through two types of state systems. Prior to establish-

ment of Lokatantra, we experienced the direct royal regime. The government was formed under the direct leadership of the king. But the current one is approved by the reinstated parliament. Obviously, those two different governments encompassed dissimilar characteristics. King led government was against the principle of rule of law. It was run in monopolized manner, in lack of people's participation and public approval and failed to ensure economic and social security and services to the people. The autocratic government was proven to be against Human Rights, social justice and equity. It was repulsive with the core characteristics of recklessness or lack of public accountability.

After the establishment of Loktantra, the seven political parties, the leading agents of Jana Aandolan-II, formed a government with strong commitment for the rule of law. The parties firmly proceeded ahead to run the government by expressing their commitments for Human Rights, social justice and equity with sensitivity to ensure economic and social security and service delivery to the people. However, unlike the anticipation, the government is not active enough in fully ensuring the rule of law, implementing the principles of Human Rights and putting an end to impunity.

To break the previous record the government should disseminate the message the world now Nepal is on the way to respect international human rights and humanitarian laws. For that Nepal should ratified Rome statute of International Criminal Court, 1998 along with some other treaties

related to human rights. That would definitely be a step against the culture of impunity.

Today the nation has been looking forward for a new constitution through the election to the Constituent Assembly. However, the Eight Parties are yet to be aware of the first and foremost pre-requisite for the success of the election to the Constituent Assembly. Such prerequisite is not other than the implementation of the rule-of-law. Allies under the overarching umbrella of Eight Parties should be honest to the agreements. Laws compatible to Lokatantra have been replacing the previous laws. There is no vacuum in this regard. The major challenges are the unaccountable behavior and lack of political will as well as honesty of contemporary political actors. If they could correct themselves, rule-of-law will be the widespread phenomenon of the country.

(First published in The Organization, A Practicing Manager's Quarterly, Vol.10 Issue 1, January-March 2007)

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Building Foundations of Peace

Laxman Datt Pant/Madan Paudel

True peace is built over time, with many processes and approaches that move conflict into long-lasting and peaceful relationships. It requires action at many different levels, by different people, in different ways, and at different points in a conflict period.

1. Peace Building: Concept and Practice

Peace is not made within a one-time act; the ceasefire, accord, or reconciliation is just a public point on a timeline between war and durable peace. True peace is built over time, with many processes and approaches that move conflict into long-lasting and peaceful relationships. It requires action at many different levels, by different people, in different ways, and at different points in a conflict period. Efforts to build peace can be different according to regional, political and structural conflicts. Activities can also be diverse as alternative dispute, reconciliation, peacemaking, conflict prevention, post-conflict reconstruction, institutional and organizational capacity building, demobilization and reintegration, monitoring and advocacy, conflict transformation, psychological rehabilitation, and rule of law. These peace-building approaches, as part of cohesive long term strategy, target both the root causes of a conflict and the violence that may result.

Information can be a huge boon in peace-building operations, by strengthening the ties between individuals and communities and improving their ability to share, learn and interact with one another. Greater information means a better ability to understand situations and act accordingly.

Peace has always been among humanity's highest values--for some, supreme. Consider: "Peace at any price." The most disadvantageous peace is better than the most just war." "Peace is more important than all justice." "There never was a good war or a bad peace."

Yet, we agree little on what is peace. Perhaps the most popular view is as an absence of dissension, violence, or war, a meaning found in the New Testament and possibly an original meaning of the Greek word for peace, *Irene*. Pacifists have adopted this interpretation, for to them all violence is bad. This meaning is widely accepted among irenologists. It is the primary dictionary definition. Peace, however, is also seen as concord, or harmony and tranquility. It is viewed as

peace of mind or serenity, especially in the East. It is defined as a state of law or civil government, a state of justice or goodness, a balance or equilibrium of powers. Such meanings of peace function at different levels. Peace may be opposed to or an opposite of antagonistic conflict, violence, or war. It may refer to an internal state (of mind or of nations) or to external relations. Or it may be narrow in conception, referring to specific relations in a particular situation (like a peace treaty), or covering a whole society (as in a world peace). Peace may be a dichotomy (it exists or it does not) or continuous, passive or active, empirical or abstract, descriptive or normative, or positive or negative.

The problem is, of course, that peace derives its meaning and qualities within a theory or framework. Christian, Hindu, or Buddhist will see peace differently, as will pacifist or internationalist. Socialist, fascist, and libertarian have different perspectives, as do power or idealistic theorists of international relations. In this diversity of meanings, peace is no

different from such concepts as justice, freedom, equality, power, conflict, class, and, indeed, any other concept.

Generally, people tend to perceive conflict as something negative. Conflict is, however, a normal and integral part of social interaction and driving forces of change and development. What appears to be important is how conflict manifests itself, viz. it is the escalation into violence which causes concern. Peace and conflicts theorists have therefore discussed possible ways to channel conflicts in a way as to arrive at peaceful processes and outcomes. REIMANN (2001) identifies three major approaches to conflict resolution as following:

2. Peace Building Practices in Nepal

The armed conflict that started in 1996 created chaos in the Nepali society. Thousands became homeless. Thousands lost their lives. Thousands got injured. A huge number of people were victimized by both the warring parties- Maoists and the Government. Every Nepali felt insecure. Despite many peace talks held between the Maoists and the Government to restore peace, Nepali people had to wait for a long time to see the formal end to war. The peace process in Nepal attained the right track after 12-point understanding, ceasefire code of conduct, 8-point agreement and 5-point understanding. Though the armed con-

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	Track I	Track II	Track III
Actors involved	Political and Military leaders as mediators and /or representatives of conflict parties	From private individuals, academics, professionals, civil mediation, citizens diplomacy to international and local non-governmental organizations involved in conflict resolution	From local grassroots organizations to local and international development agencies, human rights organizations and humanitarian assistance
Strategies taken	Outcome-oriented: From official and coercive measures like sanctions, arbitration, power, mediation to non-coercive measures like facilitation, negotiation, mediation, fact finding missions and good offices	Process-oriented: Non-official and non-coercive measures, mainly facilitation, consultation in the form of problem-solving workshops and round tables.	Process-and (or) structure-oriented: Capacity building, trauma work, grassroots training, development and human rights groups.

Table: 1: Track I, II and III-Actors and Strategies

Track I strategies focus on official and formal activities of diplomatic and governmental actors, while Track II refers largely to more informal and unofficial efforts by non-governmental parties. More recently, based on the conflict transformation discourse, Track III initiatives gain more attention in concepts of conflict transformation and peace building. This track refers to all process-and structure-oriented initiatives undertaken by actors involved in grassroots training, capacity building and humanitarian or development assistance. Activities in this level include trauma work, human rights activities and development work including state reform and local governance.

flict has formally ended, the scars left by the war are yet to be healed. Social, economic and cultural issues of people need to be addressed in a national level.

John Paul Lederach, a peace expert, views about culture, conflict, and the relation between them, are based in a social constructionist approach. In this view, "Social conflict emerges and develops on the basis of the meaning and interpretation people involved attach to action and events. From this point, conflict is connected to meaning, meaning to knowledge, and knowledge is rooted in culture." Lederach describes the tension between the pursuit of personal transformation or systematic transformation. He argues that there are not exclusive options. Instead, they are interdependent. Systemic transformation facilitates personal transformation. Personal transformation promotes systematic transformation. Both must be pursued together to produce real

social change.

The long-term view of peace is based on two important variables: balance of power, and awareness of conflicting interests and needs. The processes of conflict and peace can both be understood as occurring within the matrix illustrated by these two variables. Given this analysis, peacemakers come to face various tasks at various levels in the process. When awareness is low in rural societies like Nepal, the peacemakers should seek to educate. They should also engage in advocacy and confrontation when power imbalance is great and awareness increasing. Furthermore, mediation is needed when awareness is high and power balanced sufficiently to permit negotiation. The ultimate goal of peacemaking is to restructure the relationships and to achieve justice. Community and individual empowerment is must for peacemaking.

The government and political parties in initial years of the conflict seemed to be motivated by the postulation that public dissatisfaction and protests could be solved by means of violence. The peace talks in past proved unsuccessful to find out the solution to conflict resolution. The demand of constituent assembly by CPN (Maoist) was a big threat to all and for political parties to agree on republican Nepal was not so easy at the time when they were not envisaging state without monarchy. Nepali people noticed the extreme form of conflict after 2001. The government announced state of emergency and mobilized the then Royal Nepali Army (RNA) immediately after Maoists' attack in Military Barrack in Ghorahi of Dang district as a result of the failure of peace talk with the government. The mobilization of military resulted into extreme violation of the human rights across the country. People realized the absence of

Efforts have been made to raise People's Cases to the Decision Making Level

It was the time when in average daily six civilians used to be killed, hundreds of them were illegally arrested and the abduction of civilians and disappearance had crossed the limit. To start campaign program for peace was obviously challenging at that time. Our campaign's objective was to enforce the conflicting parties to follow the laws during armed conflict including humanitarian laws, alert them and to access the basic human rights to the public. From these works, we all are servants of public, there is nobody above public, it is the religion of true human rights workers to be a friend of public in joy and sorrow. We were able to achieve these experiences through this campaign.



Bhola Mahat
Regional Coordinator
Mid-Western Regional Office

In many incidents, we were able to get back from the mouth of the death. To receive threaten from the conflict parties, abduction of the campaigners and beating was so normal. Uniting rural people to build peace and to develop capacity on them to alert the Human Right violators, facilitate to raise peoples' agendas up to the policy making level, make community able to resolve the pertinent cases in the ground level, create attention to the related parties to follow Humanitarian Laws and establishment of different Human Rights organization's activities in the rural areas are some of the outputs.

organizations and activists to work for their rights at the time when they were living in state fear. The need to unite people for protecting their rights was a must. Realizing this, INSEC started a peace campaign in four VDC's of Bardia and Surkhet districts each so as to minimize the impact of conflict and to unite people for their rights.

3. Empowerment for Peace

The main objective of Peace Campaign Program implemented in four VDCs of Surkhet and Bardia districts, was to make able the local people to raise voice for peace at the local level. Only after the few months of the program started, positive effects of the program were noticed. Local people were able to raise their voice strongly against Human Rights violation in their locality. After the nature of conflict started changing, there wasn't environment for any of the organization to work in the village. As similar to the people

who were displaced from their village and house, activities of the organizations were compelled to limit only in the headquarters of the districts. In such condition, through campaign for peace, INSEC remained with the public. The main objective of the program was to empower local people so as to raise their voice for rights.

After one year of the program, the campaign was extended from four VDCs to eight VDCs in order to institutionalize the achievements of the campaign. The programs were launched in six VDCs of Banke district across Rapti river in the year 2003. In the process of extension of the program, now it is being executed in twelve districts of mid and far-western development regions.

4. Role of Community Organizations

For the re-construction of physical infrastructure, rehabilitation of displaced people, health check up excluded from health

services, to access governmental services etc due to armed conflict, the program Campaign for peace has helped to solve these problems in the solution and achievement of direct public participation. In the twenty seven VDC s of six districts where Peace building program has implemented, community learning centre has established. INSEC has provided twenty five thousand rupees to each group formed by INSEC in every VDC. There is a provision of establishment of the learning centre at the place where local people have easy access. The main objective to establish the learning centre is to develop habit of studying in people. By utilizing the help given by INSEC, the local community has collected needed materials in the learning centre.

5. Voice Raised for Rights

In Chinchu and Mainatada VDC of Surkhet district, voices have been raising for the conformation of rights not just only

We have been able to provide Justice to Victims

This program has been executed to bring social conciliation and maintaining uniformity by reducing the effect of the armed conflict. The most of the districts in far-western region are tightened by social malpractices and superstitions, caste discrimination, violence against women. The districts are equally full of social deformation and disharmony is prevalent maximum. Social and physical infrastructures are weak in the development and citizens are still compelled to live in illiteracy and lack of knowledge.

The campaign's main goal was to facilitate in reconstructing the infrastructures destroyed in the conflict, rehabilitate displaced people, to create an environment to reunite and rejoin of the broken



Khadak Raj Joshi
Regional Coordinator
Far-Western Regional Office

heart and damaged relationships. Within few months of the launching of the program, it has gained remarkable achievements. Security forces who participated in the training of Human Rights and conflict resolution are sharing their knowledge on human rights and conflict resolution to other security personnel and their behavior towards the community has also been changed. Community based organizations, human rights and peace development committees formed in the VDC level are

united to work for peaceful outlet of the socially prevalent social and domestic violence, untouchability, conflict and peace. Work has been done to give justice to those who faced injustice in past.

Woman able to raise Question against Misdeeds of Police

An ordinary woman was able to control the corruption at community level through making dialogue with a constable as he was bargaining for money and threats for capturing the goods in case of his demands were not met. Sumitra Tharu, 35 of Naubasta VDC, Banke is associated with "Fresh Vegetable Production Women Groups" where she used to involve mainly on saving credit activities. She felt afraid and shy whenever speak to stranger. She has been actively involving in community awareness campaigns with support of INSEC in her VDC and community.

On May 29, 2007, she witnessed a corruption case by civil police. The policeman had captured forcefully some pouch of Shyambahar (chewing tobacco) and nut by local petty merchant. Police personnel accused the merchant for importing the goods without paying custom. He indirectly demanded for money with the merchant for making his goods free. Further, he threatened for seizing the goods if the merchants ignore his demand. When Sumitra noticed all about the fact, she asked to the police personnel whether they were for the security and well-being of people or indulge in misdeed.

Further, she also warned him that she would report it to district police office. Then, the police personnel felt nervous as well as got frightened and requested to Sumitra for not reporting to police office. In addition, he apologised, realized his mistake, and returned all the things which he had captured earlier from the merchant.

Effort of Women led to receive Equal Wage

Nera Devi Nepali, an illiterate woman of Darmabati VDC-2 of Pyuthan district has received equal wage as she joined the literacy classes. Not only Nera Devi but also her husband belongs to wage labour. They have five children and they have to work hard to feed and nurture the children. At the same time, Nera Devi was also a devotee student of human rights peace education class. When she learned about Human Rights, Women Rights and about equal wage rate in "SHANTI SIKCHHYAMALA", she refused the wage from boss what she was paid earlier. She started to demand equal wage.

She had organized the women to raise the issue of equal wage and also the women have approached to local development officer for ensuring the equal wage for same work. Likewise, they also urged and warned that any kind of gender discrimination would not be tolerated by them. However, LDO has made genuine initiative and issued the official order for equal treatment on same work among male and female wage labour. As a result, the employers have compelled to provide equal wage to women. Right now, women of Dharmabati VDC including Nira Devi have been receiving equal wage which has also been contributed to women empowerment in the community.

against violence in favour of. But those who are marginalized. Dalit women and aged people in the VDC after participating in the Human Rights Education Classes of INSEC have said that they have known about the importance of union and how to develop capacity in raising voice for their rights. Ashabir Kami, 64 of Mainatada VDC-2 Thulojati said, "No one can dominate us because by studying in human rights class, we have known that all humans are equal. Our group was even able to stop/or control the husband who always used to beat his wife after drinking alcohol."

"Only after participating in the classes of human rights education, we are able to raise voice for the participation of women in various development activities," says Pancha Kanya Ravat of Chinchu VDC. After community organizations have started showing interest in almost every activity in the village, governmental services, studies in school and transparency in economic transaction started to be effective. Community organizations of Basgadi of Bardia district have started to build a community learning centre. By adding seven lakhs rupees to the one lakh rupee provided by INSEC, the building is being constructing with eight lakh rupees. To get the said money, community organization will collect from district development committee, industrial business organizations of Basgadi including donation from the local people.

More than fifty groups formed to execute programs for peace campaign in the VDCs of twelve districts have conducted different activities in the local level. It has increased its effectiveness from cleaning village to reconciliation of incidents occurred in the village level through mediator, effective role played to minimize domestic violence, access of local people up to governmental equipments, development of capacity to discuss without fearing the activities of concerned people.

6. Some Achievements

6.1. Capacity Building of the Community

By selecting the community organizations in the VDCs where the programs were running according to the need of community will increase capacity of the people and the community itself. There are many examples which show its effectiveness in uplifting the life standards of people by mobilizing the available resources.

6.2 Center of Hope to Conflict Victims

The said program has not only included approaches to minimize structural violence, but the conflict victim and marginalized people too. There must be very few Nepali citizens in the country, who did not face the problems due to the 11 years of armed conflict. Districts and VDCs with the program in particular were highly affected by the conflict. An environment to go school was created for children who lost their parents due to armed conflict. Necessary educational materials like books, pencils, copies were provided by the program. Now, people who were displaced and disappeared due to armed conflict go to the program office with their problems. The program discusses the problem in the related section and tries to solve it.

6.3 Rehabilitation of Displaced Persons

One should ask the pain of leaving the birthplace and moving elsewhere to those who had left their respective birth places in the past. In 2004, July thirty people of Birat VDC-2 Majhbutu left their village together. The only reason behind to go leaving all property was summon to be a Maoist cadre. Families failing to donate the said amount, compelled to provide one man to Maoist as their cadre. There was not a condition to give donation and even it was not their inner will to involve in the activities of Maoists. Alternative to this was to leave home. In the rain of July through mountain way it took three days for the team to reach Mugu's headquarter Gamgadi. Paying three thousand five hun-

Mothers admitted in School

Bishni Tharu, 32 and Ramdulari, 29 of Shamsheer VDC-3 in Banke district have started studying with their children. They got admitted in the Nepal Rastriya Prathamik Vidhyalaya of the same village in April, 2005 in class 3 and continuously going to school. Women who were encouraged by the Literacy Class initiated by financial support of INSEC Banke had same voice, "Now literacy course has ended and we will forget all if we stay at home so going to school after writing names many things could be learned. Other women will also join us. Age bar doesn't create boundary in education." "Courage makes everything possible," they added.

Bishni Tharu, a mother of three children also discusses with her daughter to accompanish homework. Similarly mother of two children Ramdulari Tharu goes to school with her sons and if case of misunderstanding ask each other and discuss during study.

Priest allowed Dalit to enter the Temple

In Rudra and Annapurna puja, and Gyan Mahayagya program, in December 2006, in the approach of Paralegal Committee Group and Janahit Sahakari Samuha, Dalits were allowed to enter the Tripurasundari temple by temple priest Acharya Gokarna Bajagain and local Brahmin Bishnu Prasad Pandey and others and put them tika themselves. Peace building campaign program in the Luga VDC which was running by INSEC in Acham district had an interaction with VDC level paralegal committee and Janahit Sahakari Samuha. In the interaction, participants got information on Human Rights and social justice. Participants of the group started a campaign to reduce caste untouchability by spreading their learning in the village. As the result *dalits* of the village were allowed to enter the temple for pray.

To eradicate the previous racial discrimination system, *dalits* were not allowed to enter into the temple and they were even prohibited to enter into the premises of non dalits. "Peace building campaign of INSEC even in its beginning stage has gained big success" peace facilitator of Luga VDC Gokul Khadka said.

Assistance provided to Family of Disappeared Person

Family of Mohan Singha Banjara, a disappeared person, has received financial relief. After the armed conflict started, state and Maoist have disappeared many people. Among which Mohan Singha Banjara of Gularia Municipality-4, Bardia was one among many. The economic condition of the house became weak when both husband and father were disappeared. Banjara's wife Chameli Banjara requested organizations for the support. During this she appealed Civil Society Group, Bardia and INSEC for assistance.

INSEC peace campaign program helped to collect six thousands rupees to be given to the family. Under this, Tharu

Women Promotion Centre, Bardia provided four thousand rupees for the study of her children. Advocacy Forum assisted her with two thousand rupees.

Alcoholic Dhami who used to beat her wife is in the Peace Campaign after Recovery

Durga Singh Dhami, who used to be a drunkard and beat his wife, now, participates in monthly interaction program with teachers and concerned people.

Durga Singh Dhami, 34 of Mastamandu VDC-6, used to drink alcohol and on returning back drunk at 8-9 pm from local market Ratigaun, used to torture and threaten his wife and children to get out from the house or he would kill them. After the execution of Peace building Campaign by INSEC, in the Janajibika Women Farmer's Interaction Program facilitated by local facilitator on violence against women Revati Dhami expressed her sorrow and requested for assistance. After the program, the women realized the importance of unity. Then after for the resolution of the problem, coordinator of Peace Investigation Civil Society Group Khadak Bahadur Shahi, teacher Durga Singh Bista, and facilitator tried to convince Durga Singh Dhami. After the Mastamandu Area police office incharge Prem Singh Air and people involved in Peace campaign requested him to take responsibility of the family behavior change was seen. Revati said her husband has stopped giving her physical and mental torture even he is drunk.

In Mother's lap after leaving People's Army

Nirmala Sarki, 16 of Gumi VDC-2 in Surkhet district is now with her family. Because of the efforts made by civil society for sustainable peace, she is back to home. In the greediness of various things she went with Maoists in August, 2006. When Nirmala went to her aunt's house in the same village to sleep, one of the cadres of Maoist who used to stay in rent said that one can get good job and travel in Maoist and, took her. Once she came home in the middle and her mother asked her not to go back. But when she moved to go to Kalyan Camp in March, she didn't want to return back home and was in the way to go to her aunt's house in Ramghat when a Maoist cadre found her. She was then sent to Kalyan Support Camp. On the same day she put her bag in Kalyan Camp and ran to her aunt in Ramghat. After Maoist cadre knew that, they threatened Nirmala's aunt to return her or they would capture her house and land.

In the month of March, Nirmala came to her house at Ramghat. Maoist cadre including Shankar BC came to her house and said to rejoin Maoists and if she wants she can get married to Sheetal. When she refused to go back they threatened her that they were ordered to bring Nirmala tying her hand and legs if she refuses. They said they have to reach Dasharath Camp at 10 am otherwise anything may happen. After that to investigate on the incident and to provide assistance to the child, a team of Human Rights Workers reached Gumi VDC-2, Shivanagar. Victim and family requested the team to provide her protection by releasing her

dred rupees each which they bought by borrowing for helicopter they reached Birendranagar; headquarters of Surkhet where the lives of the displaced started becoming complicated. Problems of eating and staying were at one side and the health problems raised because of change in weather to hot in the cold place was in the other.

Campaign for peace in Surkhet district was concerned on the seriousness of the problem, which ultimately internationalized the issues. As the result, the victims got relief materials. Within few months of coming to Surkhet, displaced persons who did not want to return to their respected villages slowly started remembering their village and property. After INSEC Jumla representative talked to Maoist leaders many times, the agreement was made to rehabilitate the displaced persons. Kundan Aryal, General Secretary of INSEC wished good luck to twenty seven displaced persons and sent them to Jumla from Surkhet as a campaign to return back to village. With a team of human rights workers, displaced persons went back to home from Khalanga, headquarters of Jumla. Local people welcomed them in the villages. The campaign was able to make people return their respective places not only in Jumla, but in many parts of Bardia, Banke and Surkhet districts.

7. Conclusion

Social injustice, economic deficiency and political exclusion are the key issues in social, economic and political structure of Nepal. The right to choose the kind of structural improvements should be given to people. Local people and local community organizations deserve deliberation and activism. Its' utilization is today's need. If provided the opportunities, local people can also do their best, which has been shown by the successful completion of peace campaign program initiated by INSEC. Trainings on organizational management, community media-

and to create environment to be free of threats and pressure with the leading level of Maoists. She was released in the same month and brought to Surkhet. Then she was kept in the shelter of a local non governmental organization.

After two months, Civil Society Alliance created environment for dialogue. Sixth Division Commander of Maoists, Pratik was called to INSEC office and talked about Nirmala. He promised not to create problematic situation to her and if needed he himself would talk to her family. Then in May, 2006 Nirmala was returned to her village. Advocacy Forum, member of Alliance working on the area has managed to follow up her condition.

Relief in Movement

During the time of conflict, Security forces captured house and land to establish Bhawani Box Battalion at Narayan Municipality of Dailekh. At that time Battalion had kept boundary of fencing. Due to which the family who lived within the boundary had to show pass to the security force and they were allowed to move in. Even pass was not to be shown after the conflict but the fence was making uneasy to the locals.

Local people gave application to civil society forum to remove the fence. Then in the coordination of forum, and INSEC peace campaign, in the presence of local people, chief district officer and the in-charge of Bhawani Box Battalion, a discussion program was organized. In the discussion, by observing difficulties to local people, all promised to remove the fence. In February 2006, the fence was removed from the said place. In this way in the effort of civil society local people are freely moving without restriction.

From War towards School

Dhana Bahadur Rawat, 11 of Khatakhani VDC-4, in Surkhet district started to go to school after returning from Maoists' People's Army residence and management activity. Dhana Bahadur, who has been bearing a weak economic condition after the death of his parent, was taken to Maoist People's Army in 2005. During the period, he used to lift weight, cook food, exchange information and do other works for people's army in different centers including Ranibas. According to him, he was once trapped in explosion of granite and was injured. While working for the People's Army, one had to do physical labor beyond his capacity so he ran from there to Khatakhani VDC-4 in his uncle's house and started staying there. To build environment for him to go to school, International Relief Committee formed by coordination of youth group established by INSEC and peace facilitator, school and other organizations provided financial and psychological support by Aawaj Agency, he was able to go to school.

Ravat is admitted to Chandra Jyoti Lower Secondary School in class 2 and continuing his study. Now happily he says, "I am able to go to school and study because of the support from all. If these kinds of organizations will help other children like me, they could also go to school to study".

tion, training related to agriculture given to community organizations in the VDC has helped people to unite and work together. Many district community organizations have registered in the district administrative office. Local people are now involved in discussions and advocacy of elections to constituent assembly due to active participation of local community members in the campaigns.

The main positive effect of the program is curiosity about rights. Curiosity on rights has brought stress among people which can be a milestone to the preservation and conservation of human rights. The beginning of the solution of small cases in the local level has saved time and money of the people. On the other hand, social courtesy has also been developed. The people conscious about their rights, are now analyzing the peace process of the country. Based on the ideas and energy of people to filter ups and downs in politics and to analyze whether society and country is favorable or not, assumption can be made that it will definitely help the country to move forward.

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Bidyanath Bhurtel

INSEC Peace Initiatives: Finding Avenues for Intervention

On the one hand, the state security forces were engaged in extrajudicial killings, disappearances, torture and arbitrary arrests, the Maoists were responsible for deliberate killings, abductions, collection of coercive donations and causing internal displacements of large masses of people.

1. Introduction

Peace building initiatives undertaken by INSEC have extended over a crucial period in national history. Since the beginning of 2003, such initiatives have been carried out for a period of more than four years and are still continuing. Such efforts for peace building have been mostly based on the needs of the hour resulting from peculiar political situations at different times within this period.

Experiences of peace building efforts have taught us that it is high time for carrying out a retrospective analysis of these efforts. Such a reflection will have dual advantage. Firstly, it will shed light on the effectiveness of our approaches in producing desired results. This will be the practical aspect that will help guide similar future endeavors. Secondly, at a more conceptual level, analyzing the ways of intervention by Human Rights activists for peace

building can help us in arriving at the most effective approaches. The insights are intricately related with each other.

2. Changing Political Situation, Contrasting Contexts

In February 1996, the CPN (Maoist) started their insurgency under the name of 'people's war'. The years between 1996 and 2001 June/July noticed grave violations of Human Rights. On the one hand, the state security forces were engaged in extrajudicial killings, disappearances, torture and arbitrary arrests, the Maoists were responsible for deliberate killings, abductions, collection of coercive donations and causing internal displacements of large masses of people. The Royal massacre that took place in June 2001 pushed aside the political stand-offs for a short while but at the same time, caused major changes in the political sphere. The reign-

ing Prime Minister Girija Prasad Koirala (President of Nepali Congress party) resigned and Sher Bahadur Deuba (President of Nepali Congress-Democratic party) was appointed as the new Prime Minister by the new King Gyanendra who, along with the Maoists, agreed on ceasefire that led to three rounds of peace talks. However, in November 2001, the Maoists broke the ceasefire and attacked army barracks, police posts and public property in 42 districts¹ killing more than one hundred people². A state of emergency was declared by the government after four days of the Maoist attacks and the Maoists were labelled as 'terrorists' under the TADO Act making way for nationwide deployment of the army.

The period between 2001 and May 2003 marked a tug-of-war kind of situation whereby the government, comprised of personalities hand picked by the King

1. Amnesty International Report 2002, reporting period January-December 2001

2. INSEC Documentation and Dissemination Department (DDD)

himself, and the Maoists were engaged in demonstrating the will for peace talks and at the same time laying down strong pre-conditions for such talks. People were utterly confused whether both the parties really wanted the dialogue to happen or not. Meanwhile, grave violations of Human Rights at serious proportions continued.

It was really a high time for INSEC to act in order to mitigate the impacts of armed conflict in the remote parts of the country. The security of Human Rights Defenders was almost unheard of. The core strategies adopted by INSEC was to play mediatory role for bringing the conflicting parties to fruitful conversations, educating the community people, especially the direct victims of armed conflict, on their human rights enshrined in the national constitution, various international laws, treaties and conventions so that they can demand for their own rights on the spot from both the conflicting parties. In addition to these initiatives, INSEC, through its regional offices, have been involved in plethora of *ad hoc* tasks for the cause of establishing peace in the country. Identification of the Internally Displaced Persons (IDPs) and facilitation for their return to their places of origin is one of the main undertakings among them. (Please refer to other INSEC documents for details on this).

3. Intervention Strategies and Modalities

The strategies, operational modalities, and the actions embraced by INSEC for delivering

Table 1: List of INSEC Peace Projects³

SN	Duration	Project title	Donor	Coverage
1	Feb 2003-Jan 2004	Peace building Campaign (Pilot phase)	DanidaHUGOU	4 VDCs each in Bardiya and Surkhet
2	Oct 2003-Oct 2004	Campaign for Peace and Development	UNDP-SPDI	6 VDCs, <i>Rapti pari</i> , Banke
3	July 2004-August 2006	Campaign for Peace Building	DanidaHUGOU	8 VDCs each in Bardiya and Surkhet
4	Sept 2004-March 2006	Campaign for Peace Building and Development	CCO	4 VDCs each of Doti and Kanchanpur
5	July 2005-Feb 2006	Campaign for Peace and Development	UNDP-SPDI	6 VDCs, <i>Rapti pari</i> , Banke
6	Jan 2006-Dec 2007	CMP I	EC	4 VDCs each of Banke, Bardiya, Dang, Pyuthan, Jajarkot, Surkhet
7	Jan 2006-Dec 2007	EIDHR	EC	4 VDCs of Dang
8	Sept 2006-April 2008	Peace Building Campaign	DanidaHUGOU	5 districts- Bardiya, Surkhet, Dailekh, Achham and Dadeldhura

peace building efforts correlate with the developments in the political scenario of the country and the concomitant state of Human Rights in the country. The consistent core *mantra* for intervention by INSEC for undertaking any peace building initiative has been the Human Rights approach for peace building through a Research-Action-Organization (RAO) method. The essence of the Human Rights approach entails making the common people and local stakeholders, including those involved in conflicts, aware on the norms and principles of Human Rights enshrined in the national laws, constitution and international treaties, conventions, covenants and humanitarian laws. For creating awareness, INSEC has always adopted the method of researching into the possible ways of reaching the point of consensus, in contrast to promoting conflicting situations, and organizing local people who are directly or indirectly affected by the armed conflict so that they can vehemently raise voices for their common interest, which is fundamentally concerned with their adequate reparation.

3.1 The First Phase of INSEC Peace Initiatives

Two of the earliest peace building initiatives undertaken by INSEC in the year 2003 were almost like identical twin projects, albeit supported by two different agencies viz. UNDP-SPDI and DanidaHUGOU. It was the time when a tripartite political forces competing against each other had clearly emerged. While the government under the King was struggling against the Maoists offensives, the democratic political parties were organizing protests against the government and challenging the legitimacy of the decisions taken by the government. Finding a common ground for negotiation for the Maoists and the King's government was a far cry and the peace talks were inconclusive. The Maoists kept on attacking, destroying and looting the police and army stations while the state security continued their operations to crush the Maoists. Innocent people had to flee their places of residences and take shelter in district, regional and national headquarters depending on the degree of threat to each individual. In this context, the initial interven-

3. INSEC Peace and Democracy Unit

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*The very first effort for
 peace was the one-year
 pilot project; supported
 by DanidaHUGOU,
 implemented from
 February 2003 to
 January 2004 in four
 VDC's each of Bardiya
 and Surkhet districts.
 Just as this pilot project
 was starting to produce
 significantly conceiv-
 able impacts in the
 target areas, another
 one-year project, with
 almost the same
 components supported
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 started from October
 2003 in six VDCs of
 Banke district across
 the Rapti river.*

tions from INSEC were concentrat-
 ed mainly on saving people's lives
 and their livelihood. Hence, the
 protection of innocent people from
 war crimes, as defined under the
 Geneva Conventions, was the first
 major underlying purpose of the
 initial peace initiatives. The areas
 selected for interventions were,
 naturally, those that were heavily
 affected by the armed conflict and
 they were the people in Banke,
 Bardiya and Surkhet districts of
 Mid-western Nepal.

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 Rapti river.

Both these projects expected
 to produce results on the following
 lines⁴;

Empowerment of local peo-
 ple on two fundamental aspects.
 Firstly, on the established norms
 and principles of Human Rights
 and the way these instruments can
 be utilized for peace building in
 their respective areas. It was
 expected that local level Human
 resources are developed as peace
 facilitators in the community.
 Secondly, for making the commu-
 nity people, especially the victims
 of armed conflict, capable of
 asserting for their basic needs by
 formulating their fundamental

requirements. Initiatives, facilita-
 tion and coordination for rehabili-
 tation oriented work in the com-
 munities guided by the needs
 identified by the community mem-
 bers themselves. Initiating dia-
 logue with conflicting parties for
 respecting norms and principles of
 Human Rights so that the negative
 impacts of the conflict could be
 minimized.

Strategically, the activities
 defined for the project were forma-
 tion of victim groups and impart-
 ing awareness raising activities,
 sensitizing local stakeholders,
 lobby and advocacy with con-
 cerned agencies and authorities for
 ensuring commitment to peace.

3.2 The Second Phase of INSEC Peace Initiatives

In June 2004, king
 Gyanednra appointed Sher
 Bahadur Deuba as the Prime
 Minister after widespread protests
 from political parties over appoint-
 ment of royalists as the premiers
 earlier. Three rounds of peace talks
 had already failed by this time and
 atrocities and grave violations of
 fundamental rights of people con-
 tinued in all parts of the country.
 People were becoming increasing-
 ly restless and skeptical about the
 King's direct rule. The same trend
 continued with the government
 trying to bring the Maoists to
 peace talks, announcing tempo-
 rary truces in between. The most
 concrete measure taken by Deuba
 was a deadline of 13 January 2005
 for Maoists to return to dialogue in
 which he even suggested that the
 government might consider estab-
 lishment of constituent assembly⁵.
 The formation of new constitution

4. INSEC Peace and Democracy Unit

5. INSEC Documentation and Dissemination Department (DDD)

through an elected constituent assembly and declaring the country as a republic had been long standing agendas of the Maoists. When the Maoists failed to respond to this call, King Gyanendra dismissed the government, terming Deuba's government as incapable, and declared a state of emergency after assuming all state executive powers on 1 February 2005. Though King Gyanendra tried to justify his move in different ways, it was denounced by major portion of the international community. The Maoists threatened to organize massive protest programs like indefinite blockades of major cities of the country. The King's government showed least concern over the fundamental rights of its citizens, who were suffering the most due to aggressions from various agitators. In the rural parts, the livelihoods were severely put into jeopardy. In this back drop, it became essential to empower and mobilize communities even more for their own welfare. However, it was beyond INSEC's scope, from perspective of resources availability, to undertake its peace building campaigns through out the country. Besides, the areas in the Mid and Far-western regions where INSEC had already started its initiatives, INSEC decided to continue focusing its efforts in these regions for another round of interventions.

Based on the success of the pilot project supported by DanidaHUGOU, a full fledged project was implemented for another two years in the same districts with a wider coverage, eight VDC's in each district from July 2004 to August 2006. Similarly, the

UNDP-SPDI project was also extended from July 2005 to February 2006 in the target areas. Fundamentally, both projects were built upon the foundations laid by the previous projects. In doing so, though the essence of the strategies adopted have not changed much, the designing and carrying out of the actions have undergone remarkable alterations. These changes were determined mainly by two factors. Firstly, the developments in the political scenario of the country and secondly, the identification of areas where INSEC had produced comparatively better results while implementing the projects and various kinds of realizations while carrying out project activities.

The empowerment being talked about here can be visualized from two angles. First, imparting knowledge on basic Human Rights principles equipped the local people to hold dialogues with state security forces and the Maoist insurgents and protest against violations and extreme abuses of Human Rights of the people. There have been concrete cases of avoidance of undesirable deeds from a Human Rights perspective due to such protests. Secondly, becoming aware of rights has not stopped at being more able to protect their civil rights. The targeted population has been able to demand for their economic, social and cultural rights guaranteed by the national constitution and laws.

While organizing local people and victims of armed conflict into cohesive units for the cause of protection of the fundamental rights of people, from a project implementation point of view, it

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The successful implementation of the previous projects unequivocally pointed out that the empowerment of the community people and the victims of armed conflict for building their confidence in living in a conflict prone environment is the stepping stone for any intervention efforts.

has also been noted that it is quite cumbersome to keep track of activities of carried out by each of the groups. For instance, during the early days of the projects, separate victim groups comprising of children, youth, women and elderly people were formed for the purpose of providing Human Rights classes and organizing regular interactions. However, over a period of time, it was very difficult to monitor the outputs and outcomes of such activities. More importantly, from a sustainability perspective, such groups were highly susceptible to disintegration. At the same time, some of the groups formed by building on the existing indigenous groups were highly effective in making significant changes in the respective communities. Hence, exploring the socio-cultural sides of the communities and recognizing and mobilizing the existing indigenous structures have been very important in introducing any interventionist efforts.

With these realizations, the projects under DanidaHUGOU and UNDP-SPDI were more focused on producing the following results⁶;

Traditional organizations/communities are more aware and skilled to collectively act against Human Rights violations at local level

The communities are better organized for conflict mediation and for making efforts for its transformation, mainly by sensitizing the conflicting parties on humanitarian laws.

Communities are able to take initiatives for local development. The stakeholders, especially the public service providers, rec-

ognize the existing socio-political structures and mobilize them for local development

Strategically, in addition to imparting awareness, skills and knowledge to local communities this project phase sought to strengthen the community structures and organizations and work with victims directly, collaborate with development agencies for better service deliveries to the people, promote and mobilize local alliances and networks, advocate and lobby in favour of respecting the norms and principles of HR and IHL and facilitate in providing relief supports to the victims of armed conflict.

The initial state of INSEC interventions was concentrated more on empowerment of local communities so that violations of Human Rights could be minimized at local level. The strategic activities were imparting Human Rights knowledge and skills through various training and awareness classes. The 2004-2006 project phases moved ahead remarkably by capitalizing on the foundations laid by the previous phase and focusing on the areas that were established as being the areas of comparative advantage. For instance, in the first phase different groups of armed conflict victims, such as the children, youth, women and elderly groups were formed so that the victims found a common ground to share their grievances and ways to make collective efforts for their reparation. The facilitators of the project were provided with basic counselling skills through training. This particular effort helped immensely in breaking the spiral of violence

that would otherwise have given ominous consequences. Moving a step further, the 2004-2006 project phases encouraged the victims' groups to take more proactive role in assessing their basic needs and approaching concerned agencies towards obtaining them.

Another important development in the 2004-2006 phase compared to the previous phase was the attempt to incorporate these local 'peace' groups into wider district level networks and alliances so that the issues of communities reach higher level and concerned agencies and authorities are pressurized to act in favour of the victims of armed conflict. VDC and district level coordination committees were formed comprising of representatives of local groups in the communities. In this way, the collaborative efforts of the people had new strength in working for peace in the project areas.

Although encouraging local people for rehabilitation and fulfilment of identified basic needs of people, especially the victims of grave Human Rights violations, had already started in the earlier phase, the new phase added more dimension and strength to the approach. The rights-based approach to ensure the economic, social and cultural rights was more concretely promoted in the 2004-2006 phase. Since the essence of INSEC intervention is concentrated on using the Human Rights perspective in peace building, it was imperative to assign special focus on the rights-based approach to ensure better livelihood while educating the people on Human Rights.

Another 'peace' project was

6. INSEC Peace and Democracy Unit

being implemented in Far-western districts Doti and Kanchanpur simultaneously with the twin projects of DanidaHUGOU and UNDP-SPDI. It was a one and a half year project supported by the Canadian Cooperation Office (CCO). Just like the later project phases of the twin projects in the Mid-western region, this particular project sought to raise awareness of community people at the grassroots on Human Rights and international humanitarian laws and organize them into groups and networks, build capacity of the victims of armed conflict and social discriminations so that they can take part in conflict mediation and resume normal livelihoods of the people affected by the armed conflict.

By the middle of 2006, when most of the projects were approaching completion, INSEC concluded that;

The Human Rights approach to peace building is among the best approaches as entry point for interventions.

Awareness on norms of and principles of Human Rights helps to boost the level of confidence of common people in dealing with the conflicting parties.

A united community people can stand against any form of social injustices and can act as watchdogs against violation or abuses of any of their fundamental rights.

3.3 The Third Phase of INSEC Peace Initiatives

In November 2005 the Seven Political Parties Alliance (SPA) and CPN (Maoist) came up with a 12-point understanding and agreed upon peaceful resolution to

the armed conflict. It resulted in organizing joint agitation against the King's rule in April 2006 that succeeded in forcing the King to succumb to people's wishes, though he gave in only after resorting to all means of suppressing the agitation. The designing of INSEC peace projects had started around December 2005 and since signs of improvement of Human Rights situation in rural parts were already starting to be visible, focus on rehabilitation during project design was felt necessary. Regardless of the possible funding agencies, INSEC's institutional strategy was starting to be sketched on this line. Coincidentally, the European Commission also announced open call for project proposal to mainly work for rehabilitation of people affected by the armed conflict.

In 2006, with support from the European Commission, two year projects are being implemented in six districts of Mid-western Nepal. The 'macro' project titled, 'Conflict Mitigation through Empowerment of Local Communities' was started in the four selected districts and selected three ex-Kamaiya Camps of the Terai districts and the 'micro' project titled 'Campaign for Conflict Mediation and Peace Building' was started in four VDC's of Dang district from the beginning of 2006. Both these projects can be seen as the outgrowths of the previous projects carried out by INSEC. The micro project supported by the European Initiatives for Democracy and Human Rights (EIDHR) has components that reflect the previous efforts while the micro project under the European Commission's Conflict

Mitigation Package I (CMP I) significantly distances away from past efforts.

The Campaign for Conflict Mediation and Peace Building Projects aims to raise people's awareness on human rights, international humanitarian laws and peace building, organize the community people into groups and prepare peace facilitators, build up their conflict mediation capabilities and mobilize them for conflict mediation and dialogue and hence contribute to peaceful transformation of the decade long armed conflict at community level. The main actions of the project is empowering local people and mobilizing them to pressurize the conflicting parties to abide by the HR and IHL regulations and persuade them to come together for peace dialogue.

On the other hand, the main objective of the CMP I project is to contribute to conflict mitigation by enhancing the capabilities of the local communities in two aspects. Firstly, by substantially increasing their level of awareness on issues of HR and peace building so that the degree of their confidence in dealing with the conflicting situation at local levels is enhanced. Secondly, by bringing improvements in the socio-economic condition and access to basic services, especially in favour of the vulnerable sections of the communities. The target groups are the local communities of the selected VDCs, with special focus on *ex-kamaiyas*, *dalits* and landless people. The existing CBOs will be the means through which main activities of the project will be carried out. The main activities can be divided along five major themes, viz. improvement in efficiency of the

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 organization working
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 people and thus won the
 trust of both conflicting
 parties, the actions and
 interventions carried
 out by INSEC at com-
 munity level was most-
 ly unhindered. In fact,
 representatives from
 both Maoists and the
 state security
 approached the organi-
 zation to intervene
 when their rights were
 in jeopardy.*

CBOs, improvement in education, health and livelihood status of the local people and resumption of infrastructural development activities.

Raising awareness and capabilities to resolve local conflicts continues to be the core area of intervention in both the EC projects. However, in the macro project or the CMP I, there is more disposition towards attempting to make more tangible impacts in the socio-economic sector. Assuring the community people better livelihoods was the important target of this project. Again, the rights-based approach was the *modus operandi*. The clear difference of this project with the rest of the other initiatives was the fact that CMP I ventured even into the area of infrastructural development efforts. During the designing phase, there were widespread critical discussions, both in and outside the organization, on whether INSEC should involve itself into the area of physical development or not. There were mainly two logics that justified the decision to do so. Firstly, INSEC had been able to establish itself as a credible organization working for rights of common people and thus won the trust of both conflicting parties, the actions and interventions carried out by INSEC at community level was mostly unhindered. In fact, representatives from both Maoists and the state security approached the organization to intervene when their rights were in jeopardy. The second reason behind taking initiatives in this direction, briefly put, was for assuring the people in rural areas their right to better livelihood. Before the first agreement between the seven party

alliance and the Maoists, very few I/NGOs were operating in the rural areas at the time when people needed the basic service deliveries the most. People had started expecting that INSEC start acting on facilitating the fulfillment of their basic needs and services. It was clearly expressed by people, especially in the Mid and Far western regions, during the monitoring and evaluation visits. The people would say, "We are aware of our rights (civil and political), but what we need now is food, work and livelihood". Due to such developments, INSEC realized that it was high time that it starts lobby, advocating and facilitating the economic, social and cultural rights of people, especially the victims of armed conflict.

From past experiences, it has been realized that for organizing the voices of people and making their demands heard by local governments and other stakeholders, it is important to build networks at VDC and district level. The concept of forming VDC and district level coordination committees has taken better shape during this project period. During a time when the government structures are almost non-existent, these coordination committees, comprising of representatives from community organizations, have been playing influential roles in taking lead for promoting people's participation in development efforts.

The most recent endeavor by INSEC in the peace building sector is the Campaign for Peace Building that has been started from 1 September 2006 in the five districts namely Bardiya, Surkhet, Dailekh, Achham and Dadeldhura. It is a twenty months

project directly implemented by the Far-western region office at Dhangadhi. The immediate objective of the project is to promote and strengthen collective engagement of civil society actors and political forces to create an enabling environment in which people live without fear and are able to take part in decisions and processes that affect their lives. At the district level the project seeks to engage political actors and local CBO/CSO alliances/networks and professional organizations constructively for conflict management and at the local level it seeks to enhance the capabilities of the community people to lead in peace building initiatives, with special focus on rehabilitation and reconciliation.

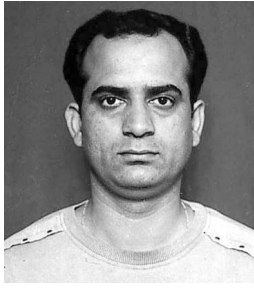
4. Conclusion

The first round of peace initiatives undertaken by INSEC during 2003-2004, concentrated on protecting the lives of innocent people during the armed conflict. The target areas selected were the ones where people were severely victimized by the conflict. The core strategy taken was empowerment and organization of the victims for protection of their own fundamental rights through formal and informal dialoguing with the conflicting parties. Among many, it can unquestionably be said that the key achievement during this period was the significant increase in the confidence level of the conflict victims in terms of their capacity and willingness to deal with the conflicting parties. The second round of peace initiatives undertaken roughly from mid 2004 to end of 2005 took a step further and attempted to mobilize the commu-

nity organizations, networks and alliances and the local people in addition to the direct conflict victims. The other important development was that in addition to the empowerment efforts, this phase tried to focus more on rehabilitation in terms of both mental state of the victims and physical infrastructures. Again, in this stage of intervention notable achievements were made whereby the beneficiaries were able to make their voices loud, clear and better organized. The other important achievement during this period was that the community people took concrete initiatives for making the service delivery structures and mechanisms accountable to their needs. Bringing tangible changes in the livelihood of the community people, especially those affected by both long-term structural violence and the violence due to armed conflict, was the area that got more attention in the most recent phase of INSEC peace initiatives. The strategy adopted for achieving this was, again, the Human Rights based approach, which in essence, was making grassroots person aware on their rights and capable of asserting them. One of the most outstanding achievements of the most recent phase has been the fact that people are more organized and starting innovative development efforts in a situation where the government structures and mechanisms are non-functioning. In this way, as envisaged by these later projects, with increased confidence, the local communities are starting to get proactively involved for their own welfare and demanding the state to respect their civil and political rights.



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Debendra Prasad Adhikari

Protection of Civil and Political Rights: Backbone of Conflict Transformation

While disseminating awareness on civil and political rights at local level, we widely discussed on the right-based approach by adjusting it in our daily routine. This has resulted in the development practice to link every aspect through eye of Right-Based Approach (RBA) within ourselves and devoting our energy to make common people proficient on this campaign.

1. Background

On December 16, 1966, United Nations General Assembly adopted the International Covenant on Civil and Political Rights. After the adoption, it was opened for the signature, ratification and accession by countries. Nepal has ratified the covenant on May 14, 1991. Since then Nepal has been adjusting these rights in its constitution for creating favorable environment for citizen to enjoy the rights. The rights have been greatly acknowledged in the interim constitution as well. In the absence of clear vision, spreading fear and disintegration policy of the government, it has ignored the rule of law and human rights, which helped to escalate caste based discrimination, social disintegration, persistent of inequality, conflict and violence.

While disseminating aware-

ness on civil and political rights at local level, we widely discussed on the right-based approach by adjusting it in our daily routine. This has resulted in the development practice to link every aspect through eye of Right-Based Approach (RBA) within ourselves and devoting our energy to make common people proficient on this campaign. Choosing destination based on RBA will help person to become strong and energetic so as to maintain the dignity of family members, make community more aware towards their rights and state more responsible towards its deeds to its people. In spite of this, in some situation when individuals forget their roles, incapability of families for common efforts, lack of adequate focus of society on its responsibilities and state become brutal by avoiding its responsibilities toward its citizen has created undesirable conflict in

the individual, family, society, state and in the whole world.

Discussion between the developed, least developed and developing countries in the world is based on environment created by the RBA. These discussions in some cases are logically concluded while some others are not ended with logical conclusion, resulted in the countries to survive in swamp of conflict. Competitive multiparty democratic ruling system, civil freedom, fundamental rights, human rights, voting rights, periodic election, full press freedom, independent judiciary and rule of law approach and commitment on the democratic values and norms have been universally accepted. The core of these subject matters is the guarantee of respect and full implementation of the civil and political rights. Furthermore, level of protection of these rights will decide the favorability of level in

the conflict transformation process. If conflict treated positively and presented creatively, it is likely to create peaceful environment and while presented violently, it turns into individual, social and political violence resulting society in unrest.

2. Some Issues Concerning Protection of Political and Civil Rights

2.1. Right to Self-determination

It is individual's right to decide whether to be ruled by others or by himself. It includes rights of individuals for conscience, participation and decision on the issues like self freedom, dignity, geographical boundary and one's traditional and, cultural norms and values. This right will make them capable to rule themselves making them able to mobilize with their own individual policy. Nepali citizens are now demanding federal democratic state mechanism with the guarantee of right to self-determination. All have to think on the accepted and logical provisions of rights to self-determination on their area and territory. There are also arguments made that it will increase the line of caste and regional division. There is no logic to hurt dignity of any community and class by forwarding potentiality of state partition.

2.2 Right to Life

Right to life is taken as the first right of the people. No one should feel insecure because of his/her caste, religion and gender or political principles. Right to life of person and community should not be violated based on the race and residents of specific geography. While discussing in civil and

political rights, it is generally understood that there is guarantee of ones' political and social right if there is creation of situation where one will not die from bullet. All should understand the definition and seriousness of people's right to life because it is also violation of right to life when people die without sufficient food and cloths. Life is precious; the state should protect the life of each citizen.

2.3 Right to Freedom from Torture and Inhuman or Cruel Treatment

It is guaranteed that no citizen should be tortured and inhu-

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manly treated for any reason. Due to the very weak implementation of law, citizens in past were tortured and inhumanly treated without any reason. No changes have been brought in the treatment procedure of law implementing agencies as per the need of time and due to the biased psychology. Due to the presence of impunity, persons in law enforcing agencies have developed a trend to take law in their hands. Several detainees of faith have faced torture which resulted to deaths even.

2.4. Right to Liberty and Security

Person has right to live in freedom without any pressure and stress and state is responsible to protect its citizen right to live in freedom and security. Every people, family and community has expected free and independent environment according to the progress they want. As all love the freedom, it provides one an environment to bloom and to remain happy. State should protect the right of its citizen to live independently. People in Nepal were forced to live in a situation where they are not free and independent to live their life according to their wish.

2.5 Right against Inhuman Treatment at Custody

There is a legal provision that any person and organization can be charged and taken in custody for the investigation, but there should not be any inhuman behavior with him/her. He/she should be humanly treated during custody, with special care on his food, clothing and sanitation. S/he should enjoy the service as of common people. S/he should be treated as other common people while under custody. But there is lack of implementation of these provisions. There are some cases explored that some people have been disappeared and killed during the custody. Implementation of rule of law is very difficult where state has violated the rules and laws and international values.

2. 6 Freedom from Slavery

Article 8 of the Covenant states that -no one shall be held in slavery and servitude. It further

explains- as no one shall be required to perform forced or bonded labor, slaves and servant. Person involving in such activity will be legally punished if s/he forces other to become slave without any wages and without the person's consent. In some districts of mid and far western regions, the bonded labors are already freed but the practice of keeping them in work is continued in another form.

2.7 Right to Movement and Right to Select Residence

Every one has right to go and visit the place, region and area he/she wants. In some situation, citizens are restricted in their movement in spite of the provision of these rights. This is violation of the inborn right of people. Due to the internal and external conflict in the place, person and community may face hurdles in enjoying of right to movement freely and fearlessly from one place to another. So all people person have right to move according to their self interest and select the place for residence, which should be protected and promoted by state. During the conflict in Nepal, some peoples are restricted for movement by limiting them in the district by issuing the official letter to close the mobility and even now after the signature in the CPA there is improper implementation of right of the persons to return in their residence respectfully.

2.8 Right against the Condition of Expulsion

No citizen should be excluded based on his/her representation of any caste, religion and community, and s/he should not be prohibited and excluded in

public places and events due to his caste, religion and communal background. In the eye of law s/he is a citizen and according to law all citizens are equal and no one should be discriminated based upon the region and race. Society can not exclude the person after completion of his punishment of any crime that he has committed at past. No one can exclude anyone based on any reason, and the guilty of such exclusion are liable of the legal punishment.

2.9 Right to Fair Trial

Citizen has right to enjoy the fair trials against any criminal and legal charges under any criminal and illegal activities. Person and communities sometime can face different charges under some pressure and prejudice. These rights can be in shadow in the situation where political environment is damaged and democratic ruling system is in endangered. These rights should be protected and promoted by the state as its responsibilities.

2.10 Protection from Retrospective Criminal Law

No legal punishment should be given to any person by forming retrospective laws. The treatment process should be forwarded based on the contemporary legal provisions if some one goes against the law, but legal treatment forming law based on illegal activities committed in past at future is not entertained.

2.11 Right to be recognized as an Independent Person before Law

Every one has right to be recognized as independent person in front of law. There is no compul-

sions to be recognized from others name and identity before law. All people have their own independent identity and s/he can be recognized from this identity alone.

2.12 Right to Privacy

Every citizen has right to privacy. S/he can utilize this right if s/he analyzes some issues and matters to be held confidentially or privately. So it is illegal to find the information forcefully which are kept by others using the privacy right. One can keep the information privately which will harm individually, according to law. So that no one can violate one's right to privacy.

2.13 Freedom of Religion, Faith and Conscience

Citizen has right to follow the religion s/he wants and to have faith on any religion, right to follow the traditions according to the own perception and social context. No intervention should be created from no one on individuals and community for merely having the faith on any religion and residence of certain geography. This exemplifies the violation of right of citizen to have faith on religion and religion freedom of community. State can not advocate being biased for specific religion. In this regard state should be secular and give equal due respect to all religions.

2.14 Freedom of Expression and Assembly

Each person has freedom of expression and thought and right to express and disseminate one's opinion freely. One can use both print and electronic medium while disseminating one's opinion. If

effectively utilized, the media will have positive impact on people. As it is the essential element of democratic system, it can be headed accordingly. Conflict supposes to be self minimized in case of the maintenance of freedom of expression and thought.

2.15 Prohibition on Publicity of War and, National, Communal and Religious Hatred

Publicity of war and national, caste based and religious hatred to achieve any goal, is prohibited so as to maintain social and religious harmony. People have right to rebellion but, they will be penalized if they go against state's rules, laws and constitution. So no one should publicize war. There is no record of good war and bad peace in the world history. Prohibition is made to any kind of publicity which will create the communal and religious disharmony and destruction between the person and community living in a peace and harmony. There should be no publicity of religion in any reason and no comparison is likely to make among the religions that one is better than others.

2.16 Freedom to Participate and Organize Public Program, and Assembly

Any person or community can organize public programs and assemblies to put their view in front of people. State usually declares certain locations to organize such programs in order to protect people and community right. To participate in such programs organized by any person or community is their right. Restriction over such programs and assem-

blies will cause violation to rule of law.

2.17. Freedom of Organization

People have right to establish institutions and organizations for protecting and promoting their rights and can organize the peaceful means through those organization to put forward their demands for fulfilling objectives. Organizations can be formed either with political objectives or for non-political including social, cultural and religious. It is people's right to operate activities without any hurdles by establishing organizations for achieving objectives.

2.18 Freedom for Marriage and Start Family

Each individual has right to marry after crossing certain age defining by law and live a family life. In country like us, family arranges marriages and no tradition to choose the person s/he likes for marriage by purposing after reaching the marriageable age. We have very less cases of such practices. To encourage this tradition, the discussion is required on the level education status of country and subject matters which directly affect them, and take them in the direction of implementation.

2.19 Child Rights

Each child has right to get love and care from the family and appropriate educational environment after their birth. Each child has right to education, play and mobility. They should be kept far away from any incidents of violence. Children are very sensitive

so they should be treated specially keeping in mind about the sensitivity. Children should not be engaged in harsh job/labor. Legally, child labor is banned. Person and community involved in the use and exploitation of child labor are excluded from society. No child should be made to engage in the household chores and should provide them opportunity to provide formal and quality education to them. It will support the slogan that children are pillar of country for future and society will move forward. It is their right to establish school as zone of peace and provide fearless environment at school.

2.20 Political Rights

As human beings are sensitive, they have their different views and opinions. It is one's right to accept the philosophy which s/he thinks the greatest and involve in the organization or party which follows that philosophy. It is the responsibility of state to protect rights of those persons. If state does not protect his right to put his opinion, s/he can forward his vote against the state and can revolt if necessary. According to the provisions made in constitution, each country holds a periodic elections and each citizen has right to participate in those elections either by affiliation with parties or organizations as per the faith or without having any affiliation. For the protection of right, state should provide honor and security to its citizen. If state does not guarantee the citizen's right to participate in country, it will naturally support the conflict.

2.21 Equal before Law

All citizens are equal before law. Government should not create situation for different legal treatment and system on the basis of different classes i.e. rich and poor. This type of feelings can be realized in justice systems of least developed countries. Failing to manage this in time will result into negative thinking towards the justice system. In Nepal, all people are equal before law. There had been no more comments on decisions of justice system in past with regards to law proceedings.

2.22 Right of Minority

Some sections of the population in community represent minority groups. Community and caste in the majority always exploit the minor community and they are not provided access in the state operating mechanism. State should be sensitive for protecting their rights. In the context of Nepal, rights of minority communities such as *Rautes*, *Chepangs* and *Hayu* should be guaranteed by state. It will play an important role if such groups participate in the policy making level of country in protection of their rights.

3. Conflict Transformation as a Whole

All citizens are equal as far as rights are concerned. Right to live is regarded as the important right and people always remain in the conflicting state for its protection. For this social movement initiated by state depends upon the process of conflict transformation. Role of state toward social movement either positive or not will

finally decide the issues related to conflict transformation. Civil society can also play vital role in conflict transformation. Citizens can be empowered and hopeful for their civil and political rights, get power with positive thinking, trust on participatory democratic practice, coordinative working policy and can cleverly move for democracy, if civil society plays an effective role. There will also be the creation of environment where target is achieved from peaceful movement, think being realistic for social transformation, celebrates in victory of all, trust on citizens' decision and encourages for peaceful means of changes. For conflict transformation, dissatisfied groups have to create awareness among people and make them able to understand the necessity of change. Those who want change should create awareness, educate people and involve themselves for the desired changes with people. Similarly they have to involve in the peaceful campaign against injustice at community level. People and organizations should carry movement to the policy level so as to bring changes in policy and law as per the need of time. Doing this, conflict transformation will be completed and there will be peace in society through conflict transformation.

4. Conclusion

Powerful countries and armed groups are engaged in creating a state of fear in world so as to divide the world by weakening human rights situation. Till date in world, citizens participated in war are either for protection of political

or of civil rights. In order to prevent war and secure their rights, their rights should be protected. Trend of deaths in the wars of world proves that majority of innocent citizens who were not directly involved in the war used to lose their life. Citizens can move with peaceful activities if they feel they are politically independent and convinced that they are not in any pressure and being ruled by any autocratic ruler. If there would be creation of any disagreements and situation of conflict, individual and groups in the community will seek solutions through dialogues. This way, people will understand the existing resources with state and demands. Absence of dialogues creates misunderstanding between the state and its citizen, which is an obstacle to conflict resolution. This situation will obviously lead country to long term swamp of conflict. So that state should protect the political and civil rights of its citizen as recognized by UN conventions and Nepal being ally after signature on it, and provide opportunity to bloom the flowers of social justice and peace in full democratic environment.

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Social Justice Movement for Sustainable Peace



Prem Prasad Dawadi

Social Justice reflects the general rejection of discrimination based on distinctions between class, gender, ethnicity, culture, region, religion, age, health and physical disability.

1. Concept of Social Justice

Social justice refers to the concept of a just society, where 'justice' refers to more than just the administration of laws. It is based on the idea of a society which gives individuals and groups fair treatment and a just share of the benefits of society. Different proponents of social justice have developed different interpretations of what constitutes *fair treatment* and a *just share*, can also mean distribution of advantages and disadvantages within a society. Social justice features as an apolitical philosophical concept in much of John Rawls' writing. Some of the tenets of social justice, sometimes renamed civil justice, have been adopted by those who lie on the left or centre-left of the political spectrum e.g. socialists and social democrats. Social justice is also a concept that some use to describe the movement towards a socially just world. In this context, social justice is based on the concepts of *human rights* and *equality*.

The term '*social justice*' was

coined by the Jesuit Luigi Taparelli in the 1840s, based on the teachings of Thomas Aquinas. He wrote extensively in his journal *Civiltà Cattolica*, engaging both capitalist and socialist theories from a natural viewpoint. Social justice is personal virtue; society can be just only if individuals are just as said by Pope Pius XI. According to Pope Benedict XVI's, social justice is the central concern of politics, which has charity as its central social concern. The laity has the specific responsibility of pursuing social justice in civil society.

Social Justice reflects the general rejection of discrimination based on distinctions between class, gender, ethnicity, culture, region, religion, age, health and physical disability. Therefore, it can be defined as the principle that all persons are entitled to 'basic human needs', regardless of 'superficial differences such as economic disparity, class, gender, race, ethnicity, citizenship, religion, age, sexual orientation, disability, or health'. This includes

'the eradication of poverty and illiteracy, the establishment of sound environmental policy, and equality of opportunity for healthy personal and social development'.

The political philosopher John Rawls in 'A Theory of Justice (1971)' proposed, "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others." His views are definitively restated in Political Liberalism (1993), where society is seen, "as a fair system of co-operation over time, from one generation to the next."

All societies have a basic structure of social, economic, and political institutions, both formal and informal. This applies to one person representing a small group as equally as it does to national governments which are the ultimate trustees, holding representative powers for the benefit of all citizens within their territorial

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Therefore, social justice
is not a charity but
rights of those who are
deprived of their legiti-
mate rights. By this,
Rawls seems to be advo-
cating for the deprived
and marginalized. The
justice of fairness is
about choosing some-
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boundaries, and if governments fail to provide for the welfare of their citizens, are not legitimate. To emphasize the general principle that justice should rise from the people and not be dictated by the law-making powers of governments, Rawls asserted that, "There is a general presumption against imposing legal and other restrictions without sufficient reason. But this presumption creates no special priority for any particular liberty." Rawls listed freedom of thought; liberty of conscience as it affects social relationships on the grounds of religion, philosophy, and morality; political liberties (e.g. representative democratic institutions, freedom of speech and the press, and freedom of assembly); freedom of association; freedoms necessary for the liberty and integrity of the person (viz: freedom from slavery, freedom of movement and a reasonable degree of freedom to choose one's occupation); and rights and liberties covered by the rule of law as basic liberties.

2. Social Justice Movements

There are number of movements based on 'social justice that reflects the way in which human rights are manifested in the everyday lives of people at every level of society'. These movements are working towards the realization of a world where all members of a society, regardless of background, have basic human rights and an equal opportunity to access the benefits of their society. However, a desire for social justice is not enough. Practical mechanisms, in particular related to economics, are necessary. Binary economics states that it is the expression of a new universal paradigm or new

understanding of reality that creates a new economics; a new politics; a new justice and a new morality.

The term 'social justice is a relatively a new concept in the rights theories and discourses since its creeping into use from 1850. The philosophers have not paid serious attention to this concern. The attention was drawn towards this concern only after publication of a book 'Theory of Justice' by an American Philosopher Johan Rawls in 1971. Rawls states that justice is the first virtue of social institutions. He further stressed that it is about giving people what is due to them, but not what it would be nice to have for them, not even what it would be morally good to give them. Therefore, social justice is not a charity but rights of those who are deprived of their legitimate rights. By this, Rawls seems to be advocating for the deprived and marginalized. The justice of fairness is about choosing something being given ignorance, or without knowing what exactly is. According to Rawls, people have capacity to frame, revise and pursue a conception of good, and these are primary goods: liberties, opportunities, powers, income, wealth and self respect. Rawls says society is fair scheme of cooperation between free and equal citizens.

Ideas about 'fairness' and 'social justice' are rooted in values. As argued by Amartya Sen everybody today believes in equality of something i.e. 'equal rights before the law', 'equal civil liberties', 'equality of opportunity' etc. Similarly, many people would accept that not all inequalities are unjust. Inequality in income is an inevitable product of any function-

ing market economy, though there are questions about the justifiable extent of income inequality.

From human development perspective, there is a range of mutually reinforcing intrinsic and instrumental reasons why inequality matters. These can be broadly stated by the following five categories.

Social Justice and Morality: This views that there are limits to tolerable deprivation is fundamental to most societies and value systems. It was the Adam Smith who elaborated the idea of relative poverty and argued that all members of the society should have an income sufficient to enable them to appear in public 'without shame'.

Putting the Poor First: Economics itself provides strong arguments for redistribution. Many people including democratically elected governments accept in principle that more importance should be given to improvements in the well-being of poor and disadvantaged than to the rich and highly privileged.

Growth and Efficiency: Extreme inequality is not just bad for poverty reduction but also bad for growth. Long-run efficiency and greater equity can be complementary. Poor people remain poor partly because they cannot borrow against future earnings to invest in production, the education for their children and assets to reduce their vulnerability. Insecure land rights and limited access to justice can create further barriers to investment.

Political Legitimacy: Extreme inequalities also weaken political

legitimacy and corrode institutions. Inequalities in income and human capabilities often reflect inequalities in political power. Disadvantaged groups viz poor, women, rural populations, oppressed castes and indigenous communities are disadvantaged partly because they have a weak political voice, because they are disadvantaged. Where political institutions are seen as vehicles for perpetuating unjust inequalities or advancing the interests of elites that undermines the development of democracy and creates conditions for state breakdown.

Public Policy Goals: Most societies see reducing poverty and removing unjust inequalities as important goals for public policy. Extreme disparities undermine the pursuit of these goals. Extreme inequalities in income limit the rate at which growth can be converted into lower levels of poverty. Similarly, extreme disparities in health and education reduce the scope of disadvantaged groups to take advantage of opportunities for improving welfare.

There are many different conceptions of social justice, and their supporters often engage in debates regarding the true form of a just society. However, there are also a number of critics of social justice - that is, people who believe that there is no such thing as a just society.

3. Nepali Societal Structure in the Context of Social Justice

Human society, by virtue of it, is dynamic. The dynamics of human society is shaped and affected by its political, social, economic and cultural structures, and

processes. Restructuring and equitable redistribution of these structures and existing power relations has considered the first footstep of achieving the egalitarian societal structure. Unless there is fair justice, freedom is impossible, without justice and freedom, peace cannot be established and sustained. Therefore, social justice do regard as the doorstep of equality, development, democracy, access to basic services and facilities and prosperity. Social justice is thus a medium for identifying the poor, disadvantaged groups, ethnic minorities, speakers of mother tongue, regions and marginalized communities and uplifting them. Among the various poverty reduction strategies, social justice prerequisites conditions for poverty alleviation. Those deprived from basic service and facilities, excluded from political and development mainstream are poor and helpless, and living desperate life. They are over exploited, oppressed, unfairly treated and trapped in vicious circle of poverty and deprivation. They are also undervalued and discarded. The sole reason behind this is due to social and political structure and institutions, unfair power relations and processes, not due to individual, but community and country. Here, without radical change in exiting the political, social and economic structures and processes, equality would be mere dream and unless equality is achieved, service, facilities and development will go in vain.

Discrimination based on class, caste, gender, region, religion and language, and political, social, economic and cultural disparities are both causes and effects of the various conflicts. These are the barriers of sustainable peace

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too. Even though, political cause is surfaced in the context of social transformation movement, existing discriminations and disparities have been perpetuating inequalities and fuelling the conflicts. Hence, radical transformation in existing power relations and structures and processes is deemed necessary. This urges the institutionalization of inclusive model of pro-people democratic system in the present context of Nepal.

In underdeveloped and developing societies, social justice is not possible without radical change in unequal power relations and structures that are perpetuating the inequalities. road to social justice can be widened through restructuring, disintegrating and radical changes in existing power relations, progressive political vision and leadership which ultimately leads to sustainable peace.

Diversity and plurality are the characteristics of Nepali Society. This diversity poses both opportunity and threat for the progressive political, social, economic and cultural transformation of our society. The existing socio-economic discriminations and unfair treatments owing to this have been threatening social harmony of our societies, and social and economic diversities pose as the opportunities. In our societal contexts, class, caste, ethnicity, sex, religion, language and culture are expressed in the form of socio-cultural discriminations. The causes and effects of the socio-economic disparities evolved in Nepali societies can be summarized as:

- Feudal landownership and relation: evolution of classes and class struggle
- Hindu orthodox hierarchy: evolution of caste system and

caste discrimination

- Patriarchal structures: evolution of gender discrimination and exploitation
- Modernization and urbanization: evolution rural-urban and regional disparity and development disparities
- Economic liberalization: evolution of violation of rights
- Religious politics: evolution of religious and cultural discriminations

Despite its diverse characteristics, Nepali society is based on Hindu Hierarchical Caste Based System. The system has mastered over the other castes, religion, language and culture. As a result of this, some groups have been systematically excluded from mainstream of governance and Nepali society in general. *Dalit*, indigenous and ethnic groups are excluded and marginalized than ruling castes i.e. *Brahmin*, *Chhetri* and *Newar*. Due to patriarchal Hindu society, women are excluded and marginalized than men. While extent of gender discrimination among so called elite Brahmin-Chhetri and oppressed *dalit* castes is more severe than in indigenous and ethnic groups. The gap between haves and have-nots has been in increasing trend.

Owing to centralized, totalitarian monarchical governance system, rural areas in comparison to urban ones, headquarter and market areas, hill in comparison to Terai, west in comparison to east and Karnali and far-western region in comparison to Kathmandu is deprived and excluded in mainstream state structures. In terms of gender, girls are relatively deprived and excluded in comparison to boys in

schooling. Children and aged people in comparison to young adults are deprived and excluded. The physically disables are ignored than physically fit and strong. As of results of these disparities and discriminations, access and availability to services, facilities and development efforts of those deprived and excluded are unequal. The politics of a country is guided and affected by its socio-economic structures and governing system of the society. In fact, the Nepali society is mastered and guided by discriminatory structures, institutions and processes which are facing disparities and injustices. It means political system of Nepal is highly centralized, totalitarian and feudalistic.

4. Social Justice Movements in Nepal

By virtue, human society is dynamic and transformation of existing Nepali unjust society is also inevitable. However, it won't be shaped in desired form and design accepting its plurality and diversity. The progressive transformation of Nepali society has been halting by existing orthodox structures, sluggish nature of political leadership. Now, Nepali society is traversing at the juncture of forward looking transformative verses sluggish status quo paradigm. It has been facing the trouble for moving forward looking direction. On the one hand, continuous efforts through civil and political movements have been making to move the society forward by removing systematically all discriminatory structures, process and practices, establishing egalitarian society, guaranteeing respect of all kinds of human

rights, attaining social justice and ultimately for establishing the sustainable peace. On the other, counter efforts have been playing the role of maintaining status quo.

A number of civil and political movements and campaigns with the principle of social justice have been operating for transforming the existing inequitable, discriminatory and injustice society into progressive direction. However, the movements and campaigns are not effectively intervened. Exploitation, oppression and discriminations are still rampant. Policies, plans and movements based upon human rights could not be developed and those formed have also not effectively been implemented for attaining social justice. The impacts of human rights based political, social, economic and cultural transformation initiatives and policies, plans and movements are insufficient. The orthodox and paradigm of status quo politics, improved policies, plan and practices, lack of visionary and transformative politics and poor level and interest based civil society interventions are the primary barriers in roadmap of rapid transformation of society in forward looking direction and attaining social justice. Similarly, higher dependency in external resource and foreign interests, lack of social movement based policies, institutions and processes, controlled, interfered and improved social movement and discouraging genuine movements, unfavorable class, ethnic, regional, gender and cultural structures are creating barriers to movement of social justice in Nepal.

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The orthodox and paradigm of status quo politics, improved policies, plan and practices, lack of visionary and transformative politics and poor level and interest based civil society interventions are the primary barriers in roadmap of rapid transformation of society in forward looking direction and attaining social justice.

Interventions <ul style="list-style-type: none"> ■ Social Inclusion ■ Positive discrimination ■ Equity ■ Empowerment 	Equality and Non discrimination <ul style="list-style-type: none"> ■ Equal access to physical assests, natural sources, technologies & market & capital ■ Responsible governements 	Fulfilment of Human Rights <ul style="list-style-type: none"> ■ Identity ■ Participation ■ Security ■ Respect ■ Protection ■ Fulfilment 	Social Sustice <ul style="list-style-type: none"> ■ Progressive redistribution ■ Egalitarian Society ■ Rule of Law ■ Welfare ■ Elimination of all forms of discrimination 	Peace Building <ul style="list-style-type: none"> ■ Postive peace ■ Human secu-rity ■ Freedom ■ Wellbeing
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5. Attaining Social Justice and Building Sustainable Peace

Social justice can be achieved through positive discriminations, inclusion and empowerment of excluded and oppressed individuals, groups and communities based on class, gender, ethnicity, region, religion, language, culture, age, ideology and conditions. While analyzing from all sides, the situation is vicarious. The situation of social justice even exceeds our level of imagination. Poverty, deprivation, discriminations and inequalities are breeding seeds of conflicts, social malpractices and challenges to sustainable peace.

Equality can be achieved by means of equal access, proportional representation, progressive and people-centered institutions and processes. It demands positive discrimination, proportional representation in governance, inclusion and empowerment of oppressed, suppressed, deprived, and disadvantaged based on class, gender, region, religion, age, language and abilities owing to unequal conditions, situations, discriminations, policies, institutions and processes. Human right is guaranteed only through access to physical assets, natural resources, technologies, market, progressive, inclu-

sive and responsible governments.

Establishment of equitable society demands positive discrimination, inclusion and empowerment processes. This would be possible through progressive transformation of existing political, social, economic, cultural and administrative structures. It demands an effective political and social movement. The process of maintaining status quo of discriminations, situations and structures, the structural conflicts come out into the surface and change into different sorts of violence and armed conflicts. This will negatively affect the social harmony and peace.

6. Conclusion

We will never move forward and our status quo will not break out without equality through positive discriminations, inclusion and empowerment process and guaranteeing human rights and social justice through equality. Without ensuring human rights, social justice will not be attained and without social justice, issues concerning to freedom, prosperity and peace are not possible. It demands the social movements for human rights and social justice. We all should act upon to translate peace, social justice and

equality in practice. A movement of equality is required for social justice and a movement of social justice is needed for human security and sustainable peace.

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Structural Violence and the Peace Process



Geeta Gautam

One third of the two thousand million people in the developing countries are starving or suffering from malnutrition. Twenty-five percent of their children die before their fifth birthday. Less than ten percent of the 15 million children died due to not vaccinated against the six most common and dangerous children's diseases.

1. Background

The structural violence has become more destructive than the direct violence because more people have been killed with structural violence than direct one so far. Discussions about structural violence have started from 1970's. Hundreds of thousands people die every year due to structural violence, which is most prevalent in the developing and least developed countries. Many people are also facing mental and physical pain due to structural violence. Norwegian Professor Johan Galtung had raised the issue of structural violence for the first time in early 1970's. According to Galtung, absence of war is not the symptom of peace. For a peaceful society, it is necessary to resolve all the root causes of conflict prevalent in the society along with ending of violent conflict.

2. What is Structural Violence?

There are various forms of conflicts emanated from social backwardness, poverty, racial discrimination, gender inequality, cul-

tural and traditional backwardness and may others. In this situation, though people were not directly killed but their lives have been badly affected by the indirect violence which Johan Galtung has described as the structural violence. Not only this, many people are dying untimely due to the economic exploitation, lack of appropriate food, shelter and treatment. Similarly, violation of human rights and its impact is also escalating violence in the society. Galtung has described it as another form of violence. In his opinion, there is direct relation between the structural violence and direct violence. The structural violence will ultimately invite conflict which promotes domestic violence, racial violence, hatred, terrorism, suicide and war.

The explanation of the structural violence widened in the course of time. Petra Kelli in her first book in 1984 described the structural violence as "One third of the two thousand million people in the developing countries are starving or suffering from malnutrition. Twenty-five percent of their chil-

dren die before their fifth birthday. Less than ten percent of the 15 million children died due to not vaccinated against the six most common and dangerous children's diseases." There is a strong possibility of controlling or reducing such cases, however it has been failed to control because the policy makers in our society do not give enough attention to the structural violence.

James Gilligan, a Medical Anthropologist defines in his book "Violence: Reflections on a National Epidemic," about the structural violence as: "the increased rates of death and disability suffered by those who occupy the bottom rungs of society, as contrasted with the relatively lower death rates experienced by those who are above them." Gilligan largely describes these "excess deaths" as "non-natural" and attributes them to the stress, shame, discrimination and denigration that results from lower status. Therefore, until and unless improved in health condition they will not survive from their untimely death. "Existing discriminatory social structure is the main cause of

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structural violence and it will remain in the society unless the discriminatory social structures are not eliminated", states Debora Da Nahan and Dana Laiten in their book about the structural violence. We often see the structural violence when the people are deprived of political, legal, economic or cultural rights.

According to Galtung, structural violence is a problematic subject in itself and it is dangerous as well as in much extent it invites direct violence. Those, who were socially suppressed for centuries will turn into direct violence easily. Study conducted in various countries shows that chances of organized violence in economic crisis, disparity between poor and rich people, gender bias, racial discrimination, and social backwardness is high. Similarly, people of the countries where the violation of the human rights is in extreme level and the state tried to suppress the organized and peaceful efforts of the people by the use of police and army will be directed towards direct violence. To sum up, the prime factor of direct violence is structural discrimination and without addressing it, the society will not be free from violence. Commenting on the violent conflict of Nepal, Galtung once said, "The problem of Nepal is not the problem of one or two groups rather it is the social structure and passivity of the people, who feel that they were excluded, so the problem should be addressed after developing positive thought and with wide social and, economic programmes."

3. Structural Violence and Nepal

Nepal is one of the least developed countries of the world, which is lagged behind economically and socially. Despite being the

multi-lingual, multi-cultural and multi-religious, the country was the Hindu state before parliament which was restored after the successful April uprising of 2006 declared the state as a secular one. Due to discriminatory social structure, so called lower caste people were not incorporated in various mechanism of the state. Women were also suffering from social discrimination due to discriminatory practices based on Hindu religion. Due to lack of basic needs like education and health, women are suffering more than the men. Social backwardness, poverty, social discrimination, racial suppression, sexual oppression, lack of education, health and settlement are some of the major reasons for escalating violence in the country.

The changes that had taken place in the past especially after the successful people's movements of 1950 and 1990 were able to make some reforms in upper structure of the state in political level but failed to address the social and economic structure of the state. Despite political change, there has been no end of social, religious and economic discriminations of the country. This is not only the case; those who were in the ruling position also did not pay any attention to address the issue. According to government statistics, over 31 percent people are still under the poverty line. However the statistics of the non governmental organizations claim that the number could be much higher than the government one. There was existence of various social evils like poverty, illiteracy, unemployment and corruption. If we minutely analyze the socio, economic and cultural backwardness of our society, we find our social institutions more discriminative, exploitative and exclusive. Such a situation has created a huge gap in between the poor

and the rich in our country.

According to census of 2001, over one million people do not have shelter so far. The number of *Dalits* counts 13 percent, who are suffering from extreme exploitation, scarcity and poverty. Sixty-three percent children are suffering from malnutrition.. Fifty percent children are dying from various diseases. Similarly, fifty thousand three hundred and 65 people are compelled to live as internally displaced people within the country. The number of educated and semi educated unemployed people is also increasing. The country pushed to the direct violence after the Communist Party of Nepal (Maoists) started people's war from 1996. According to inseconline, a leading human rights news portal, 13 thousand three hundred and 47 people were killed during a decade long Maoist insurgency. Apart from the Maoist insurgency, the recent unrest in the *terai* region also pushed the country towards violence. There were no studies from any sector about the psychological impacts of such violent activities. The hatred and feeling of revenge developed from the extreme poverty, social backwardness, and discriminatory social structure of the country escalated direct violence. The injustice and suppression against women due to traditional practices and believes has also added to fuel in the fire. There has been discrimination based on the caste system in our country. Various forms of discrimination prevalent in the country since long time and some political forces belief on such discrimination could be resolved through armed conflict are the reasons to spread violence in the country.

It is no more to say that the discriminatory social structure is the main reason for the country passing through violence and the

political forces that believe in the violence are fueling the violence. The existing social structure based on the discrimination and exploitation has provided space for the violent politics. It is fruitless to imagine permanent peace in the country before radical steps towards changing of existing social structure of the country. If the existing social structures are not changed even we resolve the present form of violence, there will always be the chances of other forces to indulge in violent activities.

4. Structural Violence and Present Peace Process

Rather than using the ideological issues, Maoists had raised the issue of discriminatory system of the society and changes in it to expand their armed struggles in the past. Maoists have been able to expand their armed struggle by effectively raising these issues. Similarly, various armed groups of *terai* region are also making the social, economic and political issues of their community and region as their prime agendas. Our own social structure based on inequality is mainly responsible for beginning of the armed conflict and its expansion in the society.

It is not sufficient to bring the armed groups for talks and make them unarmed without eliminating the root causes of the armed conflict. There should be extensive work plan along with economic, social, cultural and political programmes and strong political will should be developed to implement such programmes. Permanent peace could not be achieved before initiating efforts to address the existing backwardness, exploitation and social discrimination especially in the rural parts of the country and changes in the existing state mechanism and structure are essential to resolve the violence permanently.

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From the experience of past one year, what we can say that the political parties are not serious about addressing the social and political issues raised by them before and during the people's movement. Similarly, the Maoists, who had raised the social and economic demands of the country during the time of conflict, had changed their priority and demands after joining the interim parliament and the government. Main concern is that the peace process through drastic changes in the social structure of the state should ensure proportional participation of all backward and suppressed communities in every state mechanism. Conducive environment should be created in which no Nepali could feel that h/she is deprived and excluded.

5. Structural Violence, Peace Process and INSEC Initiative

INSEC, which was established some 18 years ago to work in the field of Human Rights and Social Justice has been contributing for the protection of human rights and also had carried out some exemplary works in some campaigns against social discrimination. INSEC had started the campaign against *Kamaiya* system for the first time as a result, the state announced abolition of the *Kamaiya* system. Similarly, INSEC has been raising the voices in favour of the victims in the campaign against untouchability and also in discrimination against women.

When the country was passing through violent conflict, many governmental and non-governmental organizations working in the community level were forced to stop their activities due to the pressure from the Maoists and there was growth in the rights violation. In that situation INSEC had conducted campaign to collect people's

issues in 45 districts some six years back, when the insurgency was at the peak. INSEC had started Campaign for Peace to give some relief to the people affected from the armed conflict. INSEC has been implementing the programmes in eleven districts of Mid and Far Western Regions with the help of various donor agencies to make people aware about the economic, social, political and cultural rights and contribute for the sustainable development in the country. The programme also extended short-term and long-term assistance to the victims. INSEC has been making people aware about their rights through Human Rights Education Awareness Classes or through regular interactions with various groups and conflict victims. Various activities of the programme including the legal assistance to the victims, psychosocial treatment, rehabilitation of the displaced has been minimizing the possibility of rise in the violence in the society.

The programme, which has been able to raise the voices of the people at a time when people were unable to speak due to the internal armed conflict and has been able to prove that people's participation, is must for peace building and Human Rights. The programme has contributed to empower the local organizations to eliminate all forms of social discrimination and also imparted the knowledge of public advocacy to such organizations. Similarly, the programme has been able to increase the people's access to the basic service and facilities through alternative distribution mechanism and empowerment of the infrastructures at the local level. There is a need of pressurizing the government to reduce existing form of violence in the society by all the civil society in a united way for making a new Nepal.

6. Conclusion

Structural violence is the outcome of the prevailing inequality, poverty, exclusion and deprivation of basic human rights. Until and unless people's basic rights are not fulfilled and they are continuously excluded from decision making processes, one can not dream the end of violence in our society. As Johan has described the main root causes of the conflict of our country are social and economic, related to frustrated expectations that came with the advent of democracy, related to utter poverty that persists for a large percentage of the population, related to poor and inefficient delivery of social services in areas such as education and health, and related to inequality, exclusion and discrimination. In this context, restructuring of the nation is vital to prevent the country from the conflict in future. Elimination of social discrimination, poverty reduction, and equal access to the resources can change the future of the country positively.

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Deadlock in Nepali Peace Process



Rhusikesh Pandey

In the context of Nepal, the pre-condition for peace is assurance of human rights, equal access to service and development, elimination of all types of discrimination, responsible civic-political-administrative system and rule of law, and good governance.

1. Background

The political change after the success of April Movement in the year 2006, in Nepal broke the deadlock of peace talk between the state and the Communist Party of Nepal (CPN-M). After the bilateral ceasefire by Maoists and the Government of Nepal, Nepali people are experiencing some sort of relief. Nepali peace process achieved remarkable momentum through signing in peace agreement by both sides on November 21, 2006, resulted in to establishment of interim legislative-parliament, and promulgating interim constitution. Though Nepali peace process limited within the political negotiation and power sharing, Nepali people are trying to markdown the terrifying impacts of decade long armed conflict.

Numbers of violent conflicts in the world are resettled and transformed towards the peace. People of the world have gained the knowledge of human rights

and aware of their rights and importance of human rights. Nevertheless, human life is jeopardized in the vicious circle of problems. Millions of people in the world are suffering from injustice; and the unavoidable consequences of racial, gendered and, other discriminations. Violation of human rights could be observed throughout the world and mean time, quest for peace is continued with the hope of positive peace. Peace activists approach for peace that is essential to do so as to create better situation than that of present. The present day's positive peace ensures the security, identity, participation, recognition, and access to each of the citizen; which is the only demand of every conflict experienced in Nepal so far. These elements would be ensured in welfare state system where peace and democracy are the mechanisms for development. In this regards, it can be argued that some of the welfare states of the world i.e. Scandinavians countries (Finland,

Sweden, Denmark and Norway), Canada, New Zealand and alike could be perceived as the place of positive peace of the current time. And it is apparent that the activities and essence of stakeholders of peace building should be directed towards creating the welfare state. In the context of Nepal, the pre-condition for peace is assurance of human rights, equal access to service and development, elimination of all types of discrimination, responsible civic-political-administrative system, and rule of law and good governance.

2. Peace Building Concept

Peace making, peace keeping, and peace building are prevailing in the contemporary literatures of peace studies. The term 'peace making' refers to the act of making peace by intervening rebellions through military means and make them agree to come in negotiation. Similarly, the term 'peace keeping' is the task or act of monitoring the agreements

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through power. In the peace process, peace keeping compels to ensure that the negotiating parties are fully following the code of conducts and norms of peace agreements. In this stage, all parties observe each others' acts and try to build confidence and mutual trust. Apart from these two, the third terminology i.e. 'peace building' is the first step towards the positive peace. In peace building stage, causes of conflict, pains earlier to violent conflict as well as during the conflict and possible remedies are explored. Peace building is the continuing process and takes long time. All the tasks of rehabilitation, reconstruction, reconciliation, reparation, restructuring, and rebuilding are discussed under the concept of peace building. In this regards, Nepali peace process has not reached in the peace building stage since root causes of conflict are not searched. More importantly, ruptures of armed conflict are not explored; mechanisms to address the root cause of conflict as well as curing the ruptures; and strengthening reconciliation and reparation process are yet to be developed. The peace process is limited within the circle of compelling to follow the code of conducts, building the confidence and mutual understanding. Moreover, the peace agreement is limited only in political and power negotiation rather than addressing the socio-economic and political ills of the country. Counter streaming violence still exists in the country. It means Nepali peace process still is in peace keeping stage. Now, the collective effort of all political parties, civil societies, rights activists and of citizens' should be concentrated to make elections to constituent assembly a grand success.

3. Challenges of Peace Building in Nepal

In semi-feudal Nepali society, innocent people are becoming the puppet of local as well as state elites. The meanings of self-identity and recognition are at low profile. Fear of misleading the movements and disturbing social harmony by *Madhesh*, *Chure-Bhawar*, as well as *Limbuwan-Khumbuwan* movements in post conflict situation are the issues of great concern of general people. In the background of highly unequal distribution of productive resource in the country, assurance of economic right of every citizen is a big challenge for peace process. Similarly, in absence of identity and recognition of diversities of the multi-ethnic/cultural, linguistic, and religious country Nepal, participation and access to such diversities are dying out. Meantime, criminal acts of different groups are terrorizing the lives, of which bombing in public place and killing of innocent people in capital city on September 2, 2007 is the recent example. In this sense, security of the citizen is virtually endangered. Peoples' demand of *Jana Andolan - II* has not been fulfilled yet and monarchy system still prevails. Gyanendra Shah's speech on the occasion of democracy day, press release on the occasion of New Year, and birthday celebration as of statesmanship justifies this notion. Moreover, Government's respect to monarchy is not reduced. Perpetrators of human rights violations during April Movement of 2006 have not been punished. The suspended king's frequent effort to present himself as a statesmanship is the matter of big concern. It would be great

impasse in Nepali politics to neglect suspended king's acts and Nepali people would be compelled to face the cost of such negligence of political parties. It means king's optimism and political parties' hitherto stereotype characteristics are also big challenges in peace building process. The political parties still not intended to learn from their past mistakes and failing to build mutual understanding among democratic parties.

Government and major political parties of Nepal lacks clear vision and plan. They are driving directionless. They frequently discard their own commitments. CPN-Maoist party still bears war hangover and emotion. Political parties rush to cover the dead body with their flag if anyone is killed but never go to people until they are alive. The crime is already institutionalized in Nepal as of corruption. Both government and political parties, societies, all failing to recognize that criminals do not have any political ideology, religion, caste, gender, class, language, region, and giving such identity to any criminals means de-fertilizing the peace process. While utilizing own rights all must be aware of own responsibility of respecting others rights. However, such culture is virtually declined in Nepal. All must be aware that if Nepali diversities could not be managed well, it will bring serious crisis and post conflict violence would be more destructive and inhuman (Galtung 2000). Collective effort for peace is necessary, and prevailing culture of violence is the great challenge of Nepali peace process. Apart from

culture of violence, Nepali peace process has great challenge of transforming the security forces all, i.e. Nepali Army, Armed Police as well as Maoists' Peoples Liberation Army in new democratic system and in peace culture. There are the groups of armed personnel having skill of operating different arms and amenities. The transformation of Nepali Army that was grew up in different political system and the Peoples Liberation Army that fought for certain political ideology is very challenging task. If these skilled armies are not managed well and if any of the members of these groups come up with emotions, big incident like Royal Massacre and Nagarkot Massacre could come again. Easy access to small arms in different parts of the country is also challenging to peace building since it is accelerating the number of crimes in the country.

4. Conclusion

While approaching to positive peace, state does not seem to be competent towards ensuring security, identity, participation, recognition, and access of every citizen. For the execution of these elements, welfare state mechanism is most essential at this time. Assurances of human rights, good governance, rule of law, end of all kinds of discrimination are the issues which help transforming Nepali conflict to peace. In the process of peace building, the state is being gripped in many challenges. Without the mutual understanding and collective effort of eight political parties, civil society, right activists, as well as of each and every citizen of the country,

the peace process would not achieve remarkable momentum. All the efforts of concerned stakeholders of peace process at the time must be directed towards the grand success of constitutional assembly election in scheduled date. And the most of the discourse of the time e.g. monarchy, restructuring the state, assurance of all human rights for all for ever could be made as the means of institutionalizing the democracy. Now, the effort of the state must be headed towards peace and democracy for development that would address the root causes of all conflict and heal the ruptures of conflicts hence support post conflict reconstruction, reconciliation and reparation.

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Pratibedan Baidya

Economic, Social and Cultural Issues for Sustainable Peace

Leaders of the political parties have raised the issues of social and economic restructuring of the state during the people's movement. Maoists had gained popular support to take their movement 'to which they call people's war' into height by raising social, economic and the issues of inclusion. But rather than fulfilling the commitments, the leaders of the political parties are concentrating on sharing of portfolios and powers rather than paying attention to the people's issues.

Though the country is moving towards peace and stability after Maoists have joined the political mainstream, people still fear that the country might move towards another form of conflict. It is because the issues of inequality, social exclusion and minority's rights are yet to be addressed. Though people are getting relief from the fear that when they have to be caught into crossfire and killed either by the bullet of the government or the Maoists but there was no change on other issues. Leaders of the political parties have raised the issues of social and economic restructuring of the state during the people's movement. Maoists had gained popular support to take their movement 'to which they call people's war' into height by raising social, economic and the issues of inclusion. But rather than fulfilling the commitments, the leaders of the political parties are concentrating on sharing of portfolios and powers rather

than paying attention to the people's issues. So, there is a situation that people have to struggle even for fulfilling their small demands. Maoists are yet to leave their violent activities. They are yet to return the properties of the people captured during the armed conflict on charge of being royalists, feudal and so on. The Maoists, who used to create terror in the people by showing guns during the armed conflict, are creating terror in the people saying that they had weapons with them and they might return to the jungle at any time.

Though the elections of the constituent assembly slated for Mid-June this year have been shifted to Mid-November, the ruling eight political parties are concentrating only in the division of portfolios rather than working to hold the poll in a free and fair manner and addressing people's demands through the constituent assembly. The coalition government of eight political parties failed to introduce

any programme to give relief to people even after one year following the success of the *Jana Aandolan-II*. Maoists are continuing their acts as rebels even after they joined the competitive politics with their involvement in the interim parliament and the government. There are over forty people in the Maoist's captivity only in the Mid-Western Region and the Maoists are still continuing its terror in the name of Young Communist League (YCL).

The International convention on Economic, Social and Cultural Rights guarantees the rights to work for livelihood, appropriate working environment, right to be free from hunger, rights to property and equal access to the state resources but for most of the Nepali people these rights are just the nightmare. In one hand, the number of people under the poverty line is increasing and in the other hand the gap between the haves and have not is also widening. Due to extreme poverty and starvation,

some people of Karnali region were killed in July this year while consuming decayed food. People, who were suffering from starvation and poverty, snatched the decayed food of World Food Programme that was meant for destruction and consumed the food. Though the political parties have agreed for the federal structure of the state in line with the provision of the convention that states all the citizens should have equal access to state resources but the modality of the federalism is yet to be determined. None of the political parties are still clear about what type of federalism would be appropriate for Nepal, which has diverse culture and customs. They are also not taking the issue to the public through referendum. The Maoist's act of capturing the property of the people and also not to return the properties captured during the armed conflict had violated the provision of the convention regarding right to property.

The international convention under the social rights guarantees no discrimination for men and women in remuneration for equal works, rights of racial harmony in the society, rights of social security among others but the implementation part of these rights is not satisfactory. The Interim Constitution of the country had tried to include the rights of environment and health, education and cultural rights and rights to employment and social security as fundamental rights but the provision that these rights be 'as provided for in the law' makes these rights as only legal rights. The state is not obliged to fulfill these rights. For social security, there should be proportional representation of people of all caste region and sex in all the mechanism of the state but it is yet to be materialized in Nepali context. The political parties have failed to leave the old mindset by which there is no proportional representation in the interim parliament and the government. However political parties have agreed to reserve 50 percent seats for women in the proportional election of 240 seats in the elections to the constituent assembly. The political parties

have agreed to allocate 15.6 percent seats each for *Madhesi* men and women, 6.5 percent each for *Dalit* men and women, 8.9 percent seats for men and women of indigenous nationalities and two percent seats for men and women of backward communities. Similarly, 15.1 percent seats have been reserved for the men and women of other communities. The constituent assembly would be inclusive if the CA poll was held at the stipulated time and political parties fulfilled their commitment.

All citizens have right to take part in cultural life; enjoy the benefits of scientific progress and its applications and benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. After declaring the country as secular state, the interim parliament has provided space to all religion to flourish and also empowered individual to opt the religion they prefer. The issue of cultural identity of the minority group has been raised seriously and all the political parties have expressed their commitment in this regard.

The recent conflict of Madhesh has also emerged due to the poverty, unequal distribution of state resources and exclusion. In their forty points' demands submitted to then government before starting the decade long insurgency, Maoists had focused on the economic, social and cultural rights. The government's apathy to address those demands raised by the Maoists had resulted into the decade long insurgency that has claimed the lives of over 13,000 people and loss of properties worth millions of rupees. Leaders should be aware from the bitter past while leading the country towards peace and stability. Though the conflict could be resolved by holding talks with the agitating groups and convincing them but restoring permanent peace is not possible until the socio-economic demands of the people are addressed and all people feel that they are not excluded by the state. ●

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Bishnu Prasad Pokhrel

Local Issues and the Peace Process

Peace activists and human rights activists have been assuring the victims that justice would be given to the victims and the state of impunity would be resolved after formation of the TRC but the proposed TRC bill is facing criticism saying that it failed to incorporate effective provision for ending impunity.

Drona Bahadur Pariyar of Babaiyakhola area of Chinchu VDC in Surkhet District set ablaze the house of his neighbour Chabilal Pariyar at the daytime. Though the police had arrested him, locals forcefully released him from the police on the way to police post. Chabilal, who was compelled to be displaced from the village since 2001, just returned to his village on 29 April 2007. He has been repairing

the house at a time when Drona set ablaze his house. After the incident, Chabilal was not able to stay in the village and returned to Kohalpur of Banke district.

A group of army personnel of Bhimpali Barrack deployed at then Royal Bardiya National Park arrested Gangaram Oli, 28, Durga Bahadur Oli, 19 and Dalabir Pariyar, 25, of Geruwani village on 18 September 2002 while sleeping at their respective homes. The fam-

ily members of all three people were unaware about the whereabouts of their dear ones. Though, on the next day they heard from the Radio Nepal that three terrorists were killed in the nearby forest but the identity of the deceased people were not revealed. After receiving information of restoration of democracy, Deuram Oli, 55 visited various rights organizations to request them to find the whereabouts of his two sons but the whereabouts is yet to be known.

Drona Bahadur Pariyar is a brother of Dalabir Pariyar. Pariyar said that he had set ablaze the Chabilal's home with the hope of getting justice at a time when a team of rights activists were visiting the district as he had not been getting justice from anywhere for a long period. Two sons of Chabilal are working at the Armed Police Force and Civilian Police. All the residents of Geruwa village agreed that Chabilal's sons are involved in



the disappearance of three innocent civilians. Manu Singh Budha, who has been displaced from Humla to Surkhet since 2001 had visited all human rights organizations to request to help for his safe release to the village. He is the only person to receive five thousand rupees from District Administration Office as fair to return to his village. He could not be seen at Surkhet after he received assistance from the Administration Office. He started living as internally displaced person after Maoists buried his son alive in the district.

Maoists killed father of Tara Prasad Poudel, a resident of Bidhyapur VDC-4 in April 2002 on charge of spying. Tara Prasad knows the Maoists who had killed his father and has been asking the Maoists to furnish proof of his father being a spy. He is expecting compensation from the state and action against the culprit. Man Bahadur Darlami of Satakhani VDC-4, was arrested by the security forces on 3rd February 2002 but his whereabouts is yet to be known. His wife, Amrita Darlami, who is taking care of their two children, has been visiting various organizations in search of his husband. There was no hearing of the application filed by Amrita at the District Administration Office to find the whereabouts of her husband. Maoists had destroyed two legs of Nain Singh Pulami of Lekhgaun VDC-6 hitting by the stone, following dispute with the Maoists while he was returning from his farm. Pulami, who claims that he knows six persons who had attacked him, is yet to return

his village following the incident.

These are some issues. A large number of people, who had displaced to Surkhet district apart from the Jumla district, are yet to return to their villages. Such issues were yet to be addressed even after reinstatement of democracy in the country. Though the decade long insurgency ended formally after signing the comprehensive peace agreement but the govern-

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If we learn lesson from the past, the TRC should be made as judicial commission and the commission should be formed with the mandate of reaching to lower level, so that it should not face the fate faced by the previous commission and would be able to address the issue of revenge developed among people.

ment failed to address local problems created by the violent conflict, which has again created the environment for conflict. All the conflict hit people had expected that they will get relief following the restoration of the democracy and filed application at the District Administration Office at the request and help of various human

rights organizations but Chief District Officer of Surkhet Anil Kumar Pandey said that their effort will not be sufficient until an official body starts investigating these issues. Human Rights activists said that the government failed to address these issues with the principle of transitional justice. Most of the victims were unaware on what type of justice they are seeking for but they said that the government should fulfill their demand.

Truth and Reconciliation Commission will be the main entrance to address these issues. Peace activists and human rights activists have been assuring the victims that justice would be given to the victims and the state of impunity would be resolved after formation of the TRC but the proposed TRC bill is facing criticism saying that it failed to incorporate effective provision for ending impunity. History is the witness that various commissions formed in the country were limited merely in preparing the reports. At a time when analysts are saying that had the report of the Mallik Commission been implemented there should not be the state of impunity, the report of the Rayamajhi Commission had also faced another tragic end. If we learn lesson from the past, the TRC should be made as judicial commission and the commission should be formed with the mandate of reaching to lower level, so that it should not face the fate faced by the previous commission and would be able to address the issue of revenge developed among people. ●

Fighting for Rights

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During this time in the United States, he saw that information technology could make an important contribution to the education system in his village. He took computer classes, educated himself on how to refurbish and run computers, and learned emerging IT trends.
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The Article 19 of the universal declaration of human rights, 1948 asserts that everyone has the right to freedom of opinion and expression; this includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. The nation should adhere to the principle that 'the strongest is he who has information as information is knowledge and knowledge is power.' The government should initiate all measures so as to guarantee right to information to the people. Nonetheless **Mahabir Pun** has introduced the rural society with information and communication technology through wireless system.

Born in the mountainous region of Myagdi district, Pun was admitted with a partial scholarship to the University of Nebraska in 1989. He completed his education in 1996 with a degree in science education. He revisited his village when he returned to Nepal and realized that there was a critical need for sustainable educational institutions. Thus, he started Himanchal High School with a special focus on computer and income-generating programs. Mahabir returned to the University of Nebraska for a master's degree in educational administration, which he completed in December 2001. During this time in the United States, he saw that information technology



Mahabir Pun

could make an important contribution to the education system in his village. He took computer classes, educated himself on how to refurbish and run computers, and learned emerging IT trends. Since his return, Mahabir has been teaching his students and fellow teachers how to assemble and use computers to enhance their educational, social, and economic opportunities.

For his contribution in establishing internet through wireless technology from Myagdi districts' Nagi to over seven VDC's, he has been honored with Asia's '**Roman Magsaysay Award**' under the title '**Community Leadership**'. Before leaving for Philippines to receive the award, he spoke with **Laxman Datt Pant, editor of Informal** on August 6, 2007. He said, "I have plans to meet wireless technology to over seventeen mountainous districts of Karnali region and upon its success, Nepal shall rise towards the information superhighway and all Nepali shall enjoy the true value of information and communication rights."

Excerpts:

Informal: How would you share your experiences on receiving the Magsaysay Award?

Mahabir: I am dedicated towards my work and my dream to connect Nepal with the communication network. A lot is still left to be done and I feel I have been awarded too soon. So, more responsibilities have been laid. My efforts are for using technology to overcome the geographic isolation of many of the communities in Myagdi district. The efforts also include bringing computers and computer training to the classroom. What I believe is Web-based learning can benefit students and teachers, as well as attract volunteer doctors, teachers, students, and tourists, and provide a market for village products.

Informal: With what type of technological application have you established the communication network?

Mahabir: I consider this as the access to communication since

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It would be proper to use wireless and modern technology to establish communication network in hilly region the same way optical fiber has in the terai region. With the optimum utilization of both technologies, the rural areas shall benefit from information.



I have only brought the wireless technology from Pokhara to the village. An antenna has been established at Maharedanda, the main station of which is at Nadipur in Pokhara. This technology has facilitated citizens with telephone and internet and, it has further been applied for the purpose of education and development. Since our campaign is directed by our concept on communication for development the people's access to the information highway is vital to make them perceive participatory development. Our effort is to aware public on rights through the communication network. VSAT mobile being the cheapest technology, voice sending via wireless has been applied through its Voice Over Internet Protocol (VOIP).

Informal: How are the citizens utilizing this technology?

Mahabir: At the moment, over sixteen thousand people from Narchyang, Sikh, Ghar, Histan, Ramche, Lekphat, and Lumle villages of Myagdi have been facili-

tated with telephone and internet. Accessed to all, now internet and email is used to search for jobs and education abroad. The trading of local harvests and animals has been accessible through internet. The connectivity is changing those villages in Myagdi. Using the district's tele-teaching network, good teachers in one school now instruct students in others. Doctor less villagers are using Wi-Fi system to consult specialists in Pokhara. Village students surf the Net and are learning globe-savvy

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Using the district's tele-teaching network, good teachers in one school now instruct students in others.

Doctor less villagers are using Wi-Fi system to consult specialists in Pokhara.

Village students surf the Net and are learning globe-savvy skills.

skills. Villages are using the Web to e-market local products such as honey, teas, and jams and to draw paying trekkers to campsites. In parallel projects, villagers in Nangi have themselves added a library, a health clinic, and new classrooms for the high school.

Informal: Didn't the political agitation affect your campaign?

Mahabir: In the beginning, I had to take the support of my foreign associates since I was unaware on the technology. We established this technology in 2002 when the Maoist and government conflict was on the revolt. Although obtaining license for this type of technology was not a problem, the telephone cut down by the army proved it a challenge to precede the telephone campaign. The technical equipments were supported by foreign social services of America and Europe. The security personals didn't use to check on foreigners nor did the Maoists proved any hurdles; they only asked which technology it was. We were not questioned by the then Royal Nepali Army patrolling in our area as they were unaware on email and internet.

Informal: Are there any problems on the technology's application?

Mahabir: Experience being the key, we have applied a new but cheap technology. However due to the poor literacy level, problems on English language is evident in email and internet practice. On conditions of maximum utilization of information for education, these hurdles will vanish in future. The citizens can be aware on their rights if Nepali software is created

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Restrictions on communication policy needs to be curtailed. The government has no alternative but to legalize some of the communication technologies beneficial to the general public. For instance, use of VOIP (Voice Over Internet Protocol) although considered illegal is impossible to restrict.

Through communication, the public come to know about their rights and an acknowledged public can be aware on their duties. A sense of obligation towards the country is regarded as the foundation of peace and harmony.

and communication can be made easier through Nepali language and script.

Informal: What are your future plans?

Mahabir: I have plans to set wireless technology to over seventeen hilly districts of rural *Karnali* region. On success of the plan, Nepal will rise up the information network and every person will

attain information and communication in its true meaning for which this technology must be introduced at various places of the country. It would be proper to use wireless and modern technology to establish communication network in hilly region the same way optical fiber has in the *terai* region. With the optimum utilization of both technologies, the rural areas shall benefit from information.

Informal: What are your expectations upon the government for nationwide reach on what you said Information Superhighway?

Mahabir: Restrictions on communication policy needs to be curtailed. The government has no alternative but to legalize some of the communication technologies beneficial to the general public. For instance, use of VOIP (Voice Over Internet Protocol) although considered illegal is impossible to restrict. Growth of modern day communication medium that has emerged along with development of modern technology must be supported by establishment of legal procedures and facilities.

Informal: How shall your campaign on Information Superhighway assist in the peace process?

Mahabir: Introducing Information Superhighway to the citizens itself is a challenge. Through communication, the public come to know about their rights and an acknowledged public can be aware on their duties. A sense of obligation towards the country is regarded as the foundation of peace and harmony.

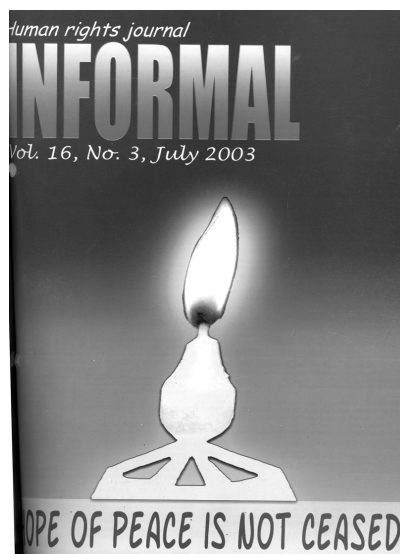


INSEC has always advocated for peaceful resolution of the political crisis. In its attempt to urge the concerned parties to solve the political crisis, INSEC has utilized its maximum resources. Among various media, INSEC publications have been a great medium in voicing people's desire for peace. Various articles in INSEC's publications Human Rights Yearbook, Informal and Prachi have contained issues on peace.

'Entangled Peace Process', the article published as the highlight of the year in the Human Rights Yearbook 2005 presented a close analysis of the two bouts of peace talks held between the Maoists and the then government. Giving a brief insight into Nepal's history of political crisis, the article focused on the political developments that took place after the Maoists launched their Peoples War. The article, written by Yogish Kharel, illustrated the efforts made by the then governments to solve the political conflict through dialogues and even steps taken to suppress the Maoists 'People's War.' The article provided details of the first dialogue between the government and the Maoists held on 31 August 2001 and the second dialogue on 27 April 2003 after announcement of ceasefire from both sides. In its assessment of the efforts for establishing peace in 2004, the article concluded 'Though the peace process stayed at the top in everyone's priority list, the actual process remained entangled in a labyrinth throughout the year'.

Informal, quarterly publication of INSEC in English, in its December issue, 2003 had articles on Peace along with its main issue on problems faced by Nepali

women. Subodh Raj Pyakurel and Bal Krishna Kattel, in their joint article 'Developing Options for Peace Negotiation', have analyzed the armed conflict in Nepal and its causes and, presented the possible alternatives for peace negotiation. They concluded that "the end of violence is not the end of conflict". In the article 'Efforts to Peace and Causes of Failure', Padma Devkota explained efforts to peace in Nepal



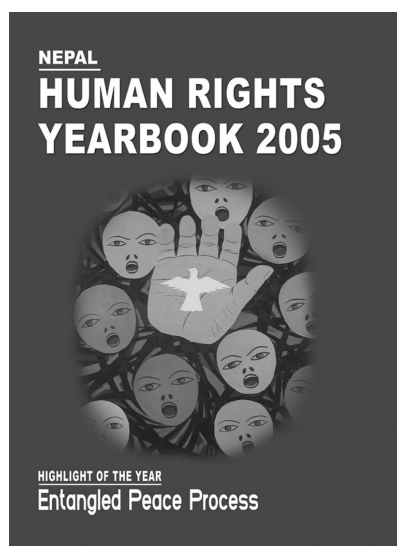
during the truce period and viewed that the very roles somehow contributed best to cause the break up of the truce agreement. Bal Krishna Kattel in his article 'Causes of truce recess' pointed out that 'Unless the parties at war come forward breaking the shell of their ideology and listen what people say, prosperity of Nepali remains at the verge'. Padma Khatiwada in the article 'Human Rights Agenda in Peace Dialogue' explained the Nepalese

society's ignorance on the national and international provisions on human rights. Stressing on the need of legal education program so that the victim of conflict get emergency provisions, the writer explained "They are ignorant that there are established rules and regulations for war fare- Geneva Conventions, Essential of Law of Wars, they are ignorant that there are political, civil, economic, social and cultural rights of these people; the State has ratified these rights for their sake." Khatiwada in his article 'Role of International Community for Peace Initiation in Nepal', published in April 2003 issue of Informal analyzed the role of international community in peace building in Nepal. After highlighting the role performed by the respective governments and their diplomats, he has briefly analyzed a similar role performed by the different international agencies and other civil society organizations from different parts of the globe.

Prachi on its Aug/Sep issue of 2007 'Shanti Sthapana: Awadharana ra Abhyas' as its main issue. The cover article 'Shanti Sthapana: Awadharana ra Abhyas' by Laxman Datt Pant and Madan Poudal suggested mediation, empowerment, reconciliation, conflict transformation, enhancing organizational and institutional capacity, disarmament, monitoring and advocating, socio counseling and establishment of rule of law as

INSEC

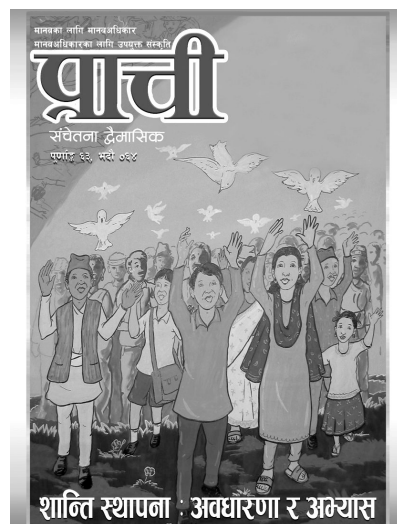
Publications: PEACE



measures of peace building. The writers have highlighted the community based program 'Empowerment for Peace' launched by INSEC in western parts of the country and positive results it brought in the community. Prem Dawadi in his article '*Digo Shanti Sthapanartha Samajik Nyayako Andolan*' analyzed that positive intervention, inclusion, empowerment of people and community of excluded and suppressed class, gender, caste, region, religion, language and culture, age, thought could bring equality which helps to attain social justice. He argued that sustaining peace is not possible in absence of social justice end of structural violence was needed for sustaining peace. Geeta Gautam's article '*Samrachanatmak Hinsa ra Shanti Prakriya*' is a close observation of the structural violence that has engulfed Nepal. The writer argued that backwardness prevailing in Nepal's rural society, system of exploitation and social exclusion were responsible for structural violence and Nepal's present political system and structure needed radical changes in order to uproot violence from Nepali society. '*Shanti Sthapana ra Arthik, Samajik tatha*

Sanskritik Mudda', an article by Pratibedan Baidhya explained state's inability to ensure the rights incorporated in the International Convention on Economic, Social and Cultural Rights (ESC) after its adoption. Stating that the Maoists have not returned the property captured by them in the past, the writer alleged Maoists of violating ESC rights. In another article '*Shanti Sthapanaka Chunaui*', Rishikesh Pandey explained that the 'semi-feudal' Nepali society, different groups involved in violence, lack of clear political vision among the state and political parties, mentality of Nepal army, Maoists PLA and security forces were some of the challenges of peace building among others.

July/Aug 2006 edition of Prachi had a main issue on 'Peace Process in Transition'. Laxman Datt Pant in his article '*Antarimkalma Shanti Prakriya: Kehi Saidhantik Charcha*' has given an account of different principles of conflict resolution that can be applied to further the peace process in transition. He argued that assurance of human rights could result in a sustainable peace which ultimately helps in conflict resolution. In another article '*Shanti Prakriya ma Gaisara*



Nagarik Samajko Bhumika' Keshav Sigdel has shed light on the roles NGOs and civil society can play in the peace process. The writer expressed that NGOs could conduct different awareness programs in order to mobilize the local organizations, clubs and local people to help peace process while civil society could take the discussion of inclusiveness in the constituent assembly in the local level and conduct it nationwide. Prashannata Wasti in her article '*Shanti Prakriya ra Bisfotak Padartha Byawasthapan*' explained various effective measures to secure human life and properties from the damages that may be caused from explosive devices in the transition. Bidya Chapagain in her article '*Dwandapaschatko Antarim Awadhima Shanti Prakriyama Samyukta Rastrasanghko Bhumika*' has given an account of the role played by UN in ending the conflicts in Guatemala and Mozambique. The writer has argued that UN's presence in the peace process can be as a mediator, facilitator, witness and monitor.

Subodh Raj Pyakurel in his article '*Shanti ka Lagi Sambidhansabha*' published in Prachi of Aug/Sep 2007 issue emphasized that victim's priority should be made the prime agenda in the Constituent Assembly. Warning that only declaration of CA election without considering justice to the victim would jeopardize people's participation and their belief, he argued that justice to the victim is the foundation stone to peace, justice and development in the CA.

April-June issue of Informal 2007 contained an article 'Media in Conflict Resolution and Peace Building' by Laxman Datt Pant. The writer briefly described the

roles media persons can play- educating, confidence building, countering misperceptions, analyzing conflict, identifying the interests underlying the issues, providing an emotional outlet, encouraging a balance of power, framing and defining the conflict, face saving and consensus building, solution building and conflict prevention- to prevent and manage conflict.

Shovakar Budhathoki elucidated that free press, adherence to the human rights and humanitarian law by the parties involved in armed conflict, implementation of the 12-point understanding reached between the seven parties and CPN (Maoists) on 22 November 2005 and establishment of all-inclusive Loktantra were the bases of peace process in his article '*Shanti Prakriyaka Purwadharharuko Nirman ra Sashastra Dwandako Shantipurna Nikasma Nagarik Samajko Dawitwa*'. The article published on the May/June 2006 issue of Prachi presented various roles the civil society can play during different phases of the armed conflict and peace process in order to

give a peaceful outlet to the conflict.

Bhola Mahat highlighted the importance of Civil Society in peace building in his article '*Sthayi Shanti ka Prayas ra Bikalpaharu*' published in Sep/Oct 2005 issue of Prachi, bimonthly publication of INSEC in Nepali. He explained that the role of Civil Society is to enable the people to protest against war and call for peace. Urging the government to stop extra judiciary killing, arrest, torture and enforced disappearances, the writer asked the Maoists to stop attacking human rights defender and civilians.

Prachi of Dec/Jan 2004 issue had an article on '*Nepalma Ghatak Dwanda ra Shantika Prayas haru*', where Bal Krishna Kattel explained about armed conflict. Kattel's article is a critical observation on Nepal's armed conflict and he has analyzed political vengeance to be the root cause of the armed conflict in Nepal though social, economic, cultural reasons had played their parts. The writer pointed out that 'peace building is one of the impor-

tant ways to attain lasting peace where women, men, children, peasants and all classes of the society have a decisive role to play. He viewed that without the representation of these classes, no peace agreement would be long-lasting and fruitful.

'*Dwanda Rupantaran ra Shanti Sthapanaka Lagi Janataka Sawal*', penned by Jagadish Dahal in the May/June 2003 issue of Prachi presented an analysis of the armed conflict of Nepal by dividing it into eight categories. The writer expressed that different activities like peace dialogue, follow, pursuing peace, strengthening civil society and identifying necessary roles to be played by members of a society are essential for peace building. Indira Phuyal in her article '*Shantima Mahila*' published in the same issue argued that the parties engaged in conflict hadn't prioritized women related issues in their main agendas. She stressed on the need to involve women in peace process and transforming the peace process into a lasting one.

- Nir Lama

A Glimpse to Prakash Human Rights Award

"Human rights protection is possible only with the awareness and unified voice of the citizens."- Untiring Human Rights Activist Prakash Kafle

Prakash Human Rights Award was established by INSEC in 2051 B. S. with due respect and memories to Prakash Kafle, a vigilant human rights fighter and founder secretary of INSEC. Every year, one prominent human rights activist is presented with the



INSEC marked award of rupees 25 thousand and a commemorative certificate. Altogether, thirteen rights activists have been honored with the award so far. The award is recognized in the name of Prakash Kafle for his immemorial contribution in the field of human rights. Awarded every year to a selected personality for his/her remarkable effort to protect human rights, INSEC has been presenting Prakash Human Rights Award on Shrawan 16 in Prakash's Memorial Day.

The first Prakash Human Rights Award was presented to journalist Binaya Kasaju of Palpa district in 2051 B. S. for his remarkable contribution in human rights awareness through journalism. Besides his primary approach in development journalism, Kasaju is an active personality in the field of community communication.

The subsequent second Prakash Human Rights Award was offered to Gajendra Bahadur Basnet of Birgunj in 2052 B. S. for his active contribution in the social sector. He had been providing his selfless social service on health care to the distressed group.

The third Prakash Human Rights Award was awarded to Rishi Ram Tharu of Dang district in 2053 B. S. for his notable struggle against the fifty years of Kamaiya custom and towards freedom of the Kamaiya farmers. Rishi Ram Tharu of Trivuan Municipality in Dang district had survived harsh imprisonment for raising voice against feudal exploitation, oppression and customary landownership.

The founder of the Nepal Paropakar Sanstha Dayabir Singh Kansakar was the fourth personality to receive Prakash Human Rights Award in 2054 B. S. A leading and inspiring personality,

Kansakar is Nepal's first blood donor. During his lifetime of social service, Kansakar had been working towards enlistment of health, education, welfare of orphanage and ambulance service.

Rights Activist Ramananda Prasad Singh was the 2055's Prakash Human Rights Award beneficiary. Singh has numerous compositions published such as "criminal justice system of Nepal", "white color crime of Nepal" and "prevention of white color crime".

For his leading role in the movement against unsociability and racial discrimination in Lahan of eastern Nepal, Bishwendra Paswan received Prakash Human Rights Award in the year 2056 B. S. Subsequently, Sonam Chejung of Mughu district, a virtuous struggler against social injustice, immoral tradition and customs, was the recipient in 2057 B. S. Her struggle progressed from advocating against the discrimination, social oppression and partiality practiced upon the widow women of her society and till now has reached her voice on human rights, women rights and equality to twenty four village development committees of the districts. She aims to spread light of education and awareness to every village in the quest of ending illiteracy.

Likewise awarded for her constant fight for women rights and against women discrimination, Basanti Devi Jha of Terai residency is the 2058 recipient. She voiced for women rights, political awareness, feudal oppression, and against social conservatism becoming the first women to vote despite male oppression in her hometown, Mahottari.

Narayan Prasad Sharma, the 2059 Prakash Human Rights award recipient is a personality who has

been providing remarkable service for nearly three decades of surpassing through tough adverse circumstances in journalism and expressing freedom, social rights and equality. Having overcome obstacles from initiating publication of Yugbodh fortnightly magazine in Dang to its new daily establishment, Sharma of Brahman family voiced against the half century practiced racial discrimination and took part in conducting Puja with the dalits for which had to endure inhuman racial opposition.

The 2060 Prakash Human Rights Award was presented to human rights activist Teknath Baral of Kaski district. Noted for his campaign for justice, equality and success of the common man, Baral has his goal determined towards social justice and the resolute human rights.

Freedom of expression is the key to every rights and the answer to open source of social justice, is the effort and the ideology followed by 2061 Prakash Human Rights Award to Ram Bahadur Chand. Press freedom commander and a fighter for justice from Baitadi district, Chand has been preaching life's ideology on the basis of human rights, social justice and the need of press freedom.

For four decades of continuous political movement and journalism for the rights of Nepali citizens, Shiva Bahadur Karki is the 2062 Prakash Human Rights Award recipient. He has noteworthy role in the democratic movements of 1990 and 2006.

The life, perception and experiences of the Prakash Human Rights recipients will always be inspiring and encouraging human rights activists of different fields.

- Ganesh Bhandari

Training cum Workshop on Documentation and Office Management



INSEC organized training cum Workshop on Documentation and Office Management from 6-10 July, 2007 at Dhulikhel Lodge Resort. The main objective of this program was to provide systematic knowledge to those working for the office of various political parties and their sister organizations. The training components included press release, office management, dealing with public and documenting the activities of the political parties. All the participants were central members of the different political parties and its sister organizations, who are working in party office and have to face the public about their party acts upon it and also have influenced on the decision making process.

In the first day, central member of Federation of Nepalese Journalists (FNJ) Dharmendra Jha discussed on documentation, press and press releases. Second and third days were followed by office management and leadership training by Syambhu Raj Joshi. Head of the Department in

International University Dr. R. K. Sharma felicitated the fourth day session. He shared about public relation in pragmatic manner. Fifth day was followed by the experiences of the two political persons Krishna Pokhrel and Laxman K.C. Both deserve deep political knowledge about Nepal Communist Party (UML) and Nepali Congress respectively.

Chairperson of INSEC Subodh Raj Pyakurel shared his experiences about the importance of the training. Pykurel said, "Nepali political parties seems to be unsuccessful in today's scenario because they have forgotten about why political parties were established." "If there is proper documentation, political leaders might have known about the commitment they had done for the public." he added. He also reminded the participants about importance of political parties and its cadres for strengthening the democracy. A total of 25 staff members from major political parties participated in the workshop. ●

Prakash Human Rights Award



INSEC has honoured Ramrati Devi Ram of Siraha with Prakash Human Rights Award this year. In a programme organised at the capital on 1 August to mark the 15th Prakash Memorial Day, CPN-UML central committee member Amrit Bohora handed over the award to Ramrati Devi Ram.

Ramrati Devi, who has been actively involved in the field of human rights, received a sum of 25,000 rupees and a letter of appreciation.

While accepting the award, she recalled the incidents when the locals of her area mistreated her while she fought for rights in the society. She also expressed sorrow

on the administration's and local's part where they turned a blind eye over the incidents of women being raped. She said that the award has encouraged her to commit herself more in the field of human rights.

Similarly, a talk programme on 'Constituent Elections for Sustainable Peace' was also held on the same occasion. Speaking at the programme, INSEC Chairman Subodh Raj Pyakurel said that late Prakash Kaphle always highlighted the importance of democracy. "Human Rights has been established among the whole democracy movement while the political parties transformed themselves searching for a common ground," Pyakurel said.

INSEC General Secretary Kundan Aryal informed about the selection process of the award and gave an introduction of Ramrati Devi. He also informed that individuals involved in various sectors, human rights and social justice had been honoured with the award since 1993.

Chief guest and CPN (UML) standing committee member Amrit Bohora stressed that CA election could be conducted if all the forces moved ahead to change the old social structure of the country through CA. Ramraja Prasad Singh of Nawa Janawadi Manch expressed that the future of Nepali people looked bright with the CA elections ahead. Similarly, President of Nepal Federation of Indigenous Nationalities Pasang Sherpa stressed that the CA should end the monarchy. ●



INSEC Staffers donating blood in the occasion

INSEC organized a National Level Workshop on 'Challenges in Quality Education and Role of Stakeholders' in Kathmandu on 31 August 2007. The program was organized under Conflict Mitigation through Empowerment of Local Community Program.

Chaired by Kundan Aryal; General Secretary of INSEC, Minister for Education and Sports Pradip Nepal was the Chief Guest of the Program. Over 45 individuals representing different institutions and organizations attended

Workshop on 'Challenges in Quality Education and Role of Stakeholders'

shared the major findings of Education Situation Analysis from the study of six districts of Mid-Western region of Conflict

mother of all resources and rights, a large number of children of country is either out of school or not getting quality education. Both



Pradip Nepal from second (extreme left) Minister for Education and Sports, addressing the workshop

the workshop. During the program Dr. Bidhyanath Koirala presented the workshop paper entitled 'Challenges in Quality Education and Role of Stakeholders', and Rishikesh Pandey, Research and Documentation Officer of INSEC

Mitigation through Empowerment of Local Community Program.

The workshop brought different stakeholders of education in interaction. All the participants of the workshop expressed their concern over the deteriorating quality of education. Education being the

of the papers presented in the workshop have identified different roles of stakeholders. Moreover, it is expected that policy makers would practice incorporating the ideas coming from public discussion alike before formulating any policies. ●

Training Session to Radio Journalists

INSEC organized a training session on human rights and constituent assembly for radio journalists of various radio stations of the country from September 6-15 at its central office in Kathmandu. Twenty-five representatives from different FM stations of the country from Ilam FM of Mechi to Mahakali FM of Mahakali were participated in the training. Meanwhile, Bhojraj Pokhrel, chief election commissioner distributed the certificates of recognition to successful participants on September 15 at Prakash Memorial Hall inside the INSEC premises. Advocate Tikaram Bhattarai and Hasta Gurung of Nepal Press Institute facilitated the training for ten days on differ-



ent aspects of constituent making process, and radio program production. The trained radio journalists will be producing radio magazine based on constituent assem-

bly and human rights in their respective FM stations. INSEC has provided fellowships to participants for the same. ●

Human Rights Study Session to Political Leaders

INSEC organized a study session to central leaders of major political parties from 1-2 August 2007 at Dhulikhel of Kavre district. The main target of the session was to make aware about Human Rights to the center leaders of the major political parties. The reason was to prepare for a concept of new Nepal with clear vision. Without preparing political parties for a concept of new Nepal, country would not go further. Various issues related to state restructuring, constitution making process; federal structure and constituent assembly for the future of Nepal were discussed during the session. Discussion was merely



based on the role of Human Rights defenders for up-coming elections to constituent assembly. A total of

twenty-nine persons were participated in the program. ●

Interim Government and Human Rights in Bangladesh



Nazma Begum

According to Odhikar's (a human rights organization in Bangladesh) report 126 people have been extra-judicially killed by Bangladeshi law enforcement agencies including the army-led joint forces during 210 days since the President proclaimed a State of Emergency on 11 January 2007.

Emergency Power Rules 2007 were circulated on January 25, banning political activities, suspending fundamental rights of the citizens and detailing a set of guidelines for the media. 'Provocative' activities including meeting, gathering, procession, rally, blockade, strike, lockout and other functions of the political parties, trade unions, clubs or associations, have been suspended until further order or until the emergency is revoked, the rules say.

The military-backed government made sweeping public support as if it initiated a nationwide clean-up on corruption, nabbing over 170 political leaders including former Prime Minister Sheikh Hasina, and earned global approval by triggering key institutional reform of the country. Interim government procured a chain of pointer steps to reduce corruption and violence, come up

with demands for electoral changes to institutionalize democracy, and ensure responsibility for the political and governance systems. The Judiciary was separated from the Executive Commission, the Election Commission, the Anti-Corruption Commission and the Public Service Commission and the process was deeply recognized by truly neutral and independent people who enjoy respect in the society.

The most-striking changes which had taken place for the seven months were arresting and convicting the people who had amassed huge illegal wealth and assets using power and failed governance systems during the past decades.

After power coming back instantly to carry out an applicable force against corrupt people, the government launched almost entire proof systems in order to

capture the culprits who had pilaged the national assets. When applying task forces into operation against serious crimes, the government renewed the independent Anti-Corruption Commission (ACC) freeing it from all unwanted powers and proved the effectiveness of the services so that privileged people are no longer to lord over laws.

During its works, the ACC ensured the fact of at least two former ministers, four influential political leaders and businessmen for gathering huge wealth through corruption and abusing political power. Besides, many others are on the manner of trial while over 150 former ministers, political leaders, businessmen and bureaucrats were asked to submit their wealth statements.

Actually with the change-over of 1/11 in the country, the present government opened "a

new chapter" to bring out far achieving reforms in politics and different national institutions to break up the past spoiled by politics of anarchy, violence and corruption. This year, January 11 was an obvious event of the national life. The present state of politics resulted from the decomposed political past in which politicians could be corrupt either keenly or indifferently. In the latest past the unfortunate views one had to witness people armed with ores killing fellow citizens on the main streets in the capital or people setting running buses on fire near the Hotel Sheraton to kill fellow citizens. The events proved that the installation of the caretaker government was acceptable. As soon as the present government took over, the lawless situation disappeared immediately. The progress at that time proposed that the announcement of the state of emergency and reconstitution of the government was the only option as the government under

President Prof Dr Iajuddin Ahmed almost distorted.

According to official sources, during the past four months, 200 megawatts of power could be added to the national power grid, which has been projected to reach over 700 megawatts by the end of this year through maintenance and rehabilitation of the existing plants. In this short period of time, the non-party government has taken steps to implement citizens' rights and reconstituted several controversial public organizations, including the public service commission.

Although the interim government of Bangladesh achieved public support as if it initiated a nationwide clean-up on corruption, nabbing over 170 corrupt political leaders but the government is also involved in extra-judicially killing which was started by past government. According to Odhikar's (a human rights organization in Bangladesh) report 126 people have been extra-judicially

killed by Bangladeshi law enforcement agencies including the army-led joint forces during 210 days since the President proclaimed a State of Emergency on 11 January 2007. Of the 126 people killed by law enforcement personnel, it was reported that the Rapid Action Battalion (RAB) killed 68 people, the police killed 36 people, RAB and police acting together killed three people, the "Joint Forces" killed seven people, the Army killed seven people, the Navy killed three people, the Jail Police killed one person and the Department of Narcotics Control killed one person.

The interim government is facing various problems. The government is changing many of its prior decisions. It also removed some of its past decisions. Now it is a question for every nationals that "What the period of anti-corruption operation is?"

(Ms. Begum is an Intern at INSEC from Odhikar, Bangladesh)

Reminder

Comprehensive Peace Agreement (CPA)-2006

8. Dispute Settlement and Implementation Mechanism

- 8.1. Both parties agree to become responsible and accountable in an individual and collective manner and not repeat in future mistakes committed in the past and also correct these mistakes on a gradual basis.
- 8.2. The National Peace and Rehabilitation Commission shall be set up as per the need for making the campaign for peace successful. The composition and working procedures of the Commission shall be as determined by the interim Council of Ministers.
- 8.3. Both parties are committed to settle all kinds of present or possible future mutual differences or

problems through mutual talks, understanding, consensus and dialogue.

- 8.4. Both parties express commitment that the interim Council of Ministers shall constitute and determine the working procedures of the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, the High-level State Restructuring Recommendation Commission and other mechanisms as per the need to implement this agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the Seven-party Alliance, the Government of Nepal and the CPN (Maoist).

Exciting and Educational Experiences at INSEC



Michael Poulsen

The verifying of data gave me an opportunity to learn about human rights during the last decade in Nepal –this was mainly done through study of the INSEC yearbooks which also was the main inspiration for the author, the INSEC yearbooks provided me with a detailed account of the political circumstances and the abuse and improvements done in the field of human rights, especially gender related, but it also provided insight to the nature of Nepal's conflict ridden political, sociology and international relations.

For the last couple of month I have had the pleasure of working with the staff of INSEC at their head office in Katmandu. Through my time here at INSEC I have worked on various different projects. Mainly the work assignments came from Kundan Aryal, but from time to time I managed to walk around the house and receive different assignments, so in the end there was a large variety in the different assignments that I handled, some was of cause more interesting then others but most presented me an new insights into conflict and development and how development is managed in Nepal.

One of my first main tasks was at first to verify the data used for a paper written by another intern from Italy. However the main effort was put into editing the English used in the paper since it was not acceptable. The verifying of data gave me an opportunity to learn about human rights during

the last decade in Nepal –this was mainly done through study of the INSEC yearbooks which also was the main inspiration for the author, the INSEC yearbooks provided me with a detailed account of the political circumstances and the abuse and improvements done in the field of human rights, especially gender related, but it also provided insight to the nature of Nepal's conflict ridden political, sociology and international relations. I was late asked to rewrite some of the paper in order to make it readable yet I must unfortunately confess that this work is not yet completed to my satisfaction; this is mainly due to the sheer size of the document.

Other work assignment were editing papers on transitional power and law, which I found very interesting since my own thesis is related very much to these subjects, furthermore it gave me the chance to meet some of the other employees at INSEC and found out what

they were working on and with, and it further gave me a closer look at the judicial side of many of Nepal's problems, especially with bringing suspects to trial and more importantly providing justice for the offended parties, something which I now see as one of Nepal's biggest problems and one of the most difficult to overcome. Something else that I can take with me from working with transitional power and law is the transitional power agreements that were made between the seven political parties and the Maoists before the peoples movement ousted the king from power, the agreement illustrates a lot of very good intentions, but a year later it has been interesting to see that the agreement is either obsolete or are simply ignored when it benefits the government, one could actually make similar observations of the kings government, so in fact the political system after only one year has come full

circle. I worked with promoting the ICC (International Criminal Court), essentially I knew who to go to in INSEC and was suggested reading material and made extensive use of INSEC's web portal on <http://www.inseconline.org/> and martial available in the INSEC library. Generally my questions and requests were very well received and I was left with a sense that the staff of INSEC had gone the extra mile in order to accommodate all my needs which I am naturally very happy about.

I also helped editing and formulating press releases which gave me an understanding of the angel that is tried to be portrayed by human rights organizations, especially one where success was achieved through guidance from INSEC and cooperation of grass movement, although together an inspirational notion. Furthermore I acquired new knowledge and concepts at the INSEC seminar at Nagakot where transitional power and politics where extensively discussed with people in both the political arena and that of aide organizations (UNDP most notably), but also the political representatives helped me form my notion that one of the problems in the Nepali political sphere is due to its lack of new blood, so to speak, the new/young political representatives sounded very reasonable and was to a certain extent also critical of their own leadership, (this would especially be the case with the Nepali Congress party which the present PM hails from -since he is the archetype of "old blood" which might just be too involved in too many transactions to be a good leader). However many of the seminars were in Nepali so there must have been many nuances that I have missed.

Another interesting moment

that I would like to emphasize is the graduation ceremony, for which I had worked on creating their graduation certificate, for the Human Right Defenders pupils that had completed the INSEC course, mainly since it illustrated the will of the Nepali living in the rural areas of Nepal to commit them to bettering their human rights through advocacy. Furthermore I heard the international community view on the program through the speech of UN representative Lena Sundh, although I must confess that I was left with a feeling that she was perhaps a bit too political in her speech.

Working at INSEC also presented me the opportunity to get an article published through the English written INFORMAL magazine published by INSEC, the subject for my article was much debated in the public sphere and it was both educational and fun to provide an international perspective on a local Nepali issue, and it gave me an opportunity to learn how much the Nepali often pin their hopes on the future instead of trying to correct the present, through research for my article this was something like a returning issue (however not framed but spoken between the lines). But essentially the article was to compare a possible Nepali federation with the experiences of African nations.

I regard to my own project the stay at INSEC have been very beneficial I have been able to see fresh reports coming in which often are emitted in local and English newspapers. And the staff at INSEC has been very kind to explain any questions concerning the political situation or ethnic and religious factors which might influence the actions taken by various groups in Nepal and how it might play out in the near future. And the staff mem-

bers of INSEC have also been very kind to answer questions which had nothing what so ever to do with human rights, but more to do with surviving in Katmandu. Furthermore the INSEC library has provided useful literature both in book form but also in the form of magazines and rapports. When I mentioned that I work at INSEC in Kalanki people that I was with appeared to be more at ease, which in turn made it much easier for me to engage myself in the Nepali society. A skill that is very useful when one drives for two hours each day to and from work in a crowded microbus.

And lastly I would like to thank Kundan Aryal for his guidance and for being available for an interview. I must speak on behalf of the INSEC cantina in Kalanki which single-handedly have presented me the very best of Nepali food. All in all I have been very glad to be working with INSEC in Katmandu it have opened my eyes to many interesting issues, that I was not yet aware of. Even more INSEC has provided me with environment and the physical frames in which I have been able to conduct my own research, and not being overburden with meaningless tasks, to this I am very much grateful to INSEC.

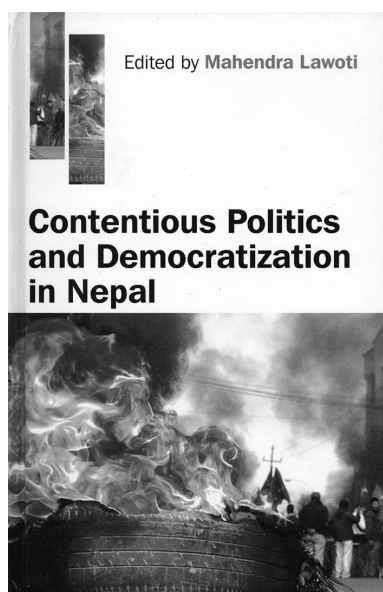
I will very warmly recommend anyone that wants to work with Human Rights in Nepal to get a position at INSEC -it is bound to be an educational experience. On the downside one often need to be active in order to activate one self, but if one is willing to go look for exciting assignments then they are there for the taking.

(Mr. Poulsen, a Master Degree Student of Development and International Relations in Aalborg University Denmark, worked at INSEC as an intern on Conflicts and Human Rights)

Analyzing Controversial Political Activities

"Contentious Politics and Democratization in Nepal" analyses controversial, yet sensitive political activities that occurred prior to 2006 in Nepal. Edited by Mahendra Lawati, the book presents together the work of thirteen scholars and journalists based in South Asia, Europe, North America and Japan. The book endeavors different contentious political activities ranged from the identity and gender movements, and public demonstrations including the Maoist insurgency.

Divided into five main parts, the book scrutinizes Context and Framework in part one, the Maoist Insurgency in part two, Identity Politics in part three, Collective Public Protests in part four and Contentious Politics and Democratization in part five. Lawati discusses the exclusionary constitutional-engineering process in 1990 explaining how the under-representation of marginalized groups and women led to the exclusion of issues relevant to them from the constitution. "The exclusion has subsequently fuelled the gender and identity movements," opines Lawati in chapter two of part one. He expounds the forms of contentious actions and activities, and their impacts in different groups under the topics of "Contentious Politics in



Contentious Politics and Democratization in Nepal

Edited by: Mahendra Lawati

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and in Nepal by Bhrikuti
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Kathmandu, Nepal

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Democratizing Nepal" and "Democracy, Domination and Exclusionary Constitutional-Engineering Process in Nepal, 1990" in the first part.

Shisir Khanal under the heading of "Committed Insurgents, a Divided State and

the Maoist Insurgency in Nepal" in chapter three of part two points out that the commitment of the insurgents and the lines of division across the mainstream political actors contributed to the initiation and growth of the insurgency. Though Khanal explains, "the rise and success of the Maoist insurgency is a result of archaic social and economic conditions that have long existed in Nepal," he was unable to identify the economic dimension of the Maoist insurgency in Nepal. Mary Crawford, Michelle R. Kaufman and Alka Gurung under the heading of "Women and Children Last: The Effects of the Maoist Insurgency on Gender-based Violence" in part two identify the different ways in which the conflict has increased the vulnerability of women and children.

Li Onesto under the chapter of "The Evolution of the Maoist Revolution in Nepal in an Adverse International Environment" discusses the achievements of the Maoists in their base areas and different challenges the insurgency faced. Ivan Gyoza Somlai under the heading of "The Web in the Shadows (Chaayaamaa Maakuraako Jaalo): Anatomy of Stakeholder Influences in an Insurgency" shows the role of multiple stakeholders in the insurgency, going beyond the usual discussion of the Maoists, the palace, and the mainstream political parties. He attempts to flesh out how different actors may be influencing the insurgency, both negatively and positively during insurgency and as well as during talks and settlements.

Part three brings three chapters on identity politics. Susan Hangen under the heading of "Between Political Party and Social Movement: The Mongol National Organization and Democratization in Rural east Nepal" illustrates how a small ethnic party contributed to the democratization process in Nepal. Balgopal Shrestha under the chapter "Ethnic Nationalism in Nepal and the Newars" discusses different challenges the Newar nationalists face in mobilizing a group that is divided along caste and class. Keshav Lal Maharjan under the heading of "The Spread of Theravadin Vihar Buddhism among Newars in the Kathmandu Valley" argues that dissatisfaction with the socio-political system, as well as insecurity in a modernizing and changing world, has contributed to the growth of Theravadin Buddhism.

Two separate chapters under part four deal with collective public protests. Genevieve Lakier under the chapter "Illiberal Democracy and the Problem of Law: Street Protest and Democratization in Multiparty Nepal" argues that some contentious activities could empower people while others could protect the interests of the privileged groups. Lakier comments, "Many contentious activities and movements of the 1990's undermined the rights of individuals." She dubs this as it limits the civil liberty of citizens. Amanda Snellinger under the chapter "Student Movements in Nepal: Their Parameters and Their Idealized Forms" comments that the students activism though contributed to the restoration of democracy

during the autocratic period, during the democratic period such activists were often perceived as foot soldiers of the political parties.

"For me to understand social movements as an ideal, my analysis must be grounded in Nepali politicians' and students' specific definitions of the politics. I cannot take for granted that socie-

.....
The book is worth reading to practitioners engaged in nurturing fledging democracies and to those who want to know the causes, consequences, and efficacy of contentious politics in Nepal. Despite being able to locate the forms of contentious politics in Nepal, the book fails to embrace discourses related to discontents of Women, Dalit and Madhesi in particular.

ty has a particular form (Escobar 1992)." Snellinger questions, "Can other political action have the same impact as a social movement if it is not set within the social-movement parameters?"

Part five deals with contentious politics and democratization. Anne Rademacher on "A 'Chaos' Ecology: Democratization

and Urban Environmental Decline in Kathmandu" discusses the attitudes of those unhappy with the environmental degradation in the Kathmandu valley and how they attribute it to the failure of democracy. She argues, "Democracy has to work so that people are not alienated and do not support non-democratic regimes and leaders." Lawati under chapter "Democratization Promoting and Democratization Hindering Contentious Politics: Lessons from Nepal" concludes by discussing the various effects of contentious politics on democratization process of Nepal. He discusses the political rights and civil liberties that have been constrained by contentious activities. Lawati concludes, "If the demands of the Maoists and ethnic groups had been recognized and addressed earlier, Nepal might not have borne such a huge human and other costs."

There are many dilemmas associated with the political activities in Nepal. This book brings them into the open for debate - and within a highly informative format. For doing this it should be welcomed across Nepal.

In a nutshell, the efforts by researchers and journalists can be termed 'timely' in regards to the literature of Nepali politics. The book is worth reading to practitioners engaged in nurturing fledging democracies and to those who want to know the causes, consequences, and efficacy of contentious politics in Nepal. Despite being able to locate the forms of contentious politics in Nepal, the book fails to embrace discourses related to discontents of Women, Dalit and Madhesi in particular.

- L D Pant

Representative Incidents

(July-September, 2007)

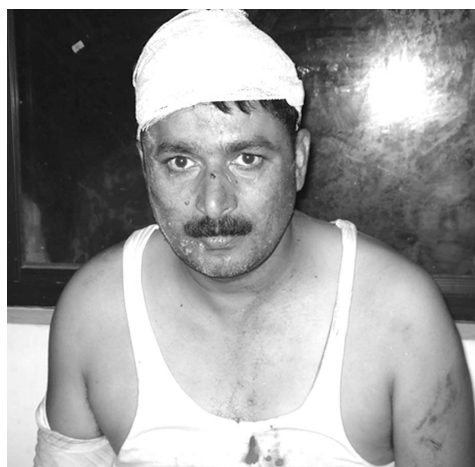
1. By Maoists

1.1 Abduction

Sangkhawasabha, Maoist cadres abducted Guru Ghimire, the VDC secretary of remote northern VDC of Kimathanka on 6 July. Ghimire, a resident of Chaluwa of Dhankuta district was abduction on charge of financial irregularities. He currently is functioning from district headquarters Khandbari following the displacement from village due to insecurity.

Maoists have abducted Dhananjay Pokhrel, a teacher at Singheshwari Primary School on 7 July. Pokhrel of Syabun VDC- 7 was abducted from Khanbari where he had arrived to take the budget from the District Education Office for teachers' three months salary. He was accused of absenting himself from the school. Maoists released him in the evening following pressure from civil society. Talking after his release, Pokharel said the Maoists had taken away the teachers' salary.

Maoists have abducted 56 years old Nirmala Kumal, an inhabitant of Khandbari Municipality, the district headquarters from her house on 29 August. She was abducted by a group of 3-4 Maoists because of a conflict with her neighbour about the land issue, Ram Bahadur Mukam, local of the area said.



Maoist district committee member Sita Ram Timilsina said there is no information regarding the case and said that it would be investigated. Local residents don't even know where Maoists took the victim away, said Ram Bahadur.

Rasuwa, Cadres of the Young Communist League (YCL), sister organisation of the CPN (Maoist), have abducted Ganesh Prasad Regmi, accountant at District Development Committee, Rasuwa on 12 July while the victim was heading to Kathmandu from Dhunche. The YCL cadres made Regmi, a permanent resident of Chitawan district, get off the bus at Dhaibung VDC while he was heading to Kathmandu and took him to unknown place at around 11:00 am.

Maoist district secretary Jagat Jung showed ignorance on the incident while YCL district president said that he had also heard about the abduction but knew no more details.

Maoist cadres have abducted a health worker of Dhaibung VDC-8 on 15 August. Anu Prasad Poudel, 33 of Jibjibekh health post was abducted as he collected 61,000 rupees from six youths in the pretext of finding job for them, Maoist area in-charge Megnath Ghimire said.

He added that Poudel would be handed over to the police after 'investigation'.

Jajarkot, Maoist cadres have abducted Gir Bahadur Rana, 42 of Pile in Khalanga VDC-9 on 24 August. A group of about 12 Maoists had abducted Rana from his house on charge of theft.

According to Abhi Rana, the wife of the victim, the Maoists had accused him of stealing

local Dandabir Rana's rupees twenty thousand. His whereabouts are not known till now.

Kaski, The Maoist cadres have abducted Ganga Bahadur Gurung, 40, of Kudhar in Pokhara Sub-metropolis- 13 on 9 September afternoon. He was taken away from Ramghat of the Sub-metropolis- 10 at around 12.30.

According to Sita, Gurung's sister three Maoists affiliated to Tamu Mukti Morcha (TMM) had abducted him in the pretext of interrogation in relation to a complaint filed at their office.

1.2 Threat

Khotang, Maoists' Khotang district in-charge Pasang Rai has threatened INSEC Khotang district representative Loknath Ghimire on 4 July of barring him to travel to the rural parts of the district.

Rai accused Ghimire of making public the information on abduction of children by the Maoists during October/November last year, helping UN in verification of the age of the children kept in Maoist cantonments, verifying their age in schools and meeting guardians of those children to sign the agreement to bring the children back home.

Tanahun, A family of Arunodaya VDC- 2 has been displaced to district headquarters following Maoist threats.

Pradip Kumar Gahatraj, 35, his wife Jaishara Gahatraj, 27, his sister Ishwari Gahatraj, 25 and his sons Bibek, 10 and Sudip 5 were displaced after the Maoist cadres including Maoists People's government chief of Arunodaya VDC Rim Bahadur Gahatraj threatened them on 7 July while they were at home. The family arrived at the district headquarters a day later.

1.3 Injured

Sindhupalchowk, At least eight villagers were injured when cadres

of Young Communist League (YCL), sister organisation of the CPN-Maoist, attacked them at the premises of Sitaladevi Lower Secondary School at Sikharpur VDC-6 on 15 July while they were discussing on the issue of road.

Those injured are Phanindra Dahal, 32, of Sikharpur VDC-4; Surya Sapkota, 34, of Sikharpur VDC-6 and Kancha Shrestha, 30, Indra Chuhan, 40, Raj Kumar Shrestha, 30, Shanker Shrestha, 34, Natak Lal Shrestha, 32, and Tanka Bahadur Shrestha, 37, of Sikharpur VDC-7. Eyewitnesses of the incident claimed that a team led by YCL regional in-charge Subash B.K. attacked the villagers. According to them, four YCL cadres including B.K. were injured in the attack. Among those injured Shanker Shrestha and Subash B.K. were taken to Kathmandu for treatment while others were treated at Melamchi Hospital.

Prabhat Man Shrestha, 20, of Chautara VDC- 8 has been injured in a beating by the YCL cadres on 25 July.

According to Shrestha, he was attacked by three cadres when he was staying in front of his house. His father Tirtha Man said policemen who were present near the site failed to intervene. Shrestha received treatment for his eye and head injuries at a local clinic.

Rautahut, Rambalak Yadav of Petbharwa, Santapur Dostiya VDC was shot injured by a Maoist cadre on 19 July evening.

Yadav was shot injured by Maoist cadre Manoj Pandit while he had gone to settle a dispute between the cadres of Maoist and Jantantrik Terai Mukti Morcha (Jwala Singh) at a bazaar in the same VDC. The victim is undergoing treatment at Narayani Sub-Regional Hospital, Birgunj.

Jhapa, Sundi Mandal, 18, of

Sharanamati VDC-9 was seriously injured when the YCL cadres thrashed him on 10 July on charge of thievery. It has been learnt that YCL cadres beat up Mandal alleging him of stealing cd cassettes from the room of local teacher Damodar Yadav some days back. The YCL cadres used stick to beat the victim at his house. Seriously injured, the victim is undergoing treatment at Kanchanjanga Hospital, Birtamod.

1.4 Beatings/Torture

Arghakhanchi, YCL cadres have beaten Padam Pariyar, 23, of Jukena, Jukena VDC- 8 in Arghakhanchi on 30 June night. It is said Pariyar, also a district member of the Nepal Utpidit Jatiya Mukti Samaj was beaten in his residence at around 11 pm by a group of about 25 cadres led by Maniram Adhikari. A statement issued by UML district committee said that Pariyar was attacked saying "they wanted to eliminate trace of UML".

Kailali, Ishwori Rana, 40 of Beladevipur VDC- 2 was beaten up by Maoist cadres Dambar Rana and Raj Kumar Rana of the same VDC on 11 July night. The Maoist cadres thrashed him regarding a dispute on land. Ishwori sustained injuries on his hand, leg and chest. At present, he is undergoing treatment at Seti Zonal Hospital.

2. By State

2.1 Beatings/Torture

Siraha, Two persons have been injured in police firing in Mirchaiya on 1 July. Sunil Kumar Saha of Mirchaiya VDC-2 and Raghunath Saha were injured by the bullet splinter when the locals, protesting arrest of Mohan Higher Secondary School management committee member, attempted to picket the Mirchaiya Area Police Office. Saha was arrested on 29 June after he beat

the school principal regarding personal difference.

Bhojpur, INSEC district representative for Bhojpur district Gyanendra Khadka was seriously beaten up by a group of eight Armed Police Force personnel including DSP Shiva Narayan Mahato on 10 July evening. Another Man Bahadur Khatri, a local teacher, was also thrashed in the incident. Besides being INSEC representative Khadka is also the acting president of the Federation of Nepalese Journalist, Bhojpur branch. According to Khadka, he was beaten by policemen after he reached the Armed Police Base Camp in Dandagaun after being called by APF Inspector Yogya Basnet. "I was returning back through the main entrance gate after meeting Yogya Basnet that a group of eight police personnel including Shiva Narayan Mahato attacked me from backside," said Khadka adding, "I ran into the room of Inspector Basnet to save my life but the group also stormed into the room and started beating again". Khadka said that Inspector Basnet intervened and saved him from being beaten further. "I could not stay at my house at night feeling insecure," he said.

Sunsari, A policeman of Sunsari District Police Office (DPO) has beaten up Dil Kumar Tamang, 14, a worker at the DPO canteen on 2 September. Tamang, a resident of Kathmandu, had moved to Sunsari district a week ago due to family problem. He was employed at the canteen as a temporary option, where the manager Birendra Yadav physically and mentally tortured him on charge of stealing 400 rupees, the boy said.

2.2 Arrest

Kathmandu, Eighteen persons were injured and 110 arrested by the police from south gate of Singh

Darbar during a protest programme organised by Badi Rights Struggle Committee (BRSC) on 27 August.

The arrestees taken at 2 number Battalion at Maharajgunj and were released few hours later. Among the injured, eight are being treated at Birendra Prahari Hospital, five in Kathmandu Model Hospital and two are in Bir Hospital.

BRSC coordinator Uma Adhikari, Prama Badi, Belu Badi and Dalit rights activist Binod Pahadi among others were arrested. Renu Rajbhandari, a human rights defender and chairperson of Women Rehabilitation Centre (WOREC) was among the arrestees.

3. JTMM-J

3.1 Killing

Rautahat, Cadres of Jwala Singh faction of Janatantrik Terai Mukti Morcha has shot dead a Maoist cadre on 1 July.

Ram Prabesh Saha, a district committee member was abducted from his house in Madhopur VDC- 3 at around 11 am by two of the JTMM- J cadres. He was then taken to the bank of Bagmati River in Dharampur VDC- 9 and shot dead. It is said that a country-made gun

was used for the killing. JTMM-J's district commander Avay Singh has taken the responsibility of Saha's killing.

Bara, Raj Kumar Thapa of Hetaud, Makawanpur district was shot dead by cadres of Janatantrik Terai Mukti Morcha (Jwala Singh) at Phattepur VDC, Bara district on 10 July at around 11:30 pm.

Reportedly, a group of seven armed JTMM cadres abducted Thapa from Simara and took him to Phattepur VDC where he was shot near Damodar temple. Talking to journalists Jamim, JTMM commander for Bara district, has taken the responsibility of the killing.

One person died and another was left with serious injuries when the cadres of Jwala Singh faction of Janatantrik Terai Mukti Morcha (JTMM- J) shot at them on 6 August.

Prakash Subedi, 35, of Bardibas VDC- 2, who was hit in the back died while on his way to Kathmandu for treatment. According to District Police Office, Bara, Subedi, and Narayan Thapa, 33, of Bardibas VDC- 2 in Mahottari district were injured when the group fired at them in the night. Thapa was shot in arm.



The injured were taken to Narayani Sub-regional Hospital, Birgunj and from there to Kathmandu for further treatment.

Siraha, Cadres of Jwala Singh faction of Janatantrik Terai Mukti Morcha (JTMM- J) have killed Ramhari Pokharel after abduction at around 4 am on 18 July.

Pokharel, working as Taregana Govindpur VDC secretary, was abducted on 16 July evening as he was coming to Lahan from the VDC.

It is said that Pokharel had cut from sharp weapon in face and neck.

Arun Kumar Shrestha, 62, the principal of Tulsinarayan Satyabhama Secondary School, Bishnupurakti VDC has been killed by the Jwala Singh led Janatantrik Terai Mukti Morcha (JTMM-J) cadres. The cadres abducted him from his residence in Bishnupurkatti VDC- 5 to a nearby place where they killed him with a sharp weapon at 8.30 pm on 10 September.

Shrestha's body was found lying in a paddy field about 1.5 kilometers from his home. It has deep cut at the back of the head. The victim's relative Niraj Shrestha said an armed group of about 17 to 18 persons kidnapped Shrestha, had called him out of his house saying they had missed their way.

Saptari, Jwala Singh faction of Janatantrik Terai Mukti Morcha has shot dead Mohan Gautam, 24, of Sitapur VDC- 2 on 5 August. Gautam was abducted by the armed group of JTMM- J on 4 August evening from Sitapur Chok at Sitapur VDC- 8. He was shot dead at the bank of Mahuli River in Bakdhuwa VDC- 7.

Cadres of Jwala Singh faction of Janatantrik Terai Mukti Morcha (JTMM-J) have killed one Ganesh Mandal, 45 of Belhi Chapena VDC-3

on 30 August night. About 8-10 cadres of JTMM-J had abducted Ganesh and his brother Shrawan Mandal, 35 from home at 11.30 pm. The assailants attacked Ganesh with sharp weapons after taking him towards the bank of Mutani River. Saptari Co-ordinator of JTMM-J Kailash has owned up the responsibility of the killing.

Dhanusha, Cadres of JTMM-J have shot dead a civilian on 11 September night near Bakchanda VDC. Kedar Katuwal, a resident of Lalbandi, Sarlahi, was shot dead on charge of spying and conspiring against the group. JTMM-J cadre Siddhant told INSEC district representative that one home-produced gun and five rounds of bullet were also recovered from Katuwal.

Inspector Birendra Yadav of District Police Office, Dhanusa said that a police team was already sent to the site, situated 10 km northeast of district headquarters Janakpur.

3.2 Abduction

Saptari, A group of persons identifying itself as belonging to Jwala Singh faction of Janatantrik Terai Mukti Morcha has abducted Sushil Kumar Singh of Rajbiraj Municipality- 7 on 4 July. Singh is a



teacher at local Durga Boarding School.

Cadres of Jwala Singh faction of Janatantrik Terai Mukti Morcha have abducted a former sub-inspector from Mahuli Bridge of Bakdhuwa VDC- 7 on 7 July. Shivaji Dahal of Rajbiraj Municipality- 5 was abducted by a group of about five JTMM- J cadres as he was cycling to his field in Jandaul from home.

Cadres of Janatantrik Terai Mukti Morcha (Jwala Singh) have abducted an Indian businessman from Nargho VDC on 8 July. Bhim Agrawal, 42, of Laukahi, Madhubani district in Bihar state was abducted from Kajarah of Nargo. His whereabouts is not known yet.

Siraha, Cadres of the Janatantrik Terai Mukti Morcha (Jwala Singh) have abducted three persons including a VDC secretary and a teacher from Taregana Govindapur VDC on 15 July evening. Ramhari Pokharel of Biratnagar who is also the VDC secretary of Taregana Govindapur VDC; Govinda Karki, teacher at Jhirahi Lower Secondary School of the same VDC and a civilian Bed Prasad Sapkota of Lahan municipality-6 are among those abducted by JTMM cadres.

Pokharel was on the way back to his home after attending the VDC meeting. Taking responsibility of the abduction, Toofan, Siraha district in-charge of JTMM (Jwala Singh), said that all the abductees were in safe condition. He has alleged Pokharel and teacher Karki of being involved in financial irregularities. However, he did not speak on the release of the victims.

Cadres of Jwala Singh faction of Janatantrik Terai Mukti Morcha (JTMM-J) have abducted a civilian from Dhangadi VDC-1 on 10 August night. Rajan Kunwar Chhetri, 45 of

Sonapur, Dhangadi VDC was abducted from Chhaparadi Chok by 5-6 JTMM cadres at 8 pm. Chhetri, an accountant in a finance company situated in Lahan, was abducted while he was returning home, chairman of the finance company, Sushi Chandra Adhikari said. District in-charge of the group Tufan Singh has owned up the abduction.

Cadres of the Jwala Singh led Janatantrik Terai Mukti Morcha (JTMM-J) has abducted Dhruva Shah, 50, secretary of Maheshpur Patari VDC, Siraha from Chaparadhi Bazar around 11.30 evening on 28 August. Shah, a resident of Pokharbhinda VDC was abducted while returning home after buying vegetables from the bazar. He was abducted for not paying 'tax' to the JTMM-J, the abductee's brother, Surendra Singh said quoting JTMM-J's activist, Rajendra Singh who talked to the family over telephone. The whereabouts of the victim are yet to be known.

The Jwala Singh led Janatantrik Terai Mukti Morcha cadres have abducted Laxmi Yadav of Bhagwatipur Tamasuiya VDC on 18 September morning from the VDC's Majhaura Tole. Yadav was abducted at 8 am from the spot when he had gone there to settle business matters. The intention of his abduction and his whereabouts are yet to be known.

Rautahat, Cadres of Janatantrik Terai Mukti Morcha (Jwala Singh) have abducted three persons including a VDC secretary from different locations on 29 July.

Amir Chaudhary, a resident of Dumariya VDC and VDC secretary of Pratapur Paltuwa, was abducted while he was at his house, locals informed. The same group abducted Surendra Yadav and Sanjaya Saha of Bishrampur VDC- 9 on the same night. Among the the abductees,

Saha is the son of Ram Lochan Saha, VDC secretary of Prastoka VDC while Surendra is local businessman.

The cadres of Jwala Singh faction of Janatantrik Terai Mukti Morcha (JTMM- J) have abducted a civilian on 18 August. According to available reports, Habiullah Miya of Raghunathpur VDC- 9 was abducted by an armed group of four in the night. He was abducted from in-laws' house in Gamhariya Parsa VDC. The reason for the abduction and his whereabouts could not be known.

The Jwala Singh led Janatantrik Terai Mukti Morcha (JTMM- J) has abducted Jayalal Mukhiya, 35, of Bisunpurwa Manpur VDC-7 on 27 August at 5 pm. The abductee is the brother of Rajdev Mukhiya, secretary of Mahamadpur. He was abducted from the road section

between the Garuda and Shivanagar of Birendra Highway. Confirming the abduction of his brother, VDC secretary Mukhiya said that the reason behind the abduction could be for ransom.

Dhanusha, Om Prakash Chaudhari, 27, of Janakpur Municipality- 7 was abducted by the JTMM-J cadres from nearby Baba petrol pump of Janakpur Municipality- 14 on 26 August.

According to the abductee's uncle, Ramnaresh Chaudhari, a JTMM- J cadre named Rajan Jha abducted Om on a motorcycle after calling him on the spot. He added the family found out of the abduction when Om called at home.

Mahottari, Cadres of Jwala Singh led Janatantrik Terai Mukti Morcha (JTMM- J) have abducted Niraj Rai, 28, of Lampantar VDC in Sindhuli

HRTMCC Makes Public Report on Kapilbastu Riots Lalitpur/23 September

Human Rights Treaty Monitoring Coordination Committee has made public the report on the riots spurred by the killing of Mohit Khan of Birpur VDC-4 in Kapilbastu.

According to the report, the incidents of attacks on personal properties have not stopped. The negligence of local administration and inactivity of security bodies helped flare up the incident and is destabilizing the communal harmony, the report made public on 23 September says.

The report states that 18 people were been killed, of which 17 have been identified while 16 were seriously injured.

Saying that the state authorities have not yet reached the inner parts of the affected areas, HRTMCC has said that support to the victims have not arrived while the displaced have not been rehabilitated.

"More than 500 houses have been gutted, looted and vandalized. 5000 persons have been displaced from the place. Riots have showed no signs of slowing down due to the communal riots", the report said.

The report has asked the government to send a taskforce immediately in the affected areas in order to protect life, properties of the civilians and to maintain communal harmony. It also urged for the rehabilitation of the displaced. The report has suggested that the taskforce provide details of the incident to the people by conducting a fact finding report.

district on 6 September night. Rai was abducted from Bakhari Chok of Ankar VDC- 8, a spot at Bardibas-Jaleshwar road section as he was working on a jeep with the plate number Lu 1 Cha 1668 belonging to Shanti Traders situated at Mills area of Janakpur. The abductors made Rai talk to media persons on 7 September morning. While talking to them, Rai asked for help for his safe release.

Sarlahi, A group of armed cadres of Janatantrik Terai Mukti Morcha (JTMM-J) has abducted a teacher from Gaurishankar VDC. Dev Nath Sah, 40, of Srinagar in Gaurishankar VDC-6 was abducted when he had gone to the field on 24 September morning. Sah is a primary school level teacher at Shree Janata Secondary School. The victim's family told INSEC district representative on 26 September that they had no idea about the motive of abduction. The whereabouts of the victim is yet to be known.

3.3 Injured

Dhanusa, Hom Prasad Bimali of

Janakpur municipality-13 was shot injured by cadres of Jantantrik Terai Mukti Morcha (Jwala Singh) at Janakpur municipality-14 on 10 July at around 7:30 pm. Bimali, an employee at Electricity branch of Janakpur Ciggrattee Factory, was shot by two persons who came on motorbike while he was going home for his dinner. Bimali sustains bullet on his head just above the right ear. After receiving primary treatment at Janakpur Zonal Hospital, the victim was taken to Dharan for further treatment.

Bara, Jwala Singh faction of JTMM has shot injured a worker at the entrance of his factory on 1 August. According to District Police Office, Bara, Jay Prakash Rai, 25, of Sunsari was shot injured at the main gate of New Anil Textiles in Parwanipur Bara by at least two persons. Rai is undergoing treatment at Narayani Sub-regional Hospital, Birgunj.

3.4 Seizing Property

Mahottari, Cadres of Jantantrik Terai Mukti Morcha (Jwala Singh) has captured 14 *bighas eight katthas*

and six *dhurs* of land belonging to people of hilly origin at Birta tole, Sahasaula VDC-7 on 19 July. According to Abhaash Singh, area in-charge of JTMM, they have captured the land, a pond and a house built in the land that is registered in the name of Moha Laxmi Pandey, Buddhiraj Pandey and Rama Pandey of Kathmandu metropolis-33.

4. By JTMM (Goit)

4.1 Killing

Siraha, Jay Narayan Goit led Jantantrik Terai Mukti Morcha (JTMM- G) has shot killed former JTMM- J district in-charge after abduction. Rakesh (Nandan) Karna also known as Bha Mandal, 23, of Siraha Municipality- 1 was abducted from Siraha Bazaar on 5 July. Karna's body was found at the bank of a river in Chatari Bananiya VDC- 3 in the afternoon of 8 July. He was shot twice, in chest and in temple. Post mortem of his body was conducted in Siraha Hospital and then handed over to family.

Former Maoist cadre Ganga Yadav of Kasaha, Ayodhyanagar VDC was shot dead by cadres of Jantantrik Terai Mukti Morcha (Gohit) on 15 July night. Police informed that locals found the dead body of Yadav at the field near Kasaha on 16 July morning.

According to Pradip Yadav, local citizen of the area, Ganga Yadav was abducted from his home at around 9: pm and then shot dead by JTMM cadres.

Dhanusha, Goit led faction of Janatantrik Terai Mukti Morcha has killed a Maoist cadre on 21 July. Binod Mallik, 20, of Hairane VDC was shot dead by a group of about five JTMM- G cadres at Dumariya Tole of Bisbhara VDC. Mallik, an area committee member was chased by the group shooting him dead.

Two Killed, 15 Injured in Series of Bomb Blasts Kathmandu/2 September

Two persons were killed and at least 15 injured in a series of bomb blasts in three places of the capital city on 2 September.

The bombs went off simultaneously at Tripureshwor, Sundhara and Balaju at around 4.15 pm.

Anisa KC, a 12th grader at Bishwa Niketan Higher Secondary School, was killed at the explosion in Tripureshwor while the identity of another victim, a woman is yet to be verified. Most of the injured include school students.

The injured are undergoing treatment at Bir Hospital and Siddhartha Hospital in Balaju. Sita Acharya, Prem Bahadur Karki, Chandraman Nepali, Rudra Dungal, Sabik Shahi, Sade Saha, Nanda Prasad Gurung are among the injured. Similarly, Basanta Choudhary, Mitthu BK, Jagatman Bajracharya, Satruman Nepali and two unidentified women are also undergoing treatment at Bir Hospital. Bagwati Bhandari, injured in the explosion at Balaju is also brought at Bir Hospital.

Bara, A group of cadres belonging to Goit led faction of Janatantrik Terai Mukti Morcha (JTMM- G) has shot dead one local of Bariyarpur VDC- 6 at around 2 am on 30 July. Shankar Man Singh Basnet, 40, was abducted from his house before being shot dead in a field, some 200 metres from the village. District Police Office, Bara informed he was shot in temple and back.

Cadres of Jay Krishna Goit led Janatantrik Terai Mukti Morcha (JTMM- G) shot dead Rajendra Shah Kanu, 43 of Khopawa VDC-2 on 31 July midnight. According to District Police Office Bara, the assailants had shot him at chest and head. His body was found 2 hundred metres away from his home on 1 August morning.

Coordinator of JTMM-G Bara Birat has claimed the responsibility of the killing while talking to local reporter of national daily Naya Patrika on 1 August morning over telephone. Claiming that Kanu died in the crossfire which took place between his cadres and YCL he said that the YCL had attacked his cadres as they were having their meal. He even warned YCL of physical actions if they did not bring reforms in their behaviors.

Kapilvastu, Purna Bahadur Sunar, 38, of Buddi VDC- 4, a social activist affiliated with Dalit NGO Federation (DNF) has been shot dead by a group of Goit faction of Janatantrik Terai Mukti Morcha on 9 August. JTMM- G's Western Regional command in-charge Azad claimed the responsibility for the killing adding 'it was the first step in the campaign to purge the Terai region of people of hilly origin'.

Sunar, the district chairman of the DNF Kapilvastu was shot at Pakareti of Ratpur VDC- 6 as he was heading home from district headquarters Taulihawa in his motorcycle at

around 8.30 pm. SP Shashi Hajur Silwal of District Police Office informed that he was shot twice in the chest.

Rautahat, A civilian has been shot dead by cadres of Goit faction of Janatantrik Terai Mukti Morcha (JTMM-G) on 2 September morning. According to Inspector Man Bahadur Choudhary of Area Police Office Garuda, Lal Bahadur Saha, 35 of Jaynagar VDC-5 was shot dead at Mahamadpur VDC-9 near Sapahi Temple at 10 am. He said that the body of Sonar was found in the Janjh River which is near the incident cite.

4.2 Abduction

Mahottari, Bishnu Prasad Upreti, 62, of Sonamai VDC- 2 has been abducted by members of Janatantrik Terai Mukti Morcha at around 9 pm on 9 August. Upreti is accused of cultivating in the land that their group had captured and uprooting the flag that they had hoisted.

JTMM- G's area in-charge Sher Singh has claimed the responsibility for the abduction. Saroj Upreti, the victim's son has asked human rights defenders to help the family secure the abductee's safe release.

Dhanusha, Goit faction of Janatantrik Terai Mukti Morcha has abducted Golbu Rana, 20, of Raghunathpur VDC- 6 on 9 August.



Purna Bahadur Sunar

Rana was abducted from his house in the night as he was sleeping in his house. Local Ram Lakhan Saha said Rana's whereabouts were not known yet.

Meanwhile, cadres of Jwala Singh led Janatantrik Terai Mukti Morcha have released Ram Sundar Mandal from Simraha Singoyan VDC- 1 on 9 August. Mandal, 45, a resident of Malekpur VDC was abducted in the afternoon of the same day from his house.

Saptari, Cadres of Jay Krishna Goit led Janatantrik Terai Mukti Morcha (JTMM-G) have abducted a teacher of Sarashwati Shishu Sadan from Bhardaha on 31 August night.

Prem Karki, 26, a resident of Rampur Thokasila, Udaypur was abducted at 9.30 pm while he was heading to the school, located at Dhada VDC. Taking responsibility of the abduction, Military in-charge of the group Bikash has alleged that Karki was involved in providing details of their group to the police. He said that the abductee was taking in control for 'investigations'.

Rautahat, Cadres of Goit-led Janatantrik Terai Mukti Morcha have abducted five persons including a VDC secretary on 19 September night. The abductees include Bishrampur VDC's NC cadres Sambhu Patel, Shankar Sah, Ganeshi Sah and resident of same VDC and secretary of Birti Prastoka VDC Ram Lochan Sah. Fifth abductee is former UML VDC deputy chairperson Nagendra Prasad Patel of Ramauli Bairiya VDC. A group of about 10 armed persons abducted them from their homes. Among the abductees, Nagendra and Ram Lochan had already been abducted by the same group and later released on ransom. Ganesh is Ram Lochan's nephew.

4.3 Injured

Saptari, Unidentified armed gang has shot injured one Hareram Mukhiya of Chhinmasta VDC- 8 on 17 July night. Police quoted Hareram as saying a group of about five persons identifying themselves only as JTMM cadres shot him in his house. He added the leader gave his name as Chandeshwar Mukhiya. Police added the bullet hit his abdomen. After first aid at Sagarmatha Zonal Hospital in Rajbiraj, Hareram was taken to BP Koirala Institute of Health Sciences, Dharan this afternoon.

5. By Madhesi Mukti Tigers

5.1 Killing

Saptari, Madhesi Mukti Tigers cadres shot dead Tek Bahadur Kunwar, also known as Dhankute of Bhardaha VDC- 9 on 30 July. Kunwar was shot dead at around 5 am west of Koshi Barrage in Bairawas VDC- 9 on charge of being an informer.

5.2 Abduction

Saptari, Amrul Hussein of Kanakpatti, Khoksar Pravah VDC- 7 has been abducted by the cadres of Madhesi Mukti Tigers on 7 August. Treasurer of Kanakpatti Community Forest Users' Group, Hussein was abducted on charge of misbehaving with a local woman who had gone to the forest to collect firewood. Accepting the responsibility of the abduction, Tigers' area number 3 in-charge Suman said they had taken him in captivity after Hussein failed to correct his behaviour despite repeated warnings.

Armed cadres of Madhesi Mukti Tigers abducted and shot injured one farmer on 11 September. A group of three cadres took away Narayan Sah, 38, from his bed at his home in Golpar, Theliya VDC- 7. He

was shot near a River in Mainakaderi VDC- 9. He has been hit twice in the abdomen. The motive behind the attack could not be known. Sah is currently undergoing treatment at BP Koirala Institute of Health Sciences.

6. By Unidentified Group

6.1 Killing

Nawalparasi, Gobari Yadav, 56, of Bhujahawa VDC- 2 and Bechai Yadav, 35, of Samani VDC- 2 have been shot dead at a chok in Bhujahawa VDC- 3 on 2 July.

It is said that two persons arriving in a motorbike had shot them in the evening. The deceased were former members of the Maoists Retaliatory Group. They were currently leading a normal life following the disbandment of the Group. The motive of the killing and the attackers are not identified yet.

Saptari, An armed group has shot dead two persons of a family on 12 July night after abduction. Bishnu Shrestha, 41 and his sister-in-law Basanti Shrestha, 42 of Siswabelhi VDC-7 were taken to Dhangadhi VDC after abduction and shot dead at the bank of the Khatin River. Bishnu was hit twice on his temple and chest while Basanti sustained bullet injuries on her abdomen and chest.

Nobody has taken the responsibility of the killing while the police has claimed Jwala Singh led Janantank Terai Mukti Morcha (JTMM-J)'s hand in the incident.

Bara, An unidentified gang has killed Buddhiman Man Tamang, 45, of Ratanpur VDC- 2 on 18 July. A NC-D cadre, Tamang, is also the former Ratanpuri VDC chairman. According to available information, locals spotted Tamang's body in a jungle in Ratanpuri VDC- 2 at around 6 pm and informed the

police about it. Sharp weapon wounds are visible in his chin, eyebrow, palm and legs. The dead body has been taken to Birgunj sub-regional Hospital for postmortem. Tamang was out of contact since 18 July.

Siraha, A bomb detonated in the house Pradeep Kumar Yadav's of Sikron VDC- 4 by an unidentified group has killed two children on 30 August. Yadav's 7-year-old son, Madhav Kumar Yadav and his nephew Upendra Yadav, 8, were killed while sleeping in the yard. Upendra Yadav, a resident of Haireni VDC in Dhanusha District was living at his uncle's place in Siraha for studies. Upendra and Madhav Kumar Yadav, class studying in grade II and two and I respectively at Siddhartha Boarding School.

Rautahat, Rita Kumari Saha, 14 of Gaur Municipality-13, Sirsiya has been murdered by an unidentified group. Body of the girl was found 500 meters east from her home on 12 September morning. Both hands and feet of the girl have been hacked and separated from the victim's body while her head has been shaved. Daughter of Kamal Saha, Rita had been disappeared since 11 September after she had gone to cut grass from home.

Ainul Miya Kawari, 40 of Gamhariya Parsa VDC-6 has been killed by an unidentified gang on 27 September night. According to the police, the group shot dead Kawari, on his back at around 8 pm at a dam in ward no. 7 of the same VDC. Though the locals claimed that Kawari was murdered by cadres of Jwala Singh led Janantank Terai Mukti Morcha (JTMM-J), the group's involvement couldn't be verified, said Inspector Man Bahadur Chaudhary of Area Police Office Garuda. ●



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