

*Human rights journal*

# INFORMAL

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HOPE OF PEACE IS NOT CEASED



# People's Agenda for Sustainable Peace

In view to identifying the causes of deadly conflict and its impact upon the vulnerable area, INSEC launched a 4-month long programme in 187 VDCs of 47 districts from the grassroots to the national level in participation of the people directly affected by the conflict. The causes of the conflict as the people have perceived and the possible remedies they recommended are briefed as follows:

## Causes

### Causes of the Violation of Civil Rights

- ▶ Indulgence of the authority responsible and assigned to maintain the law and order in killings, lootings, arbitrary arrest, abduction and torture.
- ▶ Violation of legal mandate and provision by those in power, perpetuation of the culture of impunity and people's inaccessibility to the prompt and fair trial.

### Causes of Violation of Political Rights

- ▶ Lack of political culture and sincerity in the political leaders.
- ▶ Under representation of women and ethnic minorities in decision-making.
- ▶ Interference in the political conscience, violation of fundamental rights and negligence of the demands of ultra state parties.
- ▶ Pervasive of corruption, bad governance, and regional imbalance in the development activities.

### Causes of Violation of Economic Rights

- ▶ Ephemeral development policy of the government and perpetuation of unequal distribution of land
- ▶ Remaining the basic needs of people such as right to food, shelter and clothes unmet.
- ▶ Price-hike in the commodities and mounting unemployment. Perpetuation of unequal wage system between men and women.

### Causes of the Violation of Social Rights

- ▶ Absence of the system of justifiable distribution of resources
- ▶ Exploitation of rich and landlords to the poorer
- ▶ Omission of effective steps to end the social inequality, deformation and disharmony.
- ▶ Existence of racial inequality, untouchability, sexual discrimination, exploitation against women and domestic violence.
- ▶ Deprivation of people from health security.

### Causes of Violation of Cultural Rights

- ▶ Discrimination against the protection and promotion of culture and language and remaining the secular State undeclared
- ▶ Inaccessibility to education of the grassroots people

## Effects

- ▶ The people directly copulated and victimized by the 7 years of armed conflict voiced the effect of the conflict as follows:

## Negative Effect

### Civil Rights

- ▶ People are deprived of right to life. Due to the armed conflict, they are obliged to be displaced.
- ▶ The rule of power has over faced the rule of law.
- ▶ The freedom of movement is violated and people are scared to move freely.

## Political Rights

- ▶ The major achievement of the Popular Movement 1990, the Constitution of the Kingdom of Nepal 1990, is not protected and respected at its apex.
- ▶ Fundamental rights of people are often found violated.
- ▶ The State is facing the political uncertainty. People's representatives are dysfunctional.
- ▶ National integrity is at stake due to the conflict.

## Economy

- ▶ Investors are afraid of investing in the productive sector due to the insecurity. As a result, the problem of unemployment is paramount.
- ▶ The productivity of land has decreased, for the people in rural areas are displaced leaving the agricultural land barren.
- ▶ People are deprived of pursuing economic activities.
- ▶ The development activities are completely stagnant.

## Social Rights

- ▶ The mutual relation of the neighbours is thinned, social cooperation and understanding to each other is at crisis.
- ▶ The infrastructures are completely demolished.
- ▶ The women and children are mentally retarded due to the armed conflict. The violence has caused the children injured and orphan.

## Cultural Rights

- ▶ People are deprived of performing their cultural practices.
- ▶ Education sector is the most affected, badly disorganized. Teachers are heavily charged donation and much scared.
- ▶ The private schools are almost closed and pressure of students for admission is paramount in the government schools.

## Positive Effects

- ▶ All the parties are concerned with the basic needs of people.
- ▶ People are empowered themselves to fight against exploitation.
- ▶ Women are pervasively empowered.
- ▶ People are aware of their concern.
- ▶ The corrupt persons are panalised to some extent.
- ▶ The ethnic minorities, oppressed and depressed people are organized themselves for their rights.
- ▶ The social deformation, disharmony and social evils such as gambling, intoxication, domestic violence and hooliganism is reduced to some extent.

## Recommended Remedies for Sustainable Peace: People's Agenda

### Issues to be Addressed during Peace Talks

- ▶ People's Agenda should be prioritized as the main agenda of peace talks. Peace talks should pave towards achieving additional procurement safeguarding the achievement gained as a result of the Popular Movement 1990.
- ▶ All party government with full executive power should be formed to manage the current conflict. A decision should be made in order to hold the local and general election in the country.
- ▶ Both conflicting parties should confess their wrongs and commit for peace.
- ▶ Role of civil society, women and the pro-parliamentary parties should be guaranteed at the negotiating table for the meaningful outcome of peace talks.
- ▶ A fair and legitimate legal commission should be set up in order to investigate and monitor the human rights

*See ... People's Agenda 2nd last page*

# INFORMAL



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"The Human Rights we talk about are not merely right to freedom of press and association; they are the Universal Human Rights declared by the United Nations, including right to health care, right to education and right to development with a vision that the people are the masters of their nation's wealth and resources."



- Prakash Kaphley

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Whatever the decisions made by the phases of dialogue, between the government and the Maoist rebels, have not been implemented. The implementation aspect is the main weakness of the Nepalese authorities – be it the cabinet, political parties or the Maoists.

Dialogue was inevitable in the past, so is at present and will be in future as well to mitigate a conflict. Conflict is not for creating a problem; it should rather definitely be for solving it. And definitely, the burning problem gets first priority. So the list of burning issues should be at hand to minimise conflict. It is not wise to develop conflict into confrontation. Almost all the elements of conflict and confrontations should be brought into the circumference of cooperation.

The burning problem in the present context is protection of human rights. No human beings should be deprived of fundamental rights; they should not be killed, disappeared, tortured and abducted.

Killings, disappearances, abductions and tortures have been common in Nepal. It seems, the warring forces do not understand what human rights are and why they should be prioritised. Many 'intellectuals' those who copy the 'dose' and claim of 'citing reference' do not understand what human rights are. The main lacking of the Nepalese politicians including the Maoists, the government authorities including the army, and the so-called intellectuals including the advisors, is the knowledge of human rights. Many of them still understand that human rights are only civil and political rights. Definitely, civil and political rights are the means to make progress on economic, social and cultural rights. But, the political parties including the Maoist rebels claim to have civil and political rights first and then they would address problems related to economic, social and cultural aspects. Can political freedom give 'food for thought' or food itself does so? Can thought after food or thought before food give an effective way out? This should be very minutely analysed before one decides to plunge into agitation.

These are some of the reasons why we often advocate human rights education should be formally started in Nepal. These are some of the reasons why we always insist on making human rights agenda the centre in the peace talks. Human rights agenda are the people's agenda. They are economic, social and cultural agenda by means of civil and political ones. Human beings should first get food to think what kind of political system fits into their context. S/he needs some level of education to understand different political systems like socialism, capitalism, autocracy, democracy and so on.

There is an information gap between the conflicting parties and so the peace dialogue between the government and the Maoists has been postponed coming after the second phase. In the first round of formal government-Maoist peace dialogue held on 27 April 2003, the Maoists presented their views on political, social and economic transformation in writing and categorically demanding an interim constitution and leadership of the proposed interim government. This time, they brought down their original 40-point demand to 24 points. But the government did not come up with any formal suggestions or agenda. 'Since this was the first round, the government would approach the talks phase-wise instead of delving into all the agenda at one go', was the reaction of the then Minister Mr Narayan Singh Pun, the then convener of the peace talks on behalf of the government. Agreements on having a four-member facilitating team for the talks and forming a monitoring team to oversee the 22-point code of conduct were the major achievements of the first phase peace talks.

In the second round of talks, held on 9 May 2003, the government and the Maoists agreed 'to release a few jailed rebels and even to limit the Royal Nepal Army within five kilometres of their barracks.' The two sides also announced the formation of a monitoring and evaluation committee to oversee the implementation of the all-important code of conduct. Government termed this progress 'a historic success'.

But the third round of peace talks has not been held yet. Rather both of them are violating the code of conduct signed by them. The government has not circulated the code of conduct publicly.

There can be found solution if the present complex situation is analysed through human rights perspective. Peace can never be established by killing people; 32 people have been killed after the announcement of the truce. People should be given adequate food for thought to make a progress in the political system. But currently they are indiscriminately killed, a bitter experience.

Untiring fighter for human rights late Prakash Kaphley observes that "the people are the masters of their nation's wealth and resources." Unless the people are empowered with these resources a room for deadly conflict remains open up for ever. So the call of the time is to keep people's agenda in the centre and work their favour. This will be a true tribute to late Prakash Kaphley.

# Prakash – People's Journalist

Prakash Kaphley's contribution to promote journalism in the tone of people is immemorial. Whether publishing 'Saptahik Khabar' from Hetauda or assisting for 'Samaj Daily', Prakash attempted to think and understand the people's agenda in their own tone, seeking answers to them.

The journalists of the decade 1930s of Bikram era [1975-1985 AD] should have the memory that Prakash has contributed a lot to translate the interviews into journalism. He visited Delhi and called on 'Janta Dal' leader Atal Bihari Bajpeyi, the then foreign minister of India. He raised the Nepalese people's question, 'Does India think of itself that it is the elder brother of Nepal'?

Prakash and Sushil, with untiring effort, identified the discrimination made upon the import-goods of Nepal in the customs and godown in Calcutta port. The report was

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serially published in the 'Samaj Daily'.

Prakash had taken interviews with the then renowned personalities – Gobinda Biyogi, Gopal Das Shrestha, Narayan Gopal and Bhupi Sherchan in around 70s. I was surprised by his way of noting down the interviews and investigating reports of which the publication would be always unsure.

I am happy to know that the award selection committee has recommended Mr Narayan Prasad Sharma for conferring Prakash Human Rights Award, coming upto the ninth series. Struggling continually with innumerable difficulties and complexities remaining at the outskirts of the capital for journalism is not an easy task. Mr Sharma is really a fighter. One cannot spend the whole life as a journalist without instinct to naturalise any

kind of crisis.

Unlike the national level newspapers, which prioritise the event and the personalities, the local newspapers prioritise the effects and the spirit of the people. The importance of the local newspapers, in this sense, never decreases.

The nation is in crisis nowadays. Due to the crisis of the personalities in the government, political parties and the Maoists to put forth their agenda in a crystal clear way, the situation is being further deteriorated. In such a situation, Prakash would perhaps ask the agenda of solution in a very simple, rough but loving tone. On behalf of all the human rights activists, I wish Narayan Sharma would raise the voice of the people as a watchdog journalist. He is the witness of the 'People's War and Suppression', remaining out of Kathmandu Valley. I extend congratulations to him.

## Letter of Appreciation

Narayan Prasad Sharma is a name of the personality who bestowed a notable contribution, through journalism and social organisations, for the freedom of speech, social justice and equality without being embarrassed in any sort of difficult and unfavourable circumstance for the past three decades. To specify, his contribution for acquiring human rights and its protection through journalism has been noteworthy.

A strong and determined warrior in journalism, Mr. Sharma is the glorious name who unexhaustingly struggled for the nationality, democracy and human rights remaining bold and unfrightened from the imprisonment, unshaken from the dictatorship and thinking by no means of his own advantage from the government. Mr. Sharma walked towards his destination without any greed and self-indulgence, consistently remaining as a mountain by endlessly expressing his voice.

Narayan Prasad Sharma, name of the living fighter who started publishing Yugbodh Weekly from 2033 [1976]

to Yugbodh Daily, is still energetic conveying and expressing his views, opinions on social justice and freedom through media and public forum even in the advance phase of his life.

Born in a radical and orthodox Brahmin family, Sharma fought against caste discrimination, offered praying and performed religious rituals entering into the dalits' houses, and consequently bore the inhuman torture by the people against his movement. However, strongly rose his voice in favour of widows' right to marriage and enflamed Tharu community with the torch of awareness. It, however, always falls short to pay reverence, despite how much we do, to respect the untiring fighter of human rights and democracy – Mr Sharma.

Informal Sector Service Centre (INSEC) heartily confers this Letter of Appreciation along with the Prakash Memorial Award 2059 to him and wishes that may his incessant endeavour for freedom of expression, human rights, democracy, equality and social justice accomplish the victory.



# Political Solution to Current Crisis

The Maoist and the government both tended to bring their commitment for peace into practice through the truce on 29 January 2003 followed by the code of conduct on 13 March 2003. The Nepali people were aware of the fact that there lay various impediments on the way to any teleological points even after the formal and informal dialogues in various phases between both parties at armed conflict. The only hope that the general populace cherished during this period was the insurgency escalating the country for the last seven years could come to an end, and that coming out of their vested interests both parties at conflict could find a resolution of the ongoing conflict through dialogue.

However, the situation has taken a different turn. There is an ongoing conflict prevalent between the mainstream political parties and the government. The conflict is also regarding the authority of the king. From the point of view of constitutionalism, the king's power to choose a government on his own wish has become a more disputable issue.

All other quarters involved in conflict at present must show their grave concern with regards to:

- ▶ Whether the nucleus of the

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- problem can be reached by means of peaceful dialogue,
- ▶ Whether the conclusion of the discourse can be brought into public.
- ▶ Whether the election, referendum and constituent assembly can be practised for denoting the people's mandate or their support, and
- ▶ Whether all these aforesaid processes in general can be maintained transparently.

The triangular stakeholders indulged in this formidable crisis of Nepal are the king, the parliamentary political parties and the CPN - Maoist. In between these forces are entrapped the Nepali people, and also enmeshed is the nation.

The conflicting forces, therefore, must observe the map of the nation and the helpless people within the nation by rising above the level of their respective influence and power, like the birds at high soar observing the earth.

It is the fact that the twelve years elapsed undergoing many perversities hatched by the political parties. However, the proportion of parliamentary parties' weakness should also be shared in part by the Maoists, for they were involved in the parliament in the name of United Peoples'

Front in the initial years of parliamentary system. The contemporary Maoists were also involved in the People's Movement 1990, and by virtue of which they should be responsible for the incompleteness of this system. The ruling leaders are said to have ruined the country during the last twelve years. Had they made their defects only in the issues of physical planning, the situation could have been improved. They, however, have convicted in terms of political culture. Once, monarchy was circumscribed under constitution, its activities would have to be made transparent like that of other organs of State, assuming its status equivalent to that of their citizens. After establishing democracy, all the organs of State would have to be democratised. After adopting almost all assumptions of human rights, actions would have to be taken for the progressive achievements of human rights reaching them to the backward and vulnerable people.

Almost all of the constitutions in the world have been set up in accordance with the behaviour of the people. The constitutions of the democratic nations have undergone many amendments. It is only in our country where even the amendments cannot remain out of paradox. On the one hand, the state has ratified

the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). On the other, it has deprived the daughters from receiving citizenship after the name of their mothers. Neither has it granted rights to daughters equal to sons. The parliament, which unanimously ratified the convention on women's rights, opposed itself the provision to provide rights to women in accordance with the convention. This reflects the perverted and feudal mentality of the political parties and their leaders. Their dual character further proves that such political parties and their institutions are recklessly manipulated by the handful of tricksters in the name of people.

Many are the defects, which can thus be pointed out. However, democracy is a system that can correct on its own. To disagree is also the character of agreement; it's a culture of forgiveness without forgetfulness. The Maoists have agreed to regard the multi-party democracy and discussed about the reformation of the present state of democracy. Despite their practical errors and crimes sometimes, they have raised issue on political solution. All the stakeholders including the Maoists should remember the fact that all the Nepali people have to suffer the consequences of the worsening activities.

The civic society has flourished throughout the country today. More remarkable are the effects of communication and the

awareness of the human rights emerged as the fruits of democracy. The relation and influence of the Nepali human rights activists has also extended further as the globalised citizens of human rights.

Likewise, it's a known fact to all that social, economic and political discriminations twined with exploitation and oppression are the main factors for the present crisis. It is the common responsibility of political stakeholders and civic society both to free all the Nepali people from such discrimination, exploitation and oppression. Despite some confrontations among themselves, the political stakeholders seem to be agreed as far as the principles and the progressive achievements of human rights are concerned. Therefore, its only when human rights are taken as the core agenda for the initiation of discussion or dialogue that the disagreements can be resolved by strengthening the agreements.

The legal process to such resolution should be followed. For this the agreement of political parties eligible to take legal responsibility is necessary. According to the multi-party provision mentioned in the constitution, the political parties should be let free to form government and run it through their own process. Taking responsibility of law, they should share the wrong and right of their activities. As they are the representatives of the people, it is the political parties' responsibility

to recognize and address the Maoists on behalf of the people. The main problem today is to sort out the problem and come to a resolution of it. For this, involvement of all quarters is inevitable. An open discussion on the multiparty government and all kinds of disputes is the demand of today, and taking these things into consideration can open the door to permanent peace. It is virtually impossible to be undertaken by a government, which is unclear, badly adjusted and without any base among the people.

It is probable that the proper hearing of the Maoist agenda won't take place unless multi-party government is formed. Likewise, the door to constituent assembly will remain closed unless the door to amendment of constitution is opened.

The following three different phases appear likely to contribute for the resolution of the present crisis:

- ▶ Formation of multiparty government by the political parties.
- ▶ Dialogue and conclusion among the Maoists, political parties, civic society and the government.
- ▶ Amendments of the constitution for the implementations of conclusions. In case, the amendment is insufficient, even the constituent assembly for the incomplete issue.

# Underlying Causes of Maoist Insurgency in Nepal: a Brief Analysis

Bishnu Raj Upreti<sup>1</sup>

## Abstract

*This paper discusses the fundamental causes of the current Maoist conflict in Nepal. Nepalese people, especially women, poor, people belonging to the traditional 'lower' castes, marginal ethnic groups and people in rural areas were discriminated in previous Rana regime and Panchayat regime. Nepalese people were struggling to change this situation. The massive support of Nepalese people to 1990's political movement was to achieve this change. It is found that people were severely frustrated with the extremely poor performance of the 1990's political change as the political parties, who have raised their expectations after the restoration of democracy in 1990, were not able to fulfil their promises. Instead, unemployment, discrimination against so-called lower caste people, women and rural people continued. Pervasive corruption, inequality, failure of successive governments to alleviate the widespread poverty, widened gap between rural and urban population and lack of radical land reform was evident. The insurgents became successful to capitalise the widespread dissatisfactions and frustrations of Nepalese people and gained their considerable support. Therefore, the Maoists' influence spreads all over the country and they are able to control a large part of the country. Other major reasons of their success are the geographical terrain of the country, open boarder and easy access to India, weak intelligence and weapons of the security force, power struggle between the major political parties and the 2001 royal massacre and change of monarchy. In sum people's frustrations and poor performance of the successive governments have played major role than the Maoists' ideology or anything else.*

## 1. Introduction

South Asia is one of the most militarised and conflict prone regions of the world and remains in turmoil due to internal and external conflict (USIP, 2002). The violent clashes in South Asian countries in the past and present decades indicate a potential danger of instability in the region. Nepal, previously recognised as a peaceful country, is facing severe violent conflict since 1996 due to the Maoist insurgency. It is not only seriously affecting the life of ordinary people but also creating fear, mistrust, insecurity, civil strife, political instability, threatening to the new democracy in Nepal (Huntington, 2002) and forcing

country into chaos and anarchy (Upreti, 2002a). The Maoist conflict is costing unbearable losses in terms of human casualty and so far more than 7000 people lost their lives (AI, 2002a). Violence and killings of any kinds cannot be justified by ideological, political and administrative logic (AI, 2002a, 2002b). Current Nepalese polity appears incapable and ineffective to control or contain Maoists' insurgency and maintain security and peace in the country (Riedle, 2002; Huntington, 2002). The conflict is expanding and getting considerable support from rural communities (AI, 2002a). This paper attempts to analyse the underlying causes of this conflict and

reasons why rural communities are supporting the insurgency. Most of the information contained in this paper is used from the 'conflict impact assessment of the development co-operation programme' of SDC-Nepal, which was undertaken by the author between March and June 2002. The aim of this paper is to share the findings of research to wider audiences to understand Nepalese conflict and directly or indirectly assist in resolving conflict and peace building.

Though warfare is currently dominant, the present conflict is basically a political one. It is fundamentally a competition between the government and the

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insurgents to control the state. Different dimensions of the current conflict is analysed in the following sections:

## **2. Causes of the Conflict: an Analysis**

### **2.1 Political causes**

The current conflict is an outcome of the failure of the political parties and their successive governments to govern the country according to the democratic ideals and the constitutional provisions detailed in the Constitution of Nepal 1990 (Goodhand, 2002; Huntington, 2002; Kievelitz, 2002; Upreti, 2002a). The Maoists found the failure of governance as a mighty ground to undertake armed rebellion and started the insurgency in 1996 (Brusset and Regmi, 2002). The explicit aim of Maoists is to control state power and civil society (Sharma, 2001). There is distinctly different perception of Maoists and the government (and other political parties operating under the present constitution) on the legitimate authority and representation. The constitutional parties feel that the current system fully represents the people and the insurgents view the opposite.

The six years of conflict turned into a new mode from 23 November 2001. The then Prime Minister's unilateral cease-fire in July and the call for peace talks and the Maoists' positive response with three rounds of peace talks were very much welcomed by the general public. However, on 23 November 2001, the Maoists suddenly and unilaterally called off the peace negotiation. They proclaimed national

people's government and started violent attacks in different parts of the country (e.g., Dang, Syanja and Solukhumbu). On 26 November, His Majesty the King declared the State of Emergency (SoE) exercising the authority given by Article 115 of the Constitution. From the SoE the constitutional rights of Nepalese people such as freedom of opinion and expression, freedom to assemble peacefully, freedom to move throughout the Kingdom and reside in any part thereof, freedom of any profession, or occupation; freedom of press and publication rights; rights against preventive detention; right to information; right to property; right to privacy and right to constitutional remedy were suspended except the right to file habeas corpus (Huntington, 2002; Philipson, 2002). The King, on the recommendation of the Cabinet also issued the Terrorist and Destructive Activities Control and Punishment Ordinance. At the same time, the government declared Nepal Communist Party (Maoist), its sister organisations; and any organisations and individuals supporting them as terrorists. Then the army came into the battlefield and intense fights between rebels and army continued with serious casualties. Human rights violations, censorship to media and suspension of civil rights are the main outcomes of the SoE (AI, 2002). The SoE failed to its objective and the insurgency continued to grow. Instead, the provisions of the SoE were misused leaving negative impact upon the ordinary citizens. Many human rights organisations asked war-

ring parties to respect the Hague Convention regarding the basic rules of war and Universal Declaration of Human Rights. Human rights activists and civil society organisations realised that the government did not care to prevent civilian effects during the emergency period by not issuing an order as per the Article 115.7 of the Constitution defining the emergency rules. However, the government executed it only after more than 4 months of the execution of the SoE. The parliament approved the subsequent term of SoE. The parliament passed and the king has approved the Terrorist Control Ordinance, which became an act for the two years. The situation after 23 November posed several new dimensions in the conflict.

It is widely recognised that Nepali Congress Party, who ruled the country for more than 10 out of 12 years of democracy, is totally failed to govern (Philipson, 2002; Pandey 2000, Kumar, 2000). It has no rational concepts and perspectives to governance reform, poverty reduction or to facilitate peace process. Instead, it is solely engaged in power struggle within the party.

The role of opposition parties, especially the main opposition party towards the Maoist issue is controversial and ambivalent, opportunistic and inconsistent. The main opposition party is not playing a constructive role at all to resolve conflict due to a deep fear of political outflank by Maoists (Philipson, 2002). It was and is extremely impatient to go

to the power instead of playing constrictive role in resolving conflict. Other small leftist political parties are relatively sympathetic to the issues raised by Maoists. Likewise, the Maoists are weak in their political substances, as there is wider gap between their rhetoric and pragmatic possibility to implement their aspiration to establish the communist state (Hoger, 2001).

The civil administration does not have the factual competence to implement reform agenda. Instead, they are widely perceived to be corrupt, inefficient and useless. Bureaucracy is wrongly used to fulfil their personal and party interests (Pandey, 1999) and bureaucrats are capitalising political intervention as an opportunity for corruption.

Though the king several times publicly stated his firm commitment to multiparty democracy and constitutional monarchy, the UML, the Nepali Congress and other small parties strongly suspect his intention and actions as a main threat to infant democracy. Conflict between the king and constitutional parties is widening.

## 2.2 Geographical causes

Geographical disparity, especially Mid Western and Far Western Regions and remote areas with a widespread poverty, disparity in resource distribution and structural inequality, injustice and discrimination have heavily fuelled the Maoist conflict (Kievelitz and Polzer, 2002; Kumar 2000; Hogger, 2001). Hence, the Maoist insurgency was first started from Mid-Western Region

(Rolpa, Rukum, Salyan and Jajarkot). Since then their influence has been spread across the country and now they are virtually present in all 75 districts from rural to urban and hills to Terai areas (Kievelitz and Polzer, 2002). Complete failure of the government to address geographical inequalities and provide regionally balance development opportunities and infrastructures further helped to escalate conflict. All the governments have neglected remote areas (Pandey, 1999). The government was completely failed to recognise the gravity of the problem of geographically neglected areas. The government is extremely weak in early warning and early response measures in remote backward areas.

People of most of the geographically remote areas are almost under the Maoist rule. Integrated Development Programme (November 2000 to March 2001) in Rolpa, Rukum, Salyan, Kalikot and Jajarkot, and Integrated Security and Development Programme (ISDP) in the Maoists stronghold districts (since May 2001) were not effective and finally it has to be stopped. Presence of security forces is concentrated mainly in district headquarters and town areas (Huntington, 2002). Consequently, the rebels are continued to expand their geographical influence. As a result dual rule exists in the geographically remote areas. Geographically the rebels are in advantage (Philipson, 2002).

## 2.3 Socio-economic causes

Social exclusion, acute inequali-

ties, absolute poverty, lack of access to resources and failure of political structures to address these issues made the Nepalese society extremely vulnerable to conflict and mass movements like the Maoists' 'People's War' (Kumar, 2000; Pandey, 2001; Upreti, 2001). Deep rooted social cleavages in terms of caste, ethnicity, gender and regional, cultural, linguistic and religious forms of discrimination provided fertile ground to escalate the conflict (Bista, 1991; Hogger, 2001). Maoists successfully capitalised the widely discernible disillusionment of people towards poor performance of current political structure and process, highly unsatisfactory democratic transition of the 1990, spring awakening the expectations regarding the transformation of the state, politics and the society (Pffaff-Czarnecka, 2001). Dominance of certain groups (e.g., Brahmin, Chhetri and Newar) in all social, political and economic sectors promoted feeling of injustice and revenge as lower caste people strongly believe that they have been excluded from opportunities and resources (Hoger, 2001). Maoists tactically utilised this feeling. The emergence of ethnic interest groups, awareness on social exclusion and ethnic inequalities and governance failure fuelled the conflict. The rebels have obtained considerable supports from ethnic community. If the ethnic dimension of this conflict is not addressed properly, it can lead to ethnic and separatist movements that threaten the sovereignty of the country.



## 2.4 Ideological causes

There is a strong ideological dimension in this conflict (Philipson, 2002). The rebels are following the Mao's ideology and strategy. The Maoists perceived that the deep-rooted oppression coupled with the feudalistic mode of production relations and unequal power structures, monarchy and the capitalistic democratic system are the problems and the communism is the solution (Sedon, 2002; Shneiderman and Turin, 2001). This is playing a mighty background role in emergence and escalation of conflict. In contrary, the government, the ruling party and the main opposition party believe on multi-party democracy and constitutional monarchy (Nepali, 2002; Upreti, 2001). These two seemingly opposite ideologies are leading to ideological conflict between warring parties. In the past the subsequent governments had treated Maoists as heinous, criminal and directed towards damaging the norms and values of the democratic system of governance, which law and order can counter (Hachhethu, 2001). The ruling and the main opposition parties are either confused or unwilling to realise the ideological dimension of the Maoist insurgency (Philipson, 2002, Upreti, 2002a).

## 2.5 International causes

After 11 September 2001, international security interests in Nepal are growing. US Foreign Secretary visited first time in the history of Nepal to discuss this

issue. High-level military visits from USA, India and UK and their commitments to support the military intervention have clearly indicated such interests and concerns (Uprteti, 2002a). USA placed Nepal in the list of top six countries to support for the 'war against terrorism' and committed to assist in security intelligence, training and millions of US dollars. Senior security officers from USA, UK, India and other countries are making frequent visits in Nepal.

India is another major influencing force in the current conflict. Its attitude towards the Maoists, its level of support to the government, its influence on the political decisions of the NC party and its perceived security concerns determine the degree of Indian response to the conflict (Upreti, 2002a; Philipson, 2002). Many analysts say that India is not really willing to help resolve this conflict in Nepal. It wants to keep conflict going for its strategic security interests and decisive influences in Nepalese politics. Though India is an unwelcome player in Nepalese politics, its role in future is most likely to be more influential (Hoger, 2001).

So far China is not a major player in Nepalese conflict (Upreti, 2002a). However, China is carefully watching the activities of India and USA in Nepal.

## 3. Main Actors in the Conflict

Primary actors in this conflict are the government (cabinet,

army, police and local administration) and Maoists and sister organisations<sup>2</sup>. The dissolved parliament and political parties are other major actors. Secondary actors are general public, organisations representing ethnic groups, medical professionals, journalists and media personnel, business communities, human rights activists, NGOs, etc. External actors are bilateral and multilateral donors and INGOs and other countries. India, UK and USA are becoming increasingly major international actors in the conflict by offering unprecedented military aids/supports to Nepal to crack down the Maoists insurgency.

In the actor analysis, a notable characteristic of Maoist insurgency is the degree of participation of women. Even many women are in guerrilla ranks (Philipson, 2002). Previously women's participation in political sphere was limited to electoral candidacy to meet the minimal constitutional condition by the political parties (Upreti, 2002a). But the Maoist insurgency surprisingly attracted large number of Nepalese women to join arm rebellion. It is estimated that about 30% of Maoist guerrillas comprise of women.

## 4. Channels of the Conflict

- ▶ There are several channels active in the Nepalese conflict. They are:
- ▶ Legal channels such as decision of court and promulgation of Terrorist and Disruptive Activities

2 All Nepal Women Organisation (Revolutionary), All Nepal Free Student Union (Revolutionary), All Nepal Peasants Organisation (Revolutionary) and All Nepal Workers Organisation (Revolutionary)

(Control and Punishment) Act, etc.

- ▶ Political channels such as party identity, power struggle within and between parties, lack of broader participation of general public in political decisions, etc.
- ▶ Identity channels such as patriotic expression, regional issues, ethnic identity, Dalit and untouchability issues, etc.
- ▶ Other social channels such as rich v/s poor, social exclusion v/s inclusion, upper class v/s lower classes, etc.

The Maoists were successful in utilising the dichotomised group identities such as oppressed-oppressor, ruler-ruled, poor-rich, landlord-landless, patriot-non-patriot, etc. to establish political, social, cultural, and economic cleavages. These dichotomies were heavily channelled that sensitively fuelled the already developed feeling of injustice and frustrations of the Nepalese people to escalate conflict. The emergence of the Khumbuwan Mukti Morcha (an ethnic group emerged from the Eastern Nepal) is just an example. The government and other political parties also channelled the image of the Maoists as in humane, brutal, terrorist, anti-people, etc. All these blames and counter blames channelled through various means are playing mighty role in the conflict dynamics in Nepal.

### 5. Triggers/Catalysts of the Conflict

Triggering factors appear in specific time and manifested within specific context or circumstance

(Baechler, 2002). Triggers and catalysts influence the rate, duration or intensity of conflict. Triggers or catalysts activate various channels in conflict. In this conflict trigger for the armed rebellion by the Maoists was the chosen time for their actions. They started the rebellion at the time of severe frustration of the Nepalese people with the performance of political parties and the successive governments. The impoverished situation of mass population, intra- and inter party conflicts and power struggle, failure of NC and CPN-UML party to address root causes and change in power relations, widespread corruption all were responsible to trigger the conflict (Kievelitz *et al.*, 2002). Furthermore, massacre in the Royal Palace, transportation of small arms and ammunitions from open border with India, events of September 11 and subsequent 'war against terrorism', failure of negotiation and unilateral break up of peace talk by Maoist and attack to security bases, sole aim of main opposition party to go in power, courts' decision to release some arrested suspected Maoists, dual role of the main opposition party in the conflict, sympathy of small left-ist parties toward the Maoists, brutal killing and arbitrary arrests of people and the SoE were main catalysts or triggers of the conflict (Huntington, 2002, Upreti, 2002a). The announcement of the government to award millions of rupees to those who bring the Maoist leaders dead or alive had further triggered the conflict.

### 6. Target of the Conflict

The explicitly or implicitly declared long-term target of the Maoists is to establish republican socialist political system in Nepal (Philipson, 2002). They present that such a political change is the only solution of all cultural, social, political and economic problems of Nepal. Their target in the long run seems to root-out the existing multi-party capitalist democratic system to establish a communist political system (Hachhethu, 2001). Basically the Maoists want to achieve this target through the approach adopted by the Mao China, i.e., control villages and steadily encircle core cities and carry out guerrilla war in cities. In contrary, the target of the government is either to eliminate the Maoists or bring them to the current multiparty political system. However, it is difficult to identify the hidden target of the main actors in the conflict, as they say one thing and do another, a unique characteristic of Nepalese politics. But financial gains might be the obvious hidden target.

### 7. Conclusions

Nepalese people are equally disillusioned with the government and the Maoists because of failure to fulfill the promises they made on fundamental needs of people. Instead they continuously fight with each other, killing people and pushing country into chaos. The Maoist insurgency in Nepal is the symptoms of the centuries old problems.

In essence the Maoist conflict is a political one and not the same as *Al Queda* or other terrorist



organisations. Therefore, military confrontation is no longer a sustainable long-term solution of the current conflict. Instead, a multi-track diplomacy involving government, multilateral agencies, international economic and scientific institutions, humanitarian organisations, creative and credible individuals, specialised NGOs, and professional conflict advisors could help to resolve conflict and achieve long lasting peace in the country.

Rampant poverty, structural inequality, political oppression, social discrimination against certain groups like Kamaiya, women, Dalit, etc., failure of the public administration, wide spread corruption and continuous failure of the successive governments to address these structural problems are the root causes of the current conflict in Nepal (Hoger, 2001). The Maoist insurgency is only the manifestation or intermediate result of these problems. Feudal legacy, political instability, dependency syndromes, lack of transparency and the social exclusion are further contributing to fuel conflict (Kievelitz *et al.*, 2002). In addition to that, another plausible explanation of the emergence of the Maoist conflict in particular

time is the growing awareness of the Nepalese people. They are becoming aware about the poverty, inequality, discrimination, corruption and frustrated expectations with the promises made, slow pace of development and lack of employment opportunities in the democratic political system and destruction of indigenous social networks in Nepal. Therefore, paradoxically the current crisis is not only the syndromes of system failure but also an indicator of social awareness (Upreti, 2002a, Hoger, 2001).

Though the peace talks have begun, the interests of main actors for peaceful negotiation of the conflict at present are severely constrained by suspicion between them. Political parties are too rigid and not ready to genuinely support peace process. They are more interested to hold state power. Since the ceasefire begun, the Maoists seem more eager to resolve conflict than anybody else. However, their intrinsic motives and strategies are not clear yet. Similar situation is observed in the side of the government. But the government is facing severe problems from the constitutional parties as they raised its legitimacy and its limited mandate. If the political par-

ties and the government are really interested to resolve the bloody conflict, there could be several options for negotiation. But the current level of mistrust, distrust and suspicion indicates that the peaceful negotiation of this bloody conflict seems only a distance hope.

It is important to note that there is a wider consensus at both international and domestic levels on the legitimacy of the most of the demands made by the Maoists. Even the agenda for the peace talk proposed by the Maoists seem more pragmatic. The first point of negotiation should be to address the root causes of the conflict. The country will face continuity of extreme uncertainty, insecurity, instability and violence unless the root causes of the conflict remain unchanged. In this context, it is worth- quoting Hogger's statement, "*The real problems are not the Maoists; the real problem is the disparity between the rich and the poor, linked to widespread corruption. Unless these problems can be solved, somebody else will take up the Maoists' role once they will have disappeared.*"

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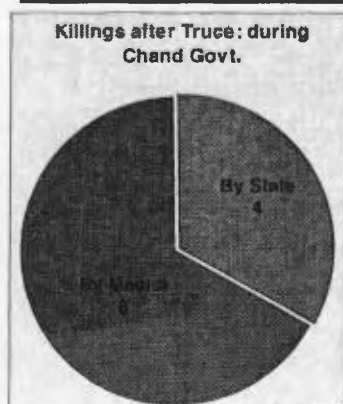
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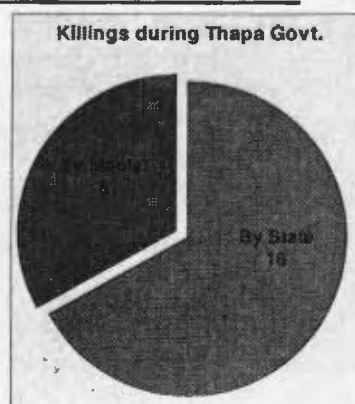
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**Killings during Truce**  
(30 January - 24 July 2003)





# Power, Politics and Poverty in Nepal

## 1. The Context

There is an abundant literature and studies towards enriching our knowledge about prosperity and poverty both nationally and internationally. Many project activities and programmes are run in rich and poor countries to alleviate poverty in different ways and approaches. But these approaches, activities and various measures to alleviate poverty have not yet achieved the goal to a desirable extent. As a result, poverty is escalating. The gap between rich and poor is also increasing everywhere. The level of prosperity attained in rich and poor countries has not been adequately channeled to alleviate poverty neither at international nor at national level. The political will to alleviate poverty has not been adequately addressed for planning and implementing policies at national and international levels. As for example, the prosperous countries have so far contributed only 0.25% of their GDP for developing countries, which is very insignificant to reduce the existing poverty of receiving countries. These contributions of prosperous countries have not been able to generate more of their capital for funding to their poverty alleviation programmes (PAP) of respective countries due to the lack of such policies.

Several attempts have been observed to enrich our knowledge and experience to practically implement various PAPs,

*- Hamid Ansari*

nationally and internationally. Resources are also allocated to a similar extent. But the poverty is rising and many poor have not received the programmes. The poorest or ultra poor category of people has remained in the trap of chronic poverty. Rich people have become richer and poor have become the poorer. Rich people have not been adequately treated by the state policies to bring them to raise their prosperity. Similarly, power and politics have not yet been fully utilized in the absence of political will/commitment to alleviate poverty.

There are several endogenous and exogenous factors responsible for growing the gap between rich and poor within the country and outside. A lack of basic security is the absence of one or more factors that enable individuals and families to assume professional, family and social responsibilities and to enjoy the fundamental rights. Such a situation may become more extended and lead to more serious and permanent consequences. Chronic poverty under the poverty – wealth axis results when the lack of basic security simultaneously affects several aspects of people's life, when it is prolonged and when it severely compromises people's chances of regaining their rights and of assuming their responsibilities in the foreseeable future.

The prosperity is growing both nationally and internationally. The concentration of wealth, income and resources are limiting to few hands of individual and nations. A lion's share of such resources can be used by the independent states, UN agencies and other concerning agencies for increasing the level of their own prosperity together with the alleviation of poverty in a massive scale. The two pronged approach in tackling with the endogenous and exogenous factors will lead to minimize the confrontation and can help initiate cooperation between rich and poor countries and their individuals.

The present article attempts to provide some food for thought for tackling both endogenous and exogenous factors responsible for growing poverty and prosperity in the case of Nepal. The article also aims to generate opinion through discussion to ultimately develop a model "Globalization from the below" which can help initiate the protective measures to implement concept on globalization, Privatization and Liberalization.

## 2. Endogenous Factors

### 2.1 Power

The political power remains to be the primary source of wealth and income in Nepal since last 250 years when Nepal started unifying various principalities. Those who were active partici-

pants in unification process of the country (warriors) fetched quality resources like land, valuables and forest. These people with the help of their relatives and villagers started becoming rich by using state machinery. Thus, an exploitative class of ruling elite emerged with political and economic power. But a majority of population was deprived of job opportunities, land and means of production. They are around 42% below the poverty mostly from dalit, ethnic and minority population.

The actual class structure shows a concentration of wealth and power in the hands of land owning gentry, knitting closely with the Royal family and the aristocracy. They are the largest land owners, control the government, the administration and the army; they use their wealth and power to invest in trade and industry. The bourgeoisie recruited from traditional mercantile castes is small and its development is hampered by the concurrence of the landowning gentry in its specialized field. The middle classes (professionals, clerics, petty traders and craftsmen) are notoriously underdeveloped. The peasantry constitutes the mass of population and may be divided into three classes - small farmer, proprietor, tenants and landless laborers. The industrial workers in modern industries producing several kinds of liquors, noodles, biscuits etc are negligible.

Thus, we find that use of political and economic power by a smallest group of higher castes has become successful in concentrating wealth and income.

Around two-third population is deprived of all sort of political and economic power.

Such concentration in few hands is traditionally evolved in such a way that the access to the level of prosperity is neither used for big farming nor for big industries. As for example, Nepal's rich traders, businessmen and industrialists perhaps have no plan to become as their counterparts of India, Bangladesh and Pakistan, at least. There are several reasons for that. The details can be found elsewhere. But here the focus is that the prosperity reached by various persons in Nepal was never used for tackling absentee landlordism, for raising agricultural production and productivity and for intensive agricultural development. The policies were around land reform by taking the land from landlords and distributing among the tenants and poor people. Such policies neither helped the poor nor the rich farmers. The lowering the ceiling of land from 25 bighas of land to 10 bighas cannot help to solve the agrarian problem. The actual problem is absentee landlordism, growing degree of fragmentation and concentration of land and income. These problems cannot be solved unless a suitable policy with a package program for agriculture is made by a suitable democratic government with a strong political will.

## 2.2 Peace and development

The immediate concern for Nepal is to establish a democratic government by a fresh election and a good bureaucracy with the involvement of competent per-

sonnel of different communities. Such exercise is on the way and people are struggling now for establishing a good democratic government with durable peace. But this is a long way to go. Truce with Maoist has been announced, however, efforts for a durable peace are yet to bring result. The aim of peace and stability can only be achieved if the basic norms of good governance – a regular election, democratic government without corruption, fresh and competent bureaucracy and so on are followed.

## 2.3 Good governance

For establishing good governance in the country, following few points should be considered seriously:

- ▶ The present constitution should be amended or new constitution should be promulgated as per the present demand of Nepalese people. The people's power should never be curtailed.
- ▶ The laws should be made strict by following the guidelines of the constitution.
- ▶ There should be a regular election without any manipulation of constitutional provisions.
- ▶ Corrupt persons should not be allowed to contest the election.
- ▶ Voter turnout ratio should be increased.
- ▶ One-third seats should be guaranteed for women of all communities.
- ▶ Direct election of the Prime Minister and Ministers from out of parliament should be provisioned in the constitution.
- ▶ Community participation

should be maximized.

- ▶ Trade union membership should be increased.
- ▶ Role of civil society including NGOs should be further strengthened. The recruitment policies and laws should be made for NGOs, INGOs and other organisations also.
- ▶ The ratified rights instruments (especially the big Six: ICCPR, ICESCR, CAT, CRC, CEDAW, CERD) should be implemented by making and/or incorporating in the national laws.
- ▶ The personnel who are working in the bureaucracy should be recruited on the basis of their genuine qualification, competency, experiences and wisdom.
- ▶ Bureaucracy should not be intervened at any cost on any political changes in the country.

## **2.4 Poverty and social development**

Basically, Nepalese are facing following three types of poverty. They are as follows:

### **2.4.1 Political poverty**

- ▶ The trend of the last two elections indicates that majority of the population wants to join mainstream politics. However, there is still possibility of more aggressive expressions, even violence and irredentism, if legitimate demands for social justice and political equality are not conceded by those entrenched in Nepal. National political parties and the government should revise their rules, regulations and

laws to accommodate different communities, ethnic groups and minorities in order to promote national integration as provisioned in the constitution.

- ▶ Majority of Nepalese population are politically inactive and unorganized. This does not mean that political parties and State should organize them. State and political parties should help and support organization without curtailing their fundamental rights to organize.
- ▶ The State and political parties should provide all opportunities and access to reach the decision-making bodies as per their capabilities and education. Any barriers for such individual development should not be allowed for their career development.

### **2.4.2 Economic poverty**

- ▶ Economic poverty is directly correlated with the customary practices, culture and religion. The practices like dowry, purda system, restriction of family planning etc can be eliminated with the state and communities themselves. The waste of money can be controlled by individual as well as by the state intervention. As for example, the income of an individual can be raised by the state programmes but individual should know how best can that money he/she has earned should be spent without wastes. The State should also ban, for example, 24 hours liquor sale in the market despite loss incurred during this time.

- ▶ The unemployed persons of all communities should be provided equal access and opportunities for all kinds of jobs.

### **2.4.3 Intellectual poverty**

Sometimes ambassadors and high-ranking officials are found doing socially unacceptable behaviour like stealing books from the shops, library and submitting fake certificates for accessing job and promotion. These things should be eliminated. The professional ethics, civic sense, noise pollution, curtsy etc should be maintained by intellectuals so that others can also learn these things from them. Most of the educated persons are found using less intellectuality and wisdom in planning and implementation of plans, project and programmes. The attainment of higher education and intellectuality are used much for donors aid international agencies and very little for national development. The new concepts, theories cooked up by World Bank and International Monetary Fund (IMF) and other foreign countries are mostly used/consumed by Nepali intellectuals without considering the country specific realities. The expertise available in the communities, ethnic groups and minorities are ignored by State and political parties for the preparation of documents, constitution, plans and programmes for them. The concept of globalization has been used with little observation in Nepal. Globalization concept as we call it 'Globalization from above' has been used in Nepal without giving sufficient thought to use it. The concept has both



positive and negative aspects. Therefore, "Globalization from the below" concept can help Nepal better than the direct use of the concept on it.

#### **2.4.4 Other kinds of poverty**

There is a long list of different kinds of poverty. As for example, the poverty is related with natural calamities, internal conflicts, human made calamities (fire, religious, communal rights etc). These and other aspects have been playing a role in raising poverty. Therefore, they should be tackled in time.

### **3. Exogenous Factors**

There are innumerable factors, which can be given, in the exogenous factors. But for the sake of improving our prosperity and alleviating poverty, only a few very important factors are explained here.

#### **3.1 International**

- ▶ UN, international agencies and foreign donors have not yet given enough resources. They should provide more resources for productive purpose of the genuine needs of the developing countries. A lion's share received is used for improving knowledge than for production and productivity of the countries.
- ▶ Prosperous countries should provide at least 1% of their GDP to developing countries as per need for production activities of specific plans and programmes as per their need. The procedure can be soft loan, aid as per their need.
- ▶ There should be a strong political will and commit-

ment both nationally and internationally for poverty alleviation and also for prosperity.

#### **3.2 Bilateral**

- ▶ The 1950 treaty with India should be reviewed, the border between India and Nepal be regulated; the introduction of work permit both in India and Nepal can benefit the process of additional resource mobilization for both countries; joint ventures both with India and China should be activated for industry, road, communication, trade and business on the basis of equidistance foreign policy of Nepal. The international agencies and community can help in this endeavor to convince both India and Nepal governments for developing equidistance policies without affecting cultural, social and religious ties with India. The equidistance policy with India and China will give ample scope of diversifying their activities and policies. This policy will also help to solve Bhutanese Refugee problems with an active support of India. The regulation of boarder with India and introduction of work permit in both the countries will benefit more and bring more fruitful results in controlling girls trafficking, dowry, robbery, encroachment of Nepal's territory, smuggling, barrage construction, flood management etc.

#### **3.3 Others**

- ▶ The whole education system

of Nepal is heavily influenced by Indian and western system. So, the education system should be developed to meet the current demand of Nepalese and their culture.

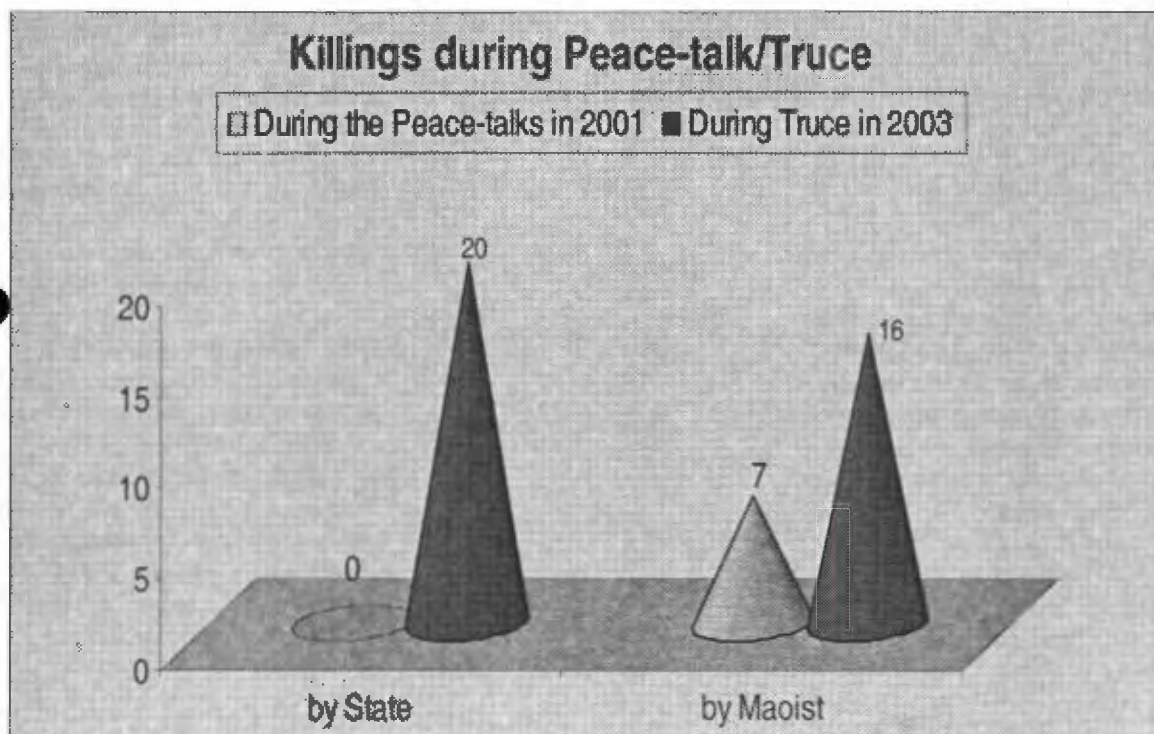
- ▶ There should be rule of law within the country, which allows the country to use foreign resources suitable to their needs and using by their own resources to a maximum extent. The practices of bringing back to foreign resources to the donor state should be effectively controlled by Nepal.

### **4. Conclusive Remark**

Nepal is a unique country where not a man but a caste is born. Nepal has so far been developed in such a way that it is said that Nepal is a state where monoculturism has been developed and dominates the multiculturalism in the country. It is true. But majority of the Nepalese say "Our hope is in unity". Unity and only unity can bring fruitful results to bring prosperity in the country. The task is difficult but not impossible. The only thing how best wisdom well-developed monoculturism can be utilized effectively to bring unity among multicultural groups of society to build this beautiful country by developing a multi- democracy with strong political will and commitment to solve endogenous and exogenous factors for a prosperous Nepal.

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# Human Rights Agenda in Peace Dialogue

## 1. The Issue

Nepalese people, who had passed thirty years of autocratic panchayat rule, had high hope from democracy, restored in 1990. They were hopeful about socio-economic prosperity and of better life with sound social security. But their dreams turned to dismay. They couldn't sense any difference even after the democratic change.

In the past, Nepalese society had not experienced violent political activities for social change. The then United People's Front had presented Prime Minister Sher Bahadur Deuba with a 40 point letter in February 1996 demanding among others, nationalism, livelihood and a republic. Exactly nine days later, CPN - Maoist launched its violent campaign by attacking police and administrative offices in Rukum, Rolpa and Sindhuli.

Apart from this Maoist fraction, other leftists who have been still claiming of majority among the total population of Nepal also could not give up their personal interests. As soon as they got the currency of legislators, they failed to practice according to the principle they were guided by. They did see nothing to do unless they were at the apex to exercise the state power. Hence, even after the democratic

## *-Padma Khatiwada*

change, people were divided into 'haves' and 'have nots'. In the meantime, the Maoists appeared to be a violent force claiming change on overall political and socio-economic fronts for the sake of Nepalese.

The violent campaign begun on February 13, 1996 in the name of People's War by the Maoists has completed 7 years. Several forums have been established in an attempt to find a solution by pinpointing the reasons behind the Maoist insurgency. But crisis created by the "People's War" has been further deteriorated.

## 2. Commitments of the

### **Government on Human Rights**

The interim government formed after the People's Movement (1990) ratified UN declarations on civil, political, economic, social and cultural rights. Earlier, the State ratified the Convention on the racial discrimination in 1971. Till the last of 2002, Nepal has been the State Party to a total of 16 international human rights instruments.

Nepal has, thus, attached importance to human rights on different national and international events. Among them, the most

prominent is the determination of respecting all kinds of human rights by the government of Nepal in Vienna Conference that was held in 1993. The Vienna Declaration and Programme of Action adopted by the 1993 World Conference on Human Rights specifically recognised the right of each State to choose the framework for a national human rights institution, which is best suited to its needs.<sup>1</sup> UDHR itself is the gist of the struggle by the individuals all over the world for achieving natural rights in various fields.

The year 1990 is one of the most significant in the political history of Nepal. Two of the major political forces Nepali Congress and the then United Left Front unanimously decided to launch people's movement for the restoration of multi-party democracy in Nepal. Consequently, this movement was successful which is widely known as the 'People's Movement 1990.' The main achievements of the People's Movement of 1990 are:

- ▶ Constitutional Monarchy
- ▶ Multi-party Democracy
- ▶ Sovereignty on People

Accordingly, the Constitution of the Kingdom of Nepal 1990, was promulgated which guaranteed:

- ▶ Basic human rights to every

1 Surethri 2002, "Elements for the Effective Functions of National Institutions", Human Rights Study Materials, Institute of Human Rights Education, People's Watch, Madurari, India.



citizen of Nepal

- ▶ The parliamentary system of Government
- ▶ An independent and competent system of justice with a view to transforming the concept of the Rule of Law into a living reality.<sup>2</sup>

### 3. Effect of the Maoists' "People's War"

The effect of the internal conflict in the name of 'People's War' has caught every nook and cranny of the society. The most victimised have been the laymen who are innocent but are compelled to be the extortion victims. Political cadres have been victimised after them, they have lost their lives. Victims' family members are suffering due to the ideological differences. Some political activists have joined the CPN Maoist Party not because they are interested in it but because the party cadres misbehaved them. Youths are mainly involved in the Maoist movement to fulfil their romantic political notions. Local journalists have been arrested and kept in jails or in custody; they face harassment. Some have been threatened for death or abducted.

As a result of the Maoists' People's War, several victims are in urgent needs of relief and rehabilitation. The victims of torture, the family whose member(s) have been killed during conflict, extortion victims both in cash and kind, victims of false allegation/'actions' by both forces (who have to feed them, provide with donations etc), security forces especially in low ranks and the IDPs—the common

people displaced within the community or having no access to government resources and the political cadres and professionals, all are in emergency need to be supported.

It's the "People's War" due to which children have been turned to be the most vulnerable groups of the society, have lost their guardians (father, mother etc.). These victim children feel a sense of revenge, may bring conflict in the society again. They are losing opportunities. The girls are victimised more; they have lost either father or mother or both. Young women have been widowed. They have been left most discriminated and dominated in the society. Widow women are facing the problem of old age insecurity that prevails in society since traditional beliefs and customs do not allow remarriage.

Widow women are forced to spend their life without sexual entertainment. They have to suffer by the family members on different charges like they cast an evil eye so that their husbands died and so on.

Women victims, thus, face mental unrest, depression and distress. Mostly these women are illiterate. They lack knowledge to claim for the compensation. They live lives cogitating the dark future of their offspring. They face depression. Due to the lack of social security, they are married at the earlier age.

Women are ignorant on legal rights. They hardly come out of their kitchen works and hardly

they mix up with the intellectual circles, because they have to be busy with the kitchen works. The prevailing patriarchal state mechanism and society work to treat women unequal or sub par.

The victims of torture and family members who have been killed during conflict are in urgent need of medical support, psychosocial counselling and different livelihood activities (empowered programmes). Children deprived of education should be addressed how to continue their education. Women empowered programmes are to be launched, especially for the women who have been raped, sexually harassed and widowed and are not recognised in the society (socialisation programme). An integrated approach should be identified first and implemented to address all these problems.

The problems of the elderly should be addressed with the economic support and medical support & psychosocial counselling. Awareness and advocacy on respecting the elderly because they are the most seniors, most experienced and are physically weak has not yet been reached to the areas where this segment of the populations is victimised. Even the conflicting parties do not respect the elderly. There are incidents of victimisation of the elderly.

For extortion victims, counselling programmes and advocacy on Human Rights and Humanitarian Law are the urgent needs. Similarly, for the IDPs, psychosocial counselling, food and shelter for them, livelihood

2 Preamble of the Constitution of the Kingdom of Nepal, 1990

activities (empowering them), employment and advocacy on Human Rights and Humanitarian Law are the urgent needs. For security forces, counselling, skill-oriented programme, advocacy and training on human rights and humanitarian law are urgently needed.

The social and cultural front is another most vulnerable area. Internal conflict in society breeds mistrust and breaks down security. Nepotism is rampant; there is an unhealthy competition among the political party leaders to take power.

The first martyr, Lakhan Thapa, born in 1847/48 attempted to resolve and wipe out caste system and other evil practices in the Hindu religion. Some unorganised revolution in the leadership of Gyandildas some 150 years ago had created public awareness for preparing religious reforms and social goodwill and opposing Rana regime had to collapse eventually. Baudh King and Gurung revolt were also suppressed which were also unorganised. Prior to Jang Bahadur's regime, an individual accused of public offence was made a slave. The 1853/54 civil code prohibited the selling of child below<sup>3</sup>. In succession, the laws were redrafted and reframed. Coming upto 2000, the bonded labour system in the name of the Kamaiyas was officially banned. In practice, however, the system still exists.

- ▶ Social discrimination exists in society on different social, political, economic grounds:
- ▶ On the basis of caste/ethnicity
- ▶ On the basis of property (rich and poor)
- ▶ On the basis of gender (boy/girl/male/female): A boy is the heir of a father to look after his property after death. So the family admits boy in a boarding schools and the daughter, less valued with this regard to is admitted in a government school.
- ▶ On the basis of political (congress/communist etc.), and so on

Even the teachers are not aware on essence of the non-discrimination. An example ahead proves the truism. The teachers of Bhuwaneshwori Primary School have beaten and taken 5000/ each from one male and another female dalit students as the punishment for alleging that they were discriminated in providing with the nutrients in a separate line. 'We were ordered to stay in a separates line at the time of having nutrients. They would throw the nutrients from a little farther on and we had to take it by spreading our plates. Sometimes the nutrients would not fall on the plates', says Sunil Biswokarma, one of the victims.<sup>4</sup>

**O**n 30 November 2001, in Rolpa District, five citizens including Man Bahadur Gurung, aged 65 were shot dead by the security personnel in a helicopter gunshot at Meldhara, Khumel VDC-4. The people were gathering there to observe a religious festival Baraha Pooja in Meldhara. In the same incident, seven others were injured seriously. Durga Devi Rai, 65, of Khandabari Municipality-11, was shot injured by the army on 5 November 2002. On 10 September 2002, a group of 3 to 4 security personnel suddenly entered into the house of Bhumishara Thapa, 65, of Neulapur, Nauvasta VDC-8, of Banke district and killed an innocent couple asleep at home by indiscriminately firing through the door. A tender ten-month-old girl child asleep in her mother's lap was left critically injured due to the shot of the security personnel. The second eldest daughter of Bhumishara left home and disappeared after the security personnel threatened to arrest her.

The victimization of elderly people by the Maoist side is more perious. In many cases, the right to life of elderly civilians was found brutally violated. The Maoists beat an 85 year-old woman from Pathraiya VDC-1, Kailali District, to death on 4 June 2002. As per the report some 10-12 Maoists came to Lalmati Devi Jaisi's house and asked her to prepare for them a meal. When the old lady told them that she had no food with her to cook and that there were no one else at the house, the Maoists struck her repeatedly with the butt of their guns. She eventually died from the injury.

\* Executive Summary of INSEC's Human Rights Yearbook 2003.

3. From Human Rights Yearbook 1993. The yearbook endorsed Untouchability as the highlight of the year.

4. The Rajdhani Daily, 11 June 2003.

Illiteracy, low literacy, and the lack of functional type of literacy in the society are the major lacking to understand people's rights. Due to the intolerable activities of the Maoists and the security forces, many schools have been closed and children's regular studies has been rampantly affected.

The government has not been able to address the deep-rooted problems in-discrepancy between the fee structure of the public and the private schools. Due to this weakness of the government, the students are launching movements against such discrimination on education.

Schoolteachers have had a significant role in re-establishing democracy in the country but they are still struggling for the human rights related to their profession. Some 88000 teachers wrote examination with a glimmer of expectation to be permanent almost 8 years ago. No result has come yet. Neither has been cancelled. Teachers fought eight years ago have been passing lives towards the elderly life, those who were not teachers but had contested as a fresh candidate have given up their hope, a few of them have found jobs in other field as well. But most serious is the case of those who have been the temporary teachers. It matters in vain how experienced they are, they are the temporary

ones and so should be junior in front of those so called senior who got through as permanent teachers without facing any examinations in 1991.<sup>5</sup> The most politicisation is the issue of these victimised teachers that they have no option but simply to accept the reality and teach students.

Despite the provision on non discrimination in the constitution as:

"No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe or ideological conviction or any of these"<sup>6</sup>

the discrimination on the same basis exists in Nepal. The article 11 (4) of the constitution further stipulates:

"No person shall, on the basis of caste, be discriminated against as untouchable, be denied access to any public place, or be deprived of the use of public utilities. Any contravention of this provision shall be punishable by law."<sup>7</sup>

Furthermore, the government of Nepal 2 years back had publicly declared eight-point programme to intensify the economic and social reform campaign on 16 August 2001. Among others, no obstruction for the entrance of any one to the places of worships including temples and monasteries; commitment to constitute

two commissions for the welfare of Dalit and Women was the one that has a widespread impact on the nation. Time and again this has been challenged. As for example, on 10 June 2003, the Dalits were obstructed to enter into the Shamaiji temple of Dhangadhi district even in the presence of administration. Khadak KC, INSEC Far Western Regional Coordinator was beaten severely in this case by the locales.<sup>8</sup>

Despite this, untouchability has grossly violated Nepalese people's right of surviving with self-pride. Individuals do not take this deep-rooted system as a grave concern.

Bonded labour issue is another agenda to be addressed in course of the conflict transformation. In the early days, if someone could not pay off the loan borrowed from a moneylender, s/he had to work for him as a bonded labourer for a certain period. The descendents of slaves of Kamara-Kamari had to spend their lives as slaves on hereditary basis. These slaves could be sold to others at their employers' discretion.

There was also a law to force someone to serve as a slave if he had sexual intercourse with a girl of a higher caste. Even those who could not pay off public tax, land revenue etc. were forced to be slaves.

5 The interim government formed in 1990 had made a decision to work on the permanent basis for the teachers working as temporary staff at least for one year in the government aided high schools of Nepal.

6 The Constitution of the Kingdom of Nepal, 1990, Article 11 (2).

7 Ibid, Article 11 (4).

8 The press release issued by various human rights and civil society organizations including INSEC Far Western Region on 10 June 2003



Traditional agriculture system still exists. Agricultural labourers have been cheated. The minimum wage for the agricultural labourers fixed 2 years back as Rs 60 per 8 hours work has not been implemented yet. Meanwhile, the Maoists are warning for farming the land for their own food. They are not allowed to farm for selling the products. As a result and some more others (displacement as for example), the land has turned barren.

Corruption has been rampantly increased. The news on the involvement of political parties cadres in bribe and corruption has led people to support "People's War" as revenge to punish these corrupt leaders.

The problems of youths are more shocking. They have been the most neglected segment of the society. As a result, youths have joined the rebel forces; the workload has been depleted, resulting in a decrease in agricultural production and an immense food deficiency. The tourism sector is downward, trade is almost stagnant and local markets are threatened.

#### 4. Conclusion

On the one hand the problems are hectic, on the other, Nepalese society is fully or partially ignorant on the national and international provisions on human rights. They are ignorant that there are established rules and regulations for war fare – Geneva Conventions, Essentials 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.

Victims of the conflict are ignorant on the emergency provisions and suffer legal repercussions. Most of the victims have not claimed compensation due to the lack of legal knowledge, and fear of the conflicting parties (both State and Maoists). The former are more in number. So the need of legal education programme has heightened, this time.

Victims suffer from insomnia. They are weak in health. Some of the victims have been left handicapped due to excessive torture. They feel a sense of revenge, which may be another hazardous prospect of social conflict.

The long rooted feudal character still exists in Nepal in various forms. The disguised reformations should be understood in the same version but this remained always disguised. As for example, to the simplest of understanding, the attempt to conquer the small kingdoms of Nepal in the name of unifying the nation was not the notion of 'unifying'. Late Prithvi Naryan Shah, the great king of Nepal had not himself the idea of unifying Nepal; it was the due process of expanding his area of Gorkha Kingdom.

But it's also not that he has no contribution. The main hunch is that there is no literature available in a similar version. The history has been thus modified to the maximum possibility of manipulation. Later Janga Bahadur Rana added brick to it by 'introducing the unprecedented tradition of another hereditary Ranism within hereditary monarchy'.<sup>9</sup> These feudal activities led to the beginning of a tradition for hereditary right to persist-hood and responsible positions in the administrative machinery.<sup>10</sup> Later, in the autocratic Panchayat system too, the same feudalistic character was followed. The time has been ripe to analyse whether the present movements either in the name of 'People's War' or others are also feudalistic.

The major challenge, in the present context, is how to turn the society from feudalistic into the socialistic, from dictatorship mentality into democratic attitude, from negative thinking into the positive hope for the change. These overall challenges can only be mitigated if we have democratic culture, habit of a non-partisan political analysis and respect for human rights.

9 Human Rights Yearbook, 1993, p. 1.

10 Ibid, p.2.

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# Exercise of Peace Accord in Nepal

(Context: Government-Maoist Peace Dialogue, Past and Present)

-Bal Krishna Kattel

*"Men make history but not under conditions of their own choosing."*

- Karl Marx

## Abstract

Conflict is our most exciting teacher. It gushes up in the fire of diversity, most often from the 'blunders of history' and costs time and courage for the management. Conflict, the moment of chaos, is valued within group process. Every person is a part of every conflict and self-awareness skills become a part of the solution. The source of conflict is the 'parties with contradictory goals.' And, its management and transformation begins from the 'respect for unknown.' Human beings must learn to handle the chaos and complexity to survive increasingly rapid change. Our liking the world to change is very much troublesome and the trouble, we must shoulder for solving the human problems. Change that begins from conflict is impossible to resolve. Thinking of resolving conflict is going against the nature, the source of conflict, and obviously retardation on the way of life.

## 1. Introduction

Nepal witnessed the myriad of armed conflict, a sample of complex and unique challenge in the country, which has belched forth from the depression of collapsed

state, demands of self-determination, ethnic-cleavage, economic disorder, increased flow of corruption, poor delivery to the needs of people, and crack to come up to the expectations and aspirations of people of the community they represent. Even in the wake of wheeling the country to peace accord, 'rumour mills are working over time to sabotage the peace process' as the transgression of the code of conduct is often cited by the people vying for peace and even by the parties at the negotiating table. Remarkably, after the announcement of ceasefire, cutting across the completely disordered state, two rounds of peace talks had been under way opening the doors for 'a meaningful dialogue between the warring parties.' The ceasefire let the Nepalese the normal pursuit of life. But they have unbearable pain in their archives, a collection of sorrows, that they are compelled to accept unwillingly due to the loss of a son or a daughter or a husband, or a wife or a father or a mother, a hard and permanent loss. The history that Nepalese read as an add-on in its chapter 1.8 years before that was on 23 November 2001 when the

Maoists resorted to violence, scares even today. They had a bitter experience for the history that 'working for peace is also the preparation of war.' So all they expect is that the present cease-fire should be able to bring respite and work far the cause that it is ceased for. It is on this background this article reviews the last peace talks in retrospect and looks into the ongoing peace talks followed by the cease-fire and its impact on the war-weary Nepalese.

## 2. Peace Process in Retrospect

The cease-fire came as a beginning of the peace process on 25 July 2001 arousing lull for the Nepalese. This was not the first time talked and declared for peace forging for the 'political solution' of the problem. Peace talks between the parties at 'War', as an option for negotiation grew louder over years. In February 2000, Prachanda, the top Maoist brass, wrote listing three demands, if these 'minimum conditions were met, we are ready to send our high-level negotiations and we would like to inform that we will cease all operations during the period of

talks.<sup>1</sup> The requisitions the Maoists stuck on were not of the nature of unmet. They simply were to:

- ▶ Bring to light a central committee member of the CPN-Maoist along with others who were disappeared
- ▶ Take an immediate step to release arrested workers and sympathizers
- ▶ Stop 'state terrorism' and begin the process of investigating an incident of arson and killing in Rukum district, provide compensation and take action against the guilty.<sup>2</sup>

This was not the end of call. Right after a year i.e. in February 2001, the Maoists again called for 'a dialogue.' They, as they reported, wanted to use the dialogue to step towards "a conference of 'all political parties, organizations and representatives of mass organizations in the country, election of an interim government by such a conference and guarantee of people's constitution under the leadership of the interim government.'"<sup>3</sup>

### 3. Declaration of Ceasefire

Fluid promises often spelt out by the Maoists for a dialogue, were firmed only after Sher Bahadur Deuba accessed to the power, as the winner of premier lottery for the second time, on 23 July 2001. The downfall of Girija from the power, as the rebels stuck on 'no' with Girija, gave Deuba a ground to prioritise the end of a six-year-old insurrection of rebels to give fresh impetus to

peace efforts. On 25 July, PM Deuba called upon the Maoist leaders to stop violence, offensive activities and come to the negotiating table, ordering the security forces to halt their oper-

#### The Maoist Goal

- ▶ Wide scale land reform
- ▶ Break close ties to India
- ▶ No foreign aid
- ▶ No role for the royal family

ations against the rebels. The call was positively acknowledged by the Maoists committing 'to continue the dialogue to find the political solution in the conflict.' Prachanda took the opportunity even to loud for solidarity of "pro-people force" to direct the country along the "path of the radical change." The party leaders also warned to be aware of the 'unidentified elements' who might opportune the time to fish in the muddy water and contribute to derail the dialogue.

#### 3.1 The first round of talks

On August 30, Nepal paved, possibly for the first time, in the journey towards peace. Hopes for the peaceful settlements of the Maoist insurgency increased then. The first round of face-to-face meeting held in Godawari, on the outskirts of capital, between the two sides helped

#### Maoists Dialogue Team

Krishna B. Mahara, Convener  
Agni P. Sapkota, Member  
Top B. Rayamajhi, Member

reduce mutual distrust and increased crucial confidence. Welcomed the meeting heartily by the violence-weary Nepalese, as hopes of Nepal breakthrough thereafter, it curved dating for the second round of talks. The first round of talks even cleverly used, by the parties, putting forth their agendas, respectively. Public, interim government and new constitution were the demands from Maoist side whereas the government said multi-party democracy, constitutional monarchy and fundamental rights nonnegotiable.

#### 3.2 The second round of talks

The second round of talks that held at Thakurdwar, Bardiya, on 13 and 14 September 2001, witnessed the proposal of the Maoists, chiefly on three main

#### Government Dialogue Team

Chitranjivi Wagle, Convener  
Mahesh Acharya, Member  
Narahari Acharya, Member  
Bijaya Gachchhedar, Member  
Chakra Bastola, Member

issues; political issues, issues of the public interest and issues that facilitate the peace dialogue. Of the issues, the demand of the 'formation of new constitution' and the 'republican state' were at the core of the political issue the Maoists stuck upon. The Maoist delegation team also claimed that 'the exercise towards establishing republic state also began.' They also tabled the proposal of releasing the imprisoned

1 Deepak Thapa, in State of Nepal, p. 91

2 Ibid.

3 Ibid.



Maoists, which, however, was not brought to practice and that contributed to turn the dialogue fruitless.

### 3.3 The third round of talks

By the time the peace process entered into the third round, no significant achievement was noticed worth referring. The Maoists on their part 'excluded the demand of republican state from the agenda and included the demand of the constituent assembly.' The government, however, did not take the demand seriously and held very lightly. The negotiating team often, even publicly, termed that the 'constituent assembly' was no demand at all. The Maoists were also sticking to their demand of pressurizing the government to withhold the army and the armed police from their areas, which the government was not very serious on.

### 4. The Break-up of Cease-fire

Undoubtedly, the talks had given a ray of hope for peace to return and go the lives to normal. The 'government had laws and the rebels had the orders'. Nepal had to 'put these two together' but unfortunately situation took a wrong turn before the time. No gives and takes were shared between the parties during the talks. The normal situation restored to some extent after the declaration of ceasefire reached a crossroad as soon as the Maoists pulled off their role from the negotiating table on 21 November 2001 stating that "the

significance of ceasefire was over as the government locked up all the possibilities of reaching the solution of the present political solution through peace dialogue."<sup>4</sup> Then they resorted on attacking the army barrack in Dang on 23 November and killed 14 army personnel, 9 police and 3 other civilians. The situation then turned to be perilous. Time paving for peace unexpectedly shattered and the aspiration of people of normalcy was dismantled. The talks stalled over rebel demands for republican state, the formation of interim government and an election of the constituent assembly, issues taken as non-negotiable by the government, resulted in the state of emergency that dragged the country into the deadly battle field. Thus the attempt of peace accord tore down in the past.

### 4.1 Impact

History sometimes takes a wrong turn. The truism is proved on 21 November 2001. The break up of a four-month long cease-fire accord was, never to before, a set back in Nepalese history. Commitments made public of the potentiality to end a bloody communist insurgency could arouse no positive impact, rather they were harnessed to restart the termed-to-end insurgency targeting nationwide attacks. The gloomy days of the nation began then. The government declared the Maoists 'terrorists' and imposed the state of emergency on 26 November 2001 to quell the 'terrorists' and sweep them

away forever. The diplomats could not give a deaf year to the call of Nepalese government. They hailed the state of emergency and made their ground clear stating their willingness to support the government by any means to establishing peace and tranquility in Nepal. Emergency was imposed and that was on effect for nine months, got the date expired claiming the lives of 3846 persons; 3125 by the State (INSEC: Documentation and Dissemination Centre). This was the period of 234.5 years old of Nepalese political history deemed as the black year. Violations of rights were at the apex and killings and tortures were paramount.

### 4.2 Who to blame?

On 23 November 2001, the Maoists walked off the negotiating table and their guerrillas simultaneously attacked army barrack and the police posts. Then the situation grew tense. Both parties were responsible to create the situation as Daman Nath Dhungana, one of the then negotiators, ponders upon. Both of the parties, the State and the Maoists "were in a warring mood and were just engaging each other while consolidating their military strengths... Thus, it is wrong to blame only one of them for the failure; both of them were equally responsible."<sup>5</sup> Making clear the break up of the Peace Process I, Krishna Bahadur Mahara, the convener of the then Maoists dialogue team said, "We had no option.

4 Informal, Vol. 11 No. 1

5 See The Sunday Post, the Sunday issue of The Kathmandu Post, April 27, 2003

But to pick up arms to defend our revolution”<sup>6</sup> as the Maoists revolutionaries do to out through the “old regime” by force to establish a new one on its ruin. Mainly two reasons worked to dismantle the peace process in the past. The Maoists were not sincere about the dialogue but were using the dialogue period for the preparation to cause grand casualties. Similar was the manoeuvring of time by the government. The government was pilling up arms in the major army barracks planning to encircle the Maoist rebels and quash them by force. Here, Dhungana’s observations may be close to reality that the parties were using the “premature talks” to win popular support for the eventual use of force that they were planning.

## 5. Peace Process II:

### Announcement of Ceasefire

On 29 January 2003 the 7-year-long armed conflict in Nepal took a beating, the second time in Chanda’s premiership. Country marked a watershed in Nepalese history. The Maoist announced an immediate ceasefire and agreed to hold peace talks with the government deciding to cease all offensives. So did the government to work more for peace and withdrew the ‘terrorist tag’ from the head of top Maoist brass nullifying the red corner notice. Thus, the peace negotiation took a pave to curve the situation to “meaningful outcome.” “We received a notice yesterday (28 January) from the government notifying us that they have lifted the terrorist tag and price tag on our heads. The CPN –

Maoists has taken positively the declaration of ceasefire and the decision taken by the ruling side in order to move ahead in the process of talks, to withdraw the so-called terrorist tag, the bounty on our heads and the red corner notice issued against us. This is why we have decided to call for a ceasefire and agreed to take part in peace talks.” Maoist supremo Prachanda justified why the Maoists agreed to negotiate at the table.

### 5.1 Impact of ceasefire

The ceasefire announcement inspired hope among the war-scarred Nepalese. This opened up the doors to be the ‘beginning of the end of a seven-year conflict.’ As the remark made by one senior government official right after the ceasefire, “this (ceasefire) is a major breakthrough, but there is a big challenge ahead now to make the ceasefire stick and carry on the negotiation.” The people displaced from their homes due to the armed conflict, returned their home and hundreds of students who were deprived of their education were optimistic as they could continue their studies. As for example Sahebodin Choudhari of Manpur VDC of Dang district who was taking refuge at the district headquarters, for last five months before the truce, felt comfortable to go back to his home ‘following the mutual ceasefire announcement’ as he said. Mr Choudhary was a forced internal refugee simply because his son was employed in Nepal police. Another respite that ceasefire brought was that the people in

the Maoists controlled area seemed to be moving freely and sharing their views one another. One of the affected victims of the conflict Arjun Baral of Kalika VDC, Bardiya, takes the ceasefire as “one of the happiest moment.” People all over the country, chiefly in the districts where the worst hit of the insurgency was deemed, prayed for the prevalence of the ceasefire until a political solution is found. The flow of people to India reduced drastically following the announcement of ceasefire. Extortion and ‘coercive’ donations being taken by the rebels were lessened to some extent after Prachanda, the top Maoist brass, ordered through a press statement “no donation except the voluntary one.”

On the other front, the donor agencies also expressed their happiness regarding the outbreak of ceasefire. They perceived the ceasefire, as the “noted” development on the process adding that the process of peace talks should be “based on national consensus” and all the political parties should act being a part to create “environment free from violence.”

The parties hailed with the different tunes about the peace process. Girija Prasad Koirala, the party president of Nepali Congress (NC), nodded in the favour. The Communist Party of Nepal – Unified Marxist and Leninist gave ear in the support of constituent assembly, interim government and round table conference ‘if that helps in securing long term peace and resolution

6 Ibid

of Maoist problem.' NC - Democratic ruled out any possibility of his party joining the peace process.

The declaration of ceasefire was not bizarre for the intelligentsia. Since the inception of the armed conflict in Nepalese soil, this sector was calling for the peaceful negotiation as a means to transform it. Conflicts, as perceived by this great mind on the ground of Nepalese experiences, is simply a difference of opinion, lack or scarcity of essential resources, ambition or the wish to impose one's will, among others. So intelligentsia looks into the way to transform it without resorting to violence. Regarding the peace process facilitated by the ceasefire, the intellectuals hailed with mixed views in references of the past. Most of them regard the spirit it has borne and stressed on a lasting political outlet. They also urged the parties to take from the past and handle the situation carefully so that the peace can be drawn at door.

### 5.2 First round of peace talks

Wanting efforts undertaken to make the talks process to a successful conclusion as quickly as possible, the Maoists joined the first round of the peace talks presenting their written views on political, social and economic transformation on 27 April. The talks continued for five hours at the capital's Shankar Hotel, marked cordiality throughout. A difference, though was not that much serious, was that the government did not come up with

### Maoists Dialogue Team

Dr. Baburam Bhattarai, Convener  
Krishna Bahadur Mahara, Member  
Matrika Yadav, Member  
Ram B. Thapa (Badal), Member  
Dev Gurung, Member

any agenda since it was the first round, the government would approach the talks phase-wise instead of delving all the agenda at one go as one of the members of government dialogue team remarked. The major upshots of the talks, alternative to the Maoists demands of a round table conference, formation of an interim government and election to the constituent assembly, were the agreements on having a four-member facilitating team, and forming the monitoring team to oversee the code of conduct. The Maoists also reiterated that the agenda for the talks should be political and the focus should be on to cut through the stalemate, as the state power and the political questions were the root causes of all the problems. Having been the Maoists presence with clear and specific agenda for the dialogue, the government did not seem to rush things through. "The peace dialogue is the complex process and any haste would prove to be detrimental" the government dwelt up paving slowly to overcome the complex simply.

### 5.3 Second round of peace talks

Though no new agendas were introduced in the second round of talks held on 9 May, at Shankar Hotel again, the negoti-

ating parties made incremental progress, as they said, agreeing to release a few jailed rebels and limiting the Royal Nepalese Army within the five kilometers of the barracks. Also the parties reached in an agreement to form a 13-member committee to monitor the implementation of code of conduct, as it was one of the major concerns from the both sides in the light of allegations. The talks also formulated the code of conduct for the monitoring committee and the facilitators who were named in the first round of talks. Having termed the round of talks a "historic success" by the government, the facilitators sighed pessimism.

### Government (Chand) Dialogue Team

Badri Prasad Mandal, Convener  
Narayan Singh Puri, Member  
Upendra Devkota, Member  
Ramesh Nath Pandey, Member  
Anuradha Koirala, member

They were weary of the outcome and fear a repeat of 2001, when the peace talks were floundered and called the D-day of heavy casualties. The possibility of talks to flounder, as pondered by one of the facilitators Mr. Tuladhar, is there is no role for political forces mainly the role of parliamentarians, civil society and human right activists in the ongoing talks to ensure its success. And absence of this force in the peace talks may derail the talks.

### 5.4 Situation thereafter

Even though the agreement between the negotiating parties

was reached to confine the army move within five-kilometre radius of the barracks, the RNA expressed its resentment at the way. Spokesperson Colonel Deepak Gurung said that the Maoists were still posing a grave challenge in maintaining internal security and providing people a sense of security with looted arms and the RNA wanted to recover it at any cost before its movement was restricted<sup>8</sup> adding that no verbal and written order was issued to it clarifying to limit its patrolling. Meanwhile, the Maoists

**Government (Thapa) Dialogue Team**  
Prakash Chandra Lohani, Member  
Kamal Thapa, Member

demanding Pandey's ouster from the government talks team on the charge of comment he made denying having reached any agreement with the Maoists to limit army's movement. The confusion and misunderstanding does not end herein. The transgression of the code of conduct and fluid relation between the government and the Maoists reportedly are heard. Agitating five main parliamentary parties hitting the street demanding to rectify the royal drive of October 4 reached in a point causing the resignation of PM Chanda. Thapa as the successor of Chanda laid his weight in the premiership on 4 June, though the nomination was against the will of the parties on the street "warning to root out the monarchy", who wanted an all party government headed by one of the common names they agreed upon. Prioritizing the democratically elected government by creating peaceful atmosphere "as

soon as possible", Thapa's entry in the Singadurbar could arouse no respite till the date. He worked nothing for peace-reason. However, gave the people a sudden dart of panic; the spectra of panchayat. People are scared equally whether the peace bridge collapses under the weight of Thapa. But that will be detrimental if take place. Clouds are not tearing apart clearly.

## 6. Conclusion

The talks with the Maoists last year ended without a breakthrough since both of the negotiating sides lacked clear agenda. Philosopher George Santayana wrote, - "Those who forget the past are condemned to repeat it." History is cruel for those who live under misery and gift for those who live with the references of their elders died for 'cause' but generations do nothing, except living on its interest. History records death varies person to person and is class-based. Those died for a 'cause' in the name of 'People's War' became merely a selling piece of the war-ideologue for living. War begets war that never inculcates peace. So war to restore peace is not a means, however, is a source of violence. No decision can be made on the battlefield; tables are often used as right place for a decision to right the wrong. Nepalese have their own culture that they always choose lawful change, and civil disagreement over coercion, subversion and chaos. But the peace loving Nepalese beheld the worst form of cruelty, the cruelty that was fed, not weakened, by the tears, in the name of people's war. They encountered with the worst

kind of violence and pure malice and got across the hostile, confrontation and upheavals. To rescue the people from this whirlpool, parties at the table must be true to their words. Academic adage might wrong the right phrasing conflicts as prone to become violent. Conflicts often occur in the ties of people and the societies and come without warning, and they are then destructive when they are led to the competitive violence. Thus, to build peace in the conflict inflicted areas; the parties need to listen to the stories of the past to be able to address the present. Peace builders, being trustworthy among the people and in the community, need to be creative in helping parties structure the future different from the past. Armed conflict in Nepali is a national scourge and to curtail it, requires a broad, sustained and national response. And, above all, requires patient and persistence. This is what the government should learn and act as the prerequisite for sustainable peace.

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## 1. Introduction

A Civil War is a sustained, violent conflict between the military force of a state and insurgent forces comprised mainly of residents of the state. Civil War is not synonymous with internal or inter-state war. The latter also includes conflict between groups in the state that does not involve the armed forces of the state, such as recent conflicts between Warlords in Somalia, which are internal wars but not Civil Wars. In addition, Civil War is characterized by a much higher scale of violence than riots or civil disturbances, which are often sporadic and relatively disorganized forms of civil violence that are often of short duration. Also, civil disturbances are often directed at groups and institutions in the society other than the central government, which is the main protagonist of Civil Wars.

## 2. Sources of Civil Wars

Much to the dismay of democratization activists, democracy fails to reduce the risk of Civil War, at least in low-income countries. Indeed, politically repressive societies have no greater risk of Civil War than full-fledged democracies. Countries falling between the extremes of autocracy and full democracy where citizens enjoy some limited political rights are at a greater risk of war.

States with higher levels of democracy are unlikely to experience Civil War because of the availability of alternate channels for protest within the political system. States that are more autocratic, also, are less likely to experience civil wars because

# Resolution of Civil War

- Asok Pathak

governments in those states are more likely to effectively repress dissent and stifle protest. However, states with intermediate levels of democracy, "Semi-democracies", such as those undergoing democratization- the transformation of a regime to a more democratic form of government- have the highest probability of experiencing Civil War.

States with higher levels of economic development are less prone to Civil War than poor states. In addition, more mature states are less likely to experience Civil Wars than younger states. States that are more militarized and those that have a history of past Civil Wars are more vulnerable to insurgency. Moreover, while there does not appear to be a direct relationship between the cultural diversity of a state and its likelihood of experiencing Civil Wars, states in which ethnic, religious, linguistic or racial groups are culturally polarized seem to be a greater risk for Civil War.

Conflicts in ethnically diverse countries may be ethnically patterned without being ethnically caused. Media coverage of Civil Wars often focuses on history and ethnicity because rebel leaders adopt this sort of discourse. Grievances are to a rebel organization what image is to a business. The rebel group needs to stimulate a sense of collective grievance to build cohesion in its army and to attract funding.

The motivation of rebellion generally matters less than the conditions that make a rebellion financially and militarily viable. Civil Wars only occur if a rebel organization can build and sustain a private army. These organizations are unlike traditional opposition groups such as political parties or protest opponents. They are hierarchical, authoritarian, expensive, and usually small. Where such organizations are financially and militarily feasible, rebellions are likely to emerge, promoting whatever political agenda their leaders happen to support.

"Civil War is self-perpetuating, partly because it changes the balance of interests within countries. Groups engaged in conflict invest in armaments, skills, and infrastructure that are only good for violence. These groups' leaders, and indeed all those who gain from lawlessness, prosper during war, even though society as a whole suffers. This part of the elite that prefers peace will have shifted much of the wealth outside the country. Hence, as a result of the conflict, the balance of elite interests shifts toward further conflict." (Collier, 2003)

Poor countries that are not developing but have so far escaped Civil War, such as Zambia and Malawi, are also racing against time. If they do not find ways to accelerate their economic growth and development, they will like-

ly stumble into conflict. Recent casualties include Ivory Coast and Nepal. Nations in these conditions should get the message that change is urgent. Often, the remedy should go beyond the standard package of market access, debt relief, and aid programmes from the developed countries to include credible policy reform and honest governance within vulnerable countries. Geography matters, too. If a country is mountainous and has a large, lightly populated hinterland, it faces an enhanced risk of rebellion. Presumably, rebels are harder to find and defeat in such terrain. Nepal is therefore more at risk of Civil War, geographically speaking, than Singapore. Mostly, the occurrence of Civil wars is due to the lack of complete state or nation-building.

### **3. Full Democracy: Best Solution**

The political science has made an exhaustive study of how stability may be ensured in multi-ethnic states. The danger is that because of the preoccupation with stability, implications such as solidarity, permanence, and, ultimately, immobility will be evoked, with the result that paths to conflict resolution will be distorted. Where the resolution of nationality issues is concerned, what is needed in total contrast is great flexibility on the part of all those involved and creativity on the part of the decision-makers. The search is for constitutional solutions, protective mechanisms, and cultural and economic policies that can balance the interests of the individual ethnic groups and thus ensure the proper functioning of the whole. These solutions have to

be of a consensual nature, and all those affected must take part in working them out.

The formal, interdependent principles and conditions which must - in ideal terms - be observed when trying to create balanced constitutional and socio-political structures in multiethnic states can act as guides for innovative policies in the areas of legislation, internal political affairs, culture, and the economy.

The demand for democratization, for example, cannot be equated with free elections between two or more parties. Even dictatorships occasionally conduct multiparty elections-only to ignore the results (as in Nigeria and Burma) or to resort to armed combat if they find them inconvenient (as in Angola). All the principles have to do with democracy and democratic culture. The degree of decentralization and participation says more about the way to true democracy functions than does the number of ballots and parties. Democracy, so the UN Human Rights Conference stipulated in its Vienna Declaration (June, 1993), is based "on the freely expressed will of the people to determine their own political, economic and cultural systems and their full participation in all aspects of their lives."

For democracy to develop, favorable socio-cultural and institutional preconditions are required. Grassroots democracy and peaceful dispute settlement are important socio-cultural factors, which may very well be found in many societies of the

Third World. What are missing, however, are the institutional preconditions at the state level and/or the political will on the part of the ruling class to share power and privileges. Measures for greater decentralization have proved themselves all over the world as an appropriate framework for the coexistence of distinct peoples. In the context of the state system, this means, for example, federal structures based on specific socio-cultural, linguistic, geographic, or ethno-political principles. Decentralization gives the part-states increased responsibility for their own affairs and it delegates administrative tasks to them.

A competitive party system is appropriate to a class-based society in that it allows the larger poor and middle classes the opportunity to avoid domination by a small wealthy elite. Such a system, however is entirely unsuitable for an ethnically plural society because, by enabling those with the largest numbers of votes of the losers. If a losing group will never attain a plurality, it votes will never influence political decision-making in an environment where electors consistently vote along ethnic lines. For nations that are attempting to forge a broader national loyalty, such a political system, which fails to accommodate all political interests, is counterproductive and likely to generate unrest.

Yet there is no democratic way of deciding what a nation and its corresponding political unit should be. Slogans such as "the self determination of peoples"

and devices such as plebiscites or referendums simply beg the question of who is eligible to vote within what constituencies and whether the winning majority can legitimately impose its will on minority population.

#### **4. Why Peace Process?**

It is argued that when there is a war process there should be a peace process, so that decades of violence and bloodshed going on in various conflicts could be stopped and conditions created for the peaceful resolution of disputes. The advent of peace process made it possible for parties in conflict to embark on comprehensive methodology for the gradual easing of tension and resolution of conflicts.

#### **5. Third Party in Peace Process**

A successful peace process generally depends on a lot of outside help and assistance from third parties who are willing to assist with the implementation of the settlement in question. By being involved in the implementation of a peace settlement, third parties can help restore confidence, build trust, and change the perceptions and behavior of disputing parties. Third parties can facilitate conflict resolution by restructuring issues, identifying alternatives, modifying adversaries, perspectives, packaging and sequencing issues building trust, offering side payments, or threatening penalties and sanctions. Through their intervention in the peace-making process, third parties can change disputants' perceptions of the costs, risks, and benefits associated with an agreement versus a "no agreement" situation. Third par-

ties therefore serve as a crucial catalyst in developing a supportive relationship between adversaries and establishing the conditions that lead to not only conflict de-escalation, but also a redefinition of the conflict phase and threat. The intervention or engagement of the third party thus transforms a dyadic bargaining system into a three or multicornered relationship in which the third party effectively becomes one of the active participants in the peace process. The tasks performed by the third party can cover a potentially wide range of functions, identifying missing groups or strategies for representing diffuse interests, drafting protocols and setting agendas, suggesting options, identifying and testing possible tradeoffs, writing and ratifying agreements, and monitoring and facilitating implementation of agreements.

Third parties can also help to restore confidence, build trust, and change the perceptions and behavior of disputing parties by assisting with technical activities such as peacekeeping and monitoring of cease-fires, which help to reduce the likelihood of armed confrontation and "accidental" encounters, and by assisting with the establishment of participatory political institutions. Mediation, conciliation, and arbitration by third parties can help to resolve outstanding or unanticipated issues that emerge during the post conflict, peace building phase and threaten to derail the peace process. Typically, third parties include international organizations such as UN and its associated relief

and development agencies, regional organizations, great powers, regional powers, and even groupings of smaller states.

"In El Salvador, Mozambique, or Namibia, third parties made a critical contribution to the peace process by helping not only with the negotiation but also the implementation of the agreement in question. On the other hand, in those instances where the peace process clearly failed, such as in Angola in 1992, failure was associated with a lack of adequate third party support and involvement during the peace process." (Hampson, 1999)

#### **6. Human Rights Violation**

Turning to the issue of human rights, it is sad truism that one of the unfortunate characteristics of civil wars is the atrocity and violations of human rights are all too common. The security institutions of the state, that is, the armed forces and police, are usually suspect because they are seen as instruments of coercion by the state against its people. Reform of these institutions is usually fundamental to the peace process and the consolidation of democratic reforms, but the dismantling and /or reform of these institutions can lead to an increase in anarchy and violence in a society that is accustomed to the rule of law and where elites feel threatened and vulnerable. Similar problems face reform of the judiciary and legal system, which are seen as instruments of repression and state sponsored violence and whose overhaul is essential. Yet, if a social order based on the rule of law and accepted principles of

justice is to be fashioned, respect for human rights and due process must be nurtured.

The creation of international war crimes tribunals is one response to assigning responsibility for those who have committed human rights abuses in the past. This option requires instituting an impartial international criminal forum before which to hold individuals accused of atrocities legally accountable. The advantage of such an approach is that it may serve as a deterrent to future atrocities, provide closure for victims and /or their families and relatives, individualize guilt, create an historical record, and strengthen respect for human right norms in the community at large. The principal disadvantage with this approach, however is that international tribunals have not had the power to arrest or detain suspected war criminals. As the experience of the Yugoslav and Rwandan tribunals illustrates, the international community is not yet prepared to enforce the decisions of international criminal tribunals, thus limiting their potential for success.

A second approach is to create international human rights commissions, which are impartial bodies that investigate wartime and postwar atrocities. These commissions are composed of experts from the international community and sometimes representatives from different local factions. The purpose of such commissions is to collect evidence and document human rights abuses in order to lay the basis for possible future legal

action. Finally, a third approach is to establish an impartial investigative forum, known as a truth commission, which is not empowered for criminal prosecution but through which individuals are granted legal amnesty if they fully disclose information concerning their involvement in wartime atrocities and other gross human rights violations. This is approach taken by the truth commission in South Africa. In other instances, a truth commission may collect this information and publicly disclose the names of perpetrators of human rights abuses without their consent as was case in El Salvador where the truth commission ignored government demands not to publish the names of individuals who had committed atrocities or violated human rights. Although the form of truth commissions varies, all truth commissions have historically shared a common set of objectives: to create an historical record of abuses in order to lay the foundation for national reconciliation without the potentially divisive ramification of criminal trails; and to individualize guilt for atrocities, thereby contributing to the potential for national reconciliation among the various groups who were parties to the conflict. The El Salvador experience illustrates that the early promotion of human rights can also serve as an important confidence-building measure before a formal negotiated settlement is reached.

#### **7. Demobilization of Armed Forces**

Although monitoring cease-fire provisions is a key element in the peacekeeping/peace- building

operations, guarding polling stations, transporting refugees to resettlement areas, and assisting with the demobilization and disarmament of local forces are other key functions. The latter is especially crucial to the peace process and the implementation of a settlement. Demobilization is "the process by which the armed forces (government and/or opposition factional forces such as guerilla armies) either downsize or completely disband" (World Bank, 1993). A restructuring of the armed forces to include an "ethnically and /or politically balanced 'national army'", may also accompany demobilization. Demobilization, disarmament, and restructuring of armed forces are politically sensitive and challenging tasks. When they are not under taken, either because they are excluded from the negotiated settlement or because the job is done poorly, the peace process has a greater chance of breaking down than what they are.

Evidence suggests that generally successful peace settlements in recent years, such as "those concluded in El Salvador, Mozambique, and Namibia, were achieved because the demobilization (in some instances only partial) of forces occurred and a major effort was made to reintegrate guerrilla factions into a reformed military and/or into society itself. Where settlements failed, as in 1991 Bicesse accords in Angola, the suspension or collapse of demobilization plans was followed by the resumption of fighting as various parties opted out of the peace process"(Hampson, 1999).



Demobilization and reintegration are key peacebuilding objectives, but achieving them is highly political process and one that is ultimately linked to the terms of the political settlement itself and the commitment of previously warring parties to those terms. As a major study of World Bank notes: "Because DRP [demobilization and reintegration of military personnel] is essentially a political process, particularly in countries emerging from civil strife, the first step in determining whether investment in integration programs is warranted would be to assess the strength of the political settlement preceding demobilization and the commitment of a key stakeholder, the military. Appropriate economic incentives (such as demobilization allowance and targeted reintegration programs) can facilitate the DRP process, but sufficient political incentives are key to determining whether demobilization will succeed" (World Bank, 1993).

## 8. Post War Recovery

Post war recovery comprises various and very different fields of action: reconstruction of physical infrastructure and repair of all kinds of material damage; rehabilitation of institutions and services: repatriation of returnees and relocation of internally displaced persons (IDPs); demobilization of combatants and reintegration of all war affected groups of population. The idea behind the triple R is that this tremendous of reconstruction- rehabilitation- reintegration. Covering all these different fields can only be successful if it is addressed in an inte-

grated way, as part of an overall post-war recovery program, planned and implemented in coordination and cooperation of all intervening partners.

To work out such an overall post-war recovery program needs joint efforts of national and international actors. In theory, everybody agrees that ownership of the programme is with the national government. In practice intervening outside partners are usually in control of the whole process, from the start when conferences and workshops are organized to start planning and setting up of appropriate institutions. On the side of the national actors problems usually start with the difficulty or impossibility to get to work in a situation where national expertise is reduced by brain-drain and conscription. And usually all funds have been spent for arms supplies, no money is left for financial or material contributions to a recovery programme, while the need for humanitarian assistance is as big as during the war, possibly in a situation which far from being peaceful and secure is aggravated by additional internal political tensions.

"Governments in countries recovering from Civil War must give greater priority to economic

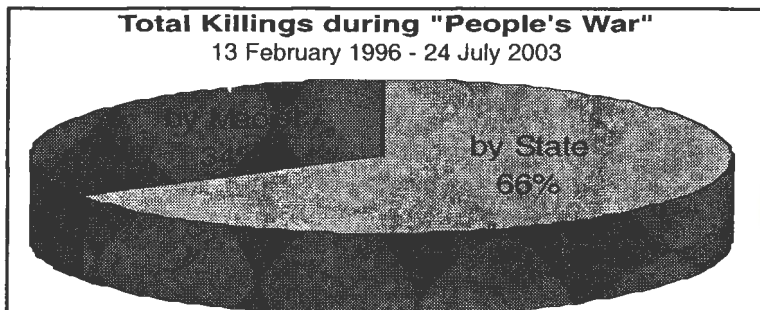
reform: the post-conflict period is a good time to reform because vested interests are loosened up. For example, after the end of Civil War in Uganda in 1986, the country's economic policies moved from among the worst in Africa to among the best in the following decade" (Collier, 2003).

Reconstruction and development require a threshold level of security and political order to take threshold level of security and political order to take hold. While some projects can promote confidence building and improve social relations at the community level, others may worsen social and political relations if certain groups are "privileged" because they are seen to be getting scarce resources at the expense of others. Development assistance programs have to be developed with great care and sensitivity to local conditions if they are to be effective in advancing the peace process.

## Further readings

Collier, Paul, director of the World Bank's development research group, article in *Foreign Policy*, May/June 2003

Hampson, Fen Osler, researcher in Carleton University, article in *Encyclopedia of Violence, Peace and Conflict* copy right academic press, 1999



# Searching for Peace in South and Central Asia

*"When States undermine the rule of law and violate the rights of their individual citizens, they become a menace not only to their own people, but also to their neighbours and indeed the world."*

**-Kofi A. Annan**

Humanity knows no divisions. People in the 20th century passed through the gate of fire. A new insecurity entered in every mind, regardless of wealth or status. People of this era received the deadliest experience in human history devastated by innumerable conflict, untold sufferings and unimaginable crimes.

It is on this background; **Searching for Peace in Central and South Asia** is built up where the effects of war and violent conflict in large part of the central and South Asia is detailed. The book that provides critical background information, up-to-date surveys of the violent conflict in Afghanistan, Bangladesh, the Ferghana Valley, India, Nepal, Pakistan, Sri Lanka, Tajikistan, and Uzbekistan and an overview of conflict prevention and peace building activities, analyses the conflicts thoroughly and helps the readers know about their causes and reasons for their escalation and violence. "In a world where networks of communication, exchange and travel are ever more extensive and closely knit, even small conflicts can expand in unpredictable ways." This is how the book explains the conflict over resources, identity and competing nation of justice can cross the borders threatening the lives and livelihood of millions of people.

The book, divided into three parts, starts with the reflections of the conflicts, basically after the attack of 11 September 2001 in the twin tower of America, which shattered a number of important myths. The attack, as

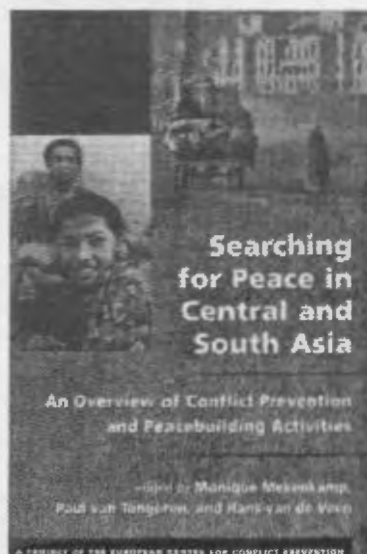
John Paul Lederach, one of the contributors of the book observes, is the message to the world that "the possibility of the new birth is never impossible." The significant message that the attack sired round the world is that "when we lose sight of people, when we ignore the voice of those who feel left at the margins and excluded, our actions come back to haunt us" (p. 13). This is the truism that we should regard on how the conflict begins and becomes violent.

The second part of the book precisely focuses on Central and South Asia that surveys the surveys of conflict

## Book Review

by : **Bal Krishna Kattel**

prevention and peace building activities where many scholars spent much times in the field of peace building activities penned down their experiences in the articles and reach in a common consensus that the good governance, border management and national integration are absolutely essential to scale down violence and ultimately establish peace. The state policy to eliminate the violence by means of force may be counterproductive. Any suppressive measures will have a temporary; writer Kristoffel Lieten in his article **Nepal: Maoist Insurgency Against Lopsided Development** makes a mention. His recommendation to curtail violence or deadly conflict is to handle the situation carefully and take peace talks and political negotiations as the best



options. Another pioneer message in reference to Nepal is "unless the stark polarization in Nepal is reduced and the State is seen to show concern for the majority of the rural people, radical agrarian movements will erupt again and again" (p. 443). Pro-poor politics and honesty, improvement in legitimacy and credibility of politicians and bureaucracy, is needed to bring relief to the most vulnerable and prevent conflict rather than to care and repair after violence has broken out. In the war-torn societies "making and building peace is complex and requires long-term patient processes." As much more energy is to put into bringing about peace, so also is more planning required for a post conflict situation. Preparing the people for peace, deadly enemies have to sit together and plan the future at local community and national levels. While working for confidence build-

ing, peacekeeping processes "care should be taken that interventions of good intent do not in fact do harm more than good" (p. 499). This is what the Sri Lankan conflict urges peace activists to keep into consideration while working for a cause.

The final part (part three) of the book gives a short introduction to the directory, which contains the profile and information of 187 organisations working in the field of conflict and peace building.

The main purpose of the book is to contribute to a peaceful transformation of violent wars and conflicts in Central and South Asia and fill the gaps in information, communication and coordination. The book also unveils that "the internal conflicts are the result of clashes between dominant ethnic majorities and under-privileged minorities, urban, rural and tribal people" (p. 2). The book is also beneficiary in the sense that it offers insights into the diverse approaches used in conflict prevention and management in different situation. It helps organizations to better attune and harmonise their activities and work together to develop more effective and fine tune policy so that deadly conflict can be prevented before they break out being a challenge and destructive. This is what the book gives message to the readers, policy makers, professionals and peace activists.

**Publisher:** Lynne Publishers  
**ISBN L – 58826 – 072 – 0**  
**Pages:** 665

# Nepali Mass Media Awaiting Mission Journalism

Kundan Aryal

*"Media can be misused by private or public powerful interests to incite human rights abuses."*

Beyond Vienna NGO Human Rights Congress has drawn such conclusion in its report in 1995. The congress has suggested some measures to respond the problems. But it has mentioned that the steps are, however, inadequate to deal with the severe problems which have occurred in certain states, e.g. Rwanda, of "criminal media" which directly instigate mass killings.

In our context, the mass media has to play again a historical role to restore peace. There are challenges before the Nepali press to demonstrate the positive effect for the betterment of the society. No doubt, such desired effect of this juncture of the history is not other then the restoration of the peace.

Nepali press is facing two folds of the problems in this moment. Since there is a provision that no news item, article or other reading material shall be censored, Nepali media is free in accordance with the constitution of 1990. However, in practice paradox between promises and realities is clearly seen. The state of emergency, for nearly a year during 2001-2002, remained the dark period in the history of Nepali press. But even afterwards the fearness among the media professionals has been prevailing.

On the other hand, whole society is looking towards the media with the hope for the peace. There is a high expectation of Nepali media to play a historical role again like before 1990 during the pro-democratic movement.

Annabel McGoldrick and Jake Lynch, trainers for peace journalism state-"Peace Journalism is based on the proposition that the choices journalists make while covering conflicts tend inescapably either to expand or contract the space available for society at large to imagine and work towards peaceful outcomes to conflicts."

Peace to be peace, must give something to everyone. For a journalist just reporting the facts is not enough. There should be conflict conscious reporting. Regarding any news story or any feature the question-'What am I going to do about it?', could be helpful. As Mc Goldrick and Lynch suggest just reporting the facts and not taking responsibility for the likely consequences of particular reporting decisions, can be deeply damaging.

Ross Howard, an expert on conflict conscious reporting states that real professionalism in media is not against the fairness. It always reduces the conflicts and violence.

After 1990, though constitutional provisions are still to be fully translated in to practice, professionalism as well as diversity of media is increasing gradually. Various organizations are monitoring the media to detect biased or misleading information if there are any. Nepali media too, begin to be conscious regarding the conflict and peace building process.

Activities for political movement and the promotion of journalism are made almost simultaneously in Nepal. Nepali press played a pivotal role during 30-year long autocratic Panchayat regime along with the movements for the restoration of human rights and democracy. After the restoration of democracy too, it has been playing a prominent role with the dream of functioning democracy. Various examples, in this regard, could be cited from Human Rights Yearbooks of INSEC for the last 11 years.

The time has gone to repeat the same rhetoric of conflicting parties. It is high time to be proactive to uphold the role of media with the mission of social responsibility. We, Nepali journalists, have to come forward with the common national mission for the restoration of peace.



"Hold it this way and just take a puff. As this is your first puff, take a short one. See how I do it". I heard a boy of seven or eight teaching his colleague how to smoke. I stared for a while, finding it hard to believe my eyes, but the reality was in front of me. I couldn't stop myself from confronting him with my overwhelming anxieties. I went up to him and asked him numerous questions like - "How old are you?" "What is your name?" "Where are your parents?" "Where did you learn to smoke?" "When did you start smoking?" etc. May be he was shocked by my behaviour and insanity; he stared at me for a while, stunned by my reaction.

Then gathering his wits, he said, "Why?" His answer brought me back to reality. I was ashamed by my insanity. I got hold of myself and calmly replied, "Listen, it does not matter who I am. But I wanted to tell you this is wrong, absolutely wrong." Hearing my remarks, he eyed me suspiciously for a while, unable to grasp my words, then shoving his shoulders, he walked off in anguish. At first, I was enraged by his behaviour, but then later, I controlled myself. I realised the saying that "What we learn, comes out in practice" is actually true. I saw no reason why I should be perplexed by the behaviour of this child.

# Child Abuse: an Affront to Humanity

-Manju Khanal

According to him, he acted in a normal manner; for these kinds of actions are familiar to him for he is brought up in this atmosphere. Therefore, people to be actually blamed or punished, if I may say so, are we, the so-called elders, who backed up from our responsibility of providing our children with homely environment and teaching them the decent way of life.

The reason why some children are not behaving the way they should is because they have faced life in a harsh way. This harshness has brought out all the bitterness in them. The other reason is their way of upbringing and mainly, poverty. All their life, they have heard the same kind of harsh and vulgar languages, been treated badly by their parents as well as the other people and mingled with the people who belong to the same category. They have never had an opportunity to change themselves. To be frank, they don't consider themselves different from the others in their behaviour for they have never had a chance to meet people with behaviour different from theirs.

Therefore, parents, elders, guardians as well as the commu-

nity, surroundings and the society play vital role in the process of upbringing of children. We should realise that when we are handling children, the first thing to be considered is that they are handled with love, care and protection. As the children are very flexible and readily believe the elders, we should focus more on transforming them into more compassionate being. But loving them does not mean giving whatever they say, for we must also not forget that when love exceeds, then it is considered dangerous and harmful for the children and pampers them.

As a child begins the first lesson at home, we should start right from our homes. From their childhood, we should teach our children the good trends of life and keep them away from the bad ones. This does obviously mean that every opportunity we get, we should utilise it to lecture our children. But once in a while, we should talk to them, give them some time, and listen to what they say. We have to make sure that they are fully aware of what is right and what is wrong, so that it will be useful for them when they mature.

"We protect only what we love, we love only what we know, we know only what we are taught."

- Unknown Author

"If I can stop one heart from breaking, I shall not live in vain, If I can ease one life the aching, or cool one pain, or help one fainting robin unto his nest again, I shall not live in vain."

-Emily Dickinson



# Truce and Aftermath

-Kamdev Khanal

*The government and the Maoists agreed to declare the ceasefire on 29 January 2003. The cursory analysis of the incidents developed after the truce announcement is presented in a matrix table. The incidents presented here are from the 23 March to 28 July 2003. The comparison includes activities performed by various concerned agents including the government and the Maoists.*

Date	Government	Political parties	Maoists	Rights community/ civil society	Alien parties/forces
Mar. 23	Delay in talks raises doubts in both camps: Pun M acceptance of monarchy is total: Khapangi. Police re-arrest 8 M after release in Sarlahi- 1 M arrested in Lalitpur.	Parties have worked out the outline how to retain the power in people: Nepal	M leaders in Baglung warn their bosses of arm rebellion if the talks fail. M in Makawanpur warn UML to stop activities. M deny IGP's slain. Govt. spoiling peace talks environment- Mahara.	The constitution needs to be amended: Chaudhury. Women disclosed 9-point agenda for talks.	
Mar. 24	Pun calls M for talks again. Police in Kanchanpur arrests 2 dozens M cadres-rally and mass meet banned.	'Love' between M and King mysterious: Nepal UML holds round table meet in Sindhuli.	Our demands should be fulfilled first: M. M students manhandled an HM in Dailekh.		Japanese assistance delays as govt. fails to furnish the details of the demolished infrastructures: JICA.
Mar. 25	DM accuses M of violating CoC in Dhankuta. No M release and withdrawal of cases before talks: minister Chaulagain.	NC think tanks suggest party to go for CA without any condition. Thapa demands talks be transparent.	M talk team appearing publicly soon. 25 M released and 8 rearrested sent to jail. M warn forces family to quit in Ramechhap.	Military issue complex in govt.- M talks: war expert IJ Rai. Pro-M weekly Janadesh resumes its publication.	
Mar. 26	Non-cooperative role on the part of the political parties puts the govt. in jeopardy: minister Khapangi.	Think tanks suggest UML to co-work with M. Parties find delay in talks a bid to stick to power: SP No co-work with Chand govt. Koirala.	M in Kailali warn life of a school HM: demand 0.6 million rupees.	Electoral govt. with M to solve problem: Speaker.	WB ready to help conflict hit areas in Nepal: SA vice-chairman Miekko in Nepal visit: talks with politicians and govt. officials.
Mar. 27	PM requests WB to lead donors in reconstruction of the conflict hit sectors. Security force stop M from holding mass meet in Udaupur	Nepal, Rana and Deuba discuss all-party govt. Koirala ready to go ahead on CA unconditionally. All-party interim govt. is the last resort to end present hassles: Nepal.	Mahara blames govt. for delay in peace talks. M talk team coming out in belief on civil society: Mahara. M abduct two policemen in Parsa. Parties were pre-informed about truce: Mahara.		CoC has resumed hopes for redressing Maoist problem: C Rocca, SA Desk chief, US govt. UNDP to begin reconstruction of conflict hit regions and rehabilitation of displaced from April first week. India 'waiting to see' M. Poll of CA or House- but it is important who holds it: Shyam Sharan, Indian envoy to Nepal.
Mar. 28	Goodwill talks to be held on April 1: Pun + Most of the things have settled with M. We have submitted our agenda to them. Thapa-sit for talks and think on M release.	House revival is the best solution of the present turmoil: Koirala. M can be part of all-party govt.: Nepal +Bring down the Chand govt. at the earliest.	M peace talks team arrives in capital.	Supreme Court record tells 220 M released after truce.	US should co-work with Nepal to protect fragile democracy: C Rocca, SA chief of the US govt. To meet the immediate needs of the conflict ridden Nepalese is challenging: Bendy Chamberline, USAID official with US foreign relations committee.

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Mar. 29			M talks team comes out in open: sincere effort for success of peace.		
Mar. 30	Two States powers in Nepal, admits Pun. He warns not to term M terrorists .	We are searching for our roles: Nepal .	M talks team meets Koirala.' They pledged to trust them. Palace is trying to befool us: Yadav Gurung for federal system	Civic committee formed to facilitate talks.	World community asked (by M) not to interfere internal affairs.
Mar. 31	Govt. committed to lasting peace: PM . Police in Dhulikhel re-arrested three released M detainees and disappeared them.	UML-M agree to form a team to ease relationship. NC leader RC Poudel objects M leader's idea of casting off the current system.	Talks only after parties' consent . Constitution is dead; it is time to build a new one. Dr. Bhattarai. M in road construction committee in Myagdi.	King will have a strong role in this peace process: former PM KN Bista.	
April 1		M could not prove significance of CA: RPP chief Rana. PFN and NSP for CA. (M met them)	M activists in Mechi flay leadership. M beat up a woman in charge of failing to donate.	Trade business sways in Bardiya after truce.	US govt. flays human rights violations in Nepal due to armed conflict.
April 2	PM says he is regularly in touch with M talks team. However, he has not met them formally. PM hints further delay in peace talks.		Dr. Bhattarai vows all-party participation in Round Table meet. M in Surkhet stop civil servants from resuming their business.	Intellectuals suggest M not to be too flexible.	US points at serious rights violation in Nepal, cites INSEC as information source on human rights in Nepal. 'If M are for democracy, their demands may not be at odds,' KC Gautam, Asst. UN GS. UN intends to mediate talks: Dr. Bhattarai after meeting with Gautam.
April 3	PM orders not to file case against M: SD. Home Administration readies for another lawsuit against M.	'What's the use of parties in the give and take between the govt. and Maoists': Nepal .	M mass meet in capital: Dr. Bhattarai talks about new constitution and warns going back to jungle if talks fail.	Politicians stress role social bodies in peace process.	Pakistan ready to help in rehabilitation, reconstruction works in the conflict affected regions of Nepal: No foreign force should intervene the current peace initiation: Pak. envoy Jameer Akram.
April 4	King urges all to give peace a chance. No case against IGP Shrestha's killers: all 4 accused released.	UML opts out of talks: Nepal. Political parties serious over M warning that they would resume guns if talks fail. M's arms should be ceased: RC Poudel .	M awaiting for response on letters they had sent seeking meet with envoys stationed in Nepal. Dr. Bhattarai visits his comrades in jail.		UN assistant SG KC Gautam talks with Dr. Bhattarai on reconstruction of the conflict hit sectors. Chinese envoy Kong Yong defines peace talks preparation positive.
April 5	HM requested to grant audience to M talks team. M team proposed it with Pun.	NC and UML agree to refrain from talks. Koirala looses muscle on CA: 'But, it should be unconditional.	M admit that most of those killed in the 'people's war' were janajatis. Ignoring CoC, M collect grain forcibly in Nawalparasi.	Local and foreign conflict experts opt for international mediators in peace talks.	
April 6	Pun for alien mediators for talks: 'I don't know why talks have not been resumed'.		CA will decide 'Republic' or anything: we are not here to accept King: no alien mediators: Bhattarai	A room for civil society in talks is essential: intellectuals and lawyers. Dalits demand theirs inclusion in peace talks.	
April 7	Armed army disturbs M mass meet in Terhathum. No immediate plan to	M's demands non-significant: Oli . King decide.	We will not wait the King infinitely: Dr. Bhattarai SP. + Without help from	AI calls for due importance to human rights in peace talks- .	US embassy rejects M's proposal of a meet.

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	withdraw cases against M. Peace talks on right track: Pun	differences between us and those calling for republic: Koirala .	major political parties, talks will fail.		
April 8	Govt. to launch Internal Peace and Develop. Programme in the insurgency hit region. Chand tells parties that they may not see polls soon.	Govt. has failed to lead the truce to fruitful way: Nepal .	Dr. Bhattarai guns for army merger. + M to pose ultimatum to govt. on talks.		The US and UK have acting as the designers of the peace talks. They are trying to buy ideas at the cost of goods: Mahara.
April 9		The Place is the rendezvous of instability. King behind plot against democracy: Koirala .	King setting the nation at regression: Dr.Bhattarai . + UML has strong political ground as we do	To undermine political parties will be a mistake in peace process: Speaker	
April 10	We have right time to restore peace now: Pnadey . Pun thinking to resign from the posts of the minister and conveyor of govt. talks team citing HMG's 'non-cooperation' and M's snarls.	NC Spokesperson warns M to be careful on peace talks.	M go one up on govt. in rights violations: INSEC. M leader warns breaching CoC:	2002 witnessed unprecedented records of human rights violations: 4655 persons were killed and 17564 displaced internally: INSEC .	EU Katmandu chief Rudier Bank met with Dr. Bhattarai. EU eager to help insurgency-hit villages if peace is restored. Bank suggested M to co-work the democratic forces in the land. . ADB to grant \$320.10 m loan for conflict-ridden sectors.
April 11	PM calls all party meet for 13 April to discuss peace process including expansion of govt. talks team. Talks may resume with the beginning of the new year: Dy PM Mandal.	Major political parties to boycott the PM sponsored all party meet.		Women's rights activists stress for women's problems as talks agenda. Women of 20-25 affected the most due to the insurgency: WOREC .	EU heads of mission not to meet M leaders.
April 12	Attend all party meet or risk non-inclusion in talks: PM warns parties. Something is being cooked against me: Pun. Dy. PM Mandal may lead the govt. talks team.	If the King is not constitutional, republic State is inevitable: Koirala. UML and M have agreed to move jointly on four different issues: Nepal.	Talks will resume soon: Mahara. Govt. decides to release two M central leaders under army custody in Gorkha.		
April 13	There has been change in state of the affairs for last six months in the nation: King. Govt. will form a 'talks direction committee' headed by the PM: R. Govt. talks team will be extended within a week.	Major political parties more aggressive against the King: they have called a joint mass meeting in the capital to announce their further moves. They will not participate the talks the govt. held by the present govt.	Goodwill talk between govt. and M held in the capital: both of the parties hopeful for positive results. M leaders Khadka and Sharma released.	Republican leader Ramraja Singh hopes for CA and hence a republican State.	
April 14	Talks to proceed as M leaders are released: Pun  Political parties' rage works due to their lust for power: Pandey.	We will never be slaves in the name of peace: Nepal. Parties crying against the King as they are not in power: Deuba. NC leader Poudel has dissidence over parties' joint move.	M talks team meets professors at Kathmandu University and discusses on peace process.	Human rights situation yet to improve even after truce: NHRC.	

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April 15	Non-cooperation on the part of the political parties has jeopardised the peace process: HM King. CA is not the solution of the problem: Pun.	Political parties are in no way inclined to disrupt peace process: Koirala. Allocate compensation for those killed in the insurgency: NC.	M violate CoC. abduct 9 common people in Kavre. M, private talk business.	War widows-singed, scarred and shunned. Following the truce, Civil society's activities in up gear in Dolakha.	UK envoy to Nepal GK Bloomfield stresses right policies to resolve insurgencies. Learn from those who have experienced in solving such problems: Bloomfield.
April 16	Govt. announced six-member talks team from among the cabinet members: dy PM Mandal as coordinator. Peace talks to begin in three days: Mandal.	No objection to CA if the King is ready: NC (D)	Ready to meet King if it helps peace cause: Dr. Bhattarai. M abduct a business man in Gaushala VDC-3, Mahottari. They stop VDC secretaries from resuming their jobs in Salyan.		
April 17	A 5-member 'Talks Assistance Team' formed as per the direction of the King, has been working secretly. Ex-COAS Thapa heads the team. No need of facilitators for talks: Mandal.	RPP chief Rana, as a bid to explore consensus between the parties and the King, talked with Nepal and Rohit.	M take 8 civilians hostage in Rukum. Govt. saying to prefer issues other than political in talks is prone to treachery: Mahara. Talks should conclude by two months now: M.	Economy on upward spiral after truce: a 2.5 growth projection for 2003 in GDP. Women rights activists tell M not to drop the idea of CA.	
April 18	King says he has no intention to neglect political parties. Initial peace talks by Tuesday: Pun. Parties are against peace process: Minister Sharma.	King, M ganging up against democracy: Shushil Leaders hold monarch responsible for current crisis. NC (D) to move against royal move. NSP urges peace process to a logical end. Get ready for decisive war, Nepal to cadres.	M in Kavre claim that they have violated CoC:R M in Hetauda stop VDC secretaries from resuming their duties. Bhattarai requests civil society to witness the peace process.	INSEC mid-western office completes field visit of hot M beds, finds M misusing schools. Political parties trying to draw the King into controversy Chaudhury. Wives of disappeared men badly waiting their husbands in Dang.	
April 19	Pun overcomes Mandal's ideas on talks agenda: SP. Govt. compensates the families of Kahule tragedy in Nuwakot. Political agenda to be presented at the introductory govt. M talk.	Govt. talks team is just a showpiece: the real one is working under veil: Koirala. This govt. does not have capacity to hold talks: Nepal. Deuba slams King as 'incompetent'.	We will not interrupt the NGOs and INGOs working for the people: Bhattarai. Whereabouts of Ramakanta Giri, abducted by M in Parsa last week, is still unknown. Yadav defines federal system as a bottom-line in talks.	All concerned should be aware on the difficulties of the insurgency-hit children. INSEC in Banke trains teachers on conflict management and peace. Villagers in Baglung terrified by M's coercive donation phobia.	
April 20	Govt. invites parties to join talks-directive body. Talk between the govt. and M proposed for today postponed as they differed on the talks' agenda.	Parties reject outright govt.'s invitation to join talks-directive body.	Ten M released in Siraha. M in Dailekh stop civil servants from resuming their business.	Civil society suspects over the talks without facilitators: SP. Beginning of talks: possibility of an adverse situation for the King.	
April 21	King discusses with Pun on postponement of talks. Mandal asks M to prove sincerity in talks, says govt. ready to hold talks with agenda. We have agreed to hold talks within 5 days: Pun. Police arrest 24 M cadres in Sarlahi	Peace and democracy are the key agenda of UML: Nepal. UML formed a team to talk with M to warm relationship between the parties.	Neither all-party govt. nor revival of House is the solution of present crisis: Prachanda. M abduct 29 persons in Taplejung, Tanahun and Sarlahi. Bhattarai and Yadav frisked by army in Kaialahi. 2 M held in army control in Parsa.	NHRC discusses with M talks team on Human Rights agenda in peace process.	Russian deputy-ambassador wants to see peace restored at the earliest.



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	charging forceful fund collection.		They hurled socket bomb at the army patrol.		
April 22	King talks on current political scenario with Thapa and Sharma. Thapa heads to Delhi. Lasting peace only if M give up arms, says army. RNA says it is tight-lipped to CoC. Parties playing double standards in peace process: DyPM Mandal.	Monarchy root cause of instability: Koirala.	King must join talks: Bhattarai. M attack army convoy with sockets in Parsa. King is sending ambiguous messages: Bhattarai. M have divided Nepal into 10 autonomous provinces.	22 civilians abducted by M in Taplejung released amidst a mass meeting: R. Following the SC's decision 13 M detainees released in Kavre.	
April 23	Army in Sindhupalchok district detained 5 M cadres including a company member in charge of misusing arms and ammunitions. M and papers creating hill of mole on talks: Khapangi. Families of Kahule victims compensated in Nuwakot. Govt.-M informal talks from today.	UML CC meet suspended proposal to co-work with M, asks Bhattarai to correct his statement against parties. Raises serious concerns over talks postponement. Parties not against peace talks-NC (D).	Bhattarai accuses parties of backtracking peace process: TRN. He flayed army for 'anti-talks' remarks. M in Sindhuli raising fund with extortion. M held 5 persons in Panchthar in charge of killing a teacher, Mohan Dangi, in March.	Civil society to visit Rolpa and Pyuthan to learn ideas of the victims of insurgency. Dalit families displaced in Mangalsen as army sets up barracks at their lands.	
April 24	Formal talks between govt.-M talks on April 27. Pun assures M team of audience to the King. Army arrests a dozen armed M militias in Janakpur: R. Security forces in Pyuthan denied rights activists to permit to visit Rolpa.	Political parties ready for agitation, move and talks are complementary.	A woman M cadre killed at a clash with army in Ragani area of Okhaldhunga. No talks if the does not apologize: Mahara. Over 30 M cadres released in Gorkha Siraha and Saptari. Bhattarai flays increasing military activities: K. M threaten to close schools in Baglung.	A network of 200 hundred organizations on the part of civil society has been formed to pressurise sustainable peace. Shyam Shrestha heads the networking: SP 5 Bar Associations in the Kim. valley call for reinstatement of civilian rights.	Indian army chief NC Viz says that India will do whatever Nepal needs in maintaining peace and order. The King plunged into politics due to M's insurgency: British political analyst John Helpton.
April 25	UML, NC trying to foil talks: Minister Basnet.	King warned against weakening joint movement. Monarch is main target: Koirala. Bhattarai tells Nepal of helping in the agitation SP Move won't disturb the peace talks: Nepal.	Not M. but army should surrender arms to M-Badal. Palace has proposed M's government if they surrendered arms. 'but we won't do so' Badal.	More than 1,000 rebels still in Nepal jails: Al. Speaker calls for all party government with M. School students flee to avoid M recruitment. Speaker says CA will make the King more autocratic.	Nepal and the US signed a Memorandum of Intent formalising and strengthening both nations' participation in anti-terrorism assistance programme. India to support peace in Nepal, says general Vij.
April 26	Govt.-M formal peace talks to start today: Likely to fix monitoring team and mediators. RNA killed M cadre in Okhaldhunga was Bikas Rai, male, not a female.	To explain move as a peace blockade unfortunate: Koirala. Bhattarai tells UML central committee meet says no to CA.	M accuses govt. of playing to invite foreign army. Understanding with the US is regrettable. We want to talk with the King directly: Badal. Three forces must work together: Bhattarai.	Speaker demands a separate mechanism for talks. He says King has done no wrong. Peace will fail till the weapons have not been controlled: Chaudhury. Civil society in Dhankuta demand dalit and women issues prevail talks.	India should not support the King and the multiparty system simultaneously: Indian scholar SD Muni. This is the best time to sort out the solutions of all problems when the King, M and parties have one voice: peace expert Thomas Carothaz.
April 27	First round of talks between govt. and M ended on a positive note. M presented talks	Only constitutional monarchy will continue to exist:	M present the procedure of formulating new constitution.	Rights activists Tuladhar. Dhungana. Upadhyaya and	

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	agenda, govt. yet to react on it. Pandey, Pun, Badal and Mahara assigned to form a mechanism to monitor the CoC.	Koirala. Thapa ducks PM issue, says India keenly serious on Nepal peace. RPP holds a peace rally in the capital. Pro-CA UML leader criticised within the party.	Disappeared M student leader in Hetauda found killed. 50 M detainees in Ilam demand for an unconditional release. Govt. could not expose as expected.	Adhikari appointed as talks facilitators.	
April 28	Defence ministry refutes that RNA disappeared and killed two M cadres in Hetauda. HMG formed a probe body under an HM joint-secretary on serial killings of students in Hetauda.	King wants elections through parties' consensus, RPP leader Lohani after he received king's audience.	M open on monarchy, right to self-determination. 17 detainees released in Rautahat.	Nepalese business community welcomes peace talks.	British govt. welcomes the talks between the govt. and M, hopes the talks would be a lasting solution for sustainable peace.
April 29	Govt. assessing infrastructures losses in insurgency. Govt.- M talks monitoring team to begin work today. Police has formed a 5 member probe team under SSP MB Rawal to investigate the Hetauda case.	Movement aim to strengthen peace process, claim parties. UML for major amendment to constitution, says no to CA.	Intellectuals and businessmen in Parsa stress resolving crisis through talks.	NHRC suggested govt. to reach a separate agreement on Human Rights issues in peace process.	
April 30	King may host a tea-party on this Friday for the leaders of political parties, they may be granted group audience. Govt. team begins probe into two M students' killings in Hetauda. Govt. mulling reconstruction plan. Nepal police committed to bear the peace CoC.	The King, at last, will have to support democracy: Koirala. 10 left parties call for result oriented talks. Parties should play positive role in peace talks: Rana. There are peace talks within the parties' move: Koirala.	Bhattarai and talks facilitators discuss on the role of the latter. M student wing warned the government of locking up schools infinitely. M armed militants abduct a youth in Nuwakot. VDCs of northern Morang under M control.	Media's role highlighted to make peace talks a success. Civil society in Biratnagar backs up peace talks. Govt. requested to ratify international declarations on human rights.	
May 1	A member of armed police force felicitated by M local unit in Kalikot.	Both the parties cannot escape from the negotiating table: Koirala. King and parties will reach to agreement before May 4: Rana.	We can still repeat old history: Bhattarai: Army trying to foil talks. M accused govt. of killing students in Hetauda. M abduct an eighteen year old girl in Dolakha.	Peace talks facilitators call on PM and discussed about the peace talks. M continue to ban rice supply to the district capital in Terhathum.	US govt. enlists M as second grader terrorists in its report of 'Patterns of Global Terrorism'. US and UK envoys meet Nepal and Koirala, discuss M agenda in talks.
May 2	PM offers to go if peace is guaranteed. Govt. probe team responsible for the Hetauda killings has completed its job.	Political parties unimpressed by the PM's statement.	Bhattarai sees invidious foreign hand at work in Nepal. + Only consent on CA will make the talks success. + US is trying to foil the peace talks.	Civil society organise a rally supporting the peace talks. Conflict displaced persons face hunger in western hilly districts.	
May 3	Govt. will stand strong for talks despite parties move: Mandal.	Parties accuse PM of trying to derail peace. Students support for drafting of new constitution.	Peace talks have been stalled: Mahara. M take hold big has of lands from farmers in Rautahat: R. 74 M detainees in Nepalgunj have filed writ petitions at the Appellate Court seeking release 'from unlawful detention'.	If M guns creep into parties' move, the State will fall into chaos: Speaker. Conflict hit children did not turn up in Nepalgunj rehabilitation centre.	
May	I'll introduce the dalit	Major political	M have not disclosed	Facilitators have	Indian Home Ministry has

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4	issue in the talks': Pun. 'Govt. has not formally been informed on US enlisting M under terrorist head: Pandey .	parties' joint movement launched to restore power to people, parties hopeful it would help the peace process.	the condition of 18 abductees, including a journalist in Rolpa.	divergent views on peace process, Tuladhar and Dhungana unsatisfied for their role.	said that a web of Indian and Nepalese Maoists is planning to resume violence in Nepal and nine Indian states.
May 5	Royal Nepal Army warns M a big loss if the later pulls itself out of the peace process. Govt.- M talks homework team will meet today. Govt. to establish conflict hit children rehabilitation centres in Dhangadhi, Nepalgunj and Kapilbastu.	The constitution is excellent: Koirala. All-party govt. is not an objective, just a means: UML Spokesperson.	An M armed cadre, Suna Rai, injured in fire exchange two weeks back in Okhaldhunga, died at a hospital in Kathmandu: M supports the parties' move.- R M raising funds forcibly in Arghakhanchi.	Reported instances of Human Rights violations in mid- west even after truce. Indigenous people will produce a 42-point agenda in the peace talks. Children in Gorkha ask M not to violate child rights.	M could be removed from terrorists' list given they improve their records and prove sincerity in peace process: US envoy Michael E. Malinowski. Peace talks must succeed for political stability: UK envoy KG Bloomfield. ICRC Nepal country head meets with Bhattarai, requests to help in reconstruction.
May 6	Second round of govt.- M peace talks set for this Friday: RNA operates health camps in M hit areas of mid-western region.	Govt.-M preparing for war: Nepal. +Lohani criticizes parties for spewing venom on King.	A M detainee Meghanath Sharma in Chitwan has not been released despite SC's decisions. M abduct ex-VDC chairperson in Dailekh.	NHRC tells talks facilitators for an agreement on human rights between the govt. and M.	UK has not enlisted M as terrorists. Political parties and King should work for a successful peace process: envoy Keith G Bloomfield.
May 7	I am waiting the person as PM who guarantees sustainable peace: the King. RNA launches 'door to door' programme in different 10 districts of mid and far western regions.	We are ready to be just 'annex' to the Palace and M: Nepal.	King, RNA and the US are blockades ahead the peace talks: Bhattarai. RNA and US playing foil to sabotage talks: Prachanda. Rukum M govt. announces 2.3 million annual budgets.	Three scribes escape M noose in Kalikot.	Pakistan ready to help in peace process: Pakistan envoy Jameer Akram. + M may have contacts with Indian terrorist groups: . Donor agencies stress on bringing M on political mainstream.
May 8	Talks will meet logical end: King. Round Two of peace talks on Friday; King received in audience Chand, Pandey and Pun. They briefed Him the recent development on the peace talks. Govt. probe committee for Hetauda killings submitted its report to Mandal.	Parties hold silent protest against King, they criticize Him for his remarks. King and M cannot agree on CA: Deuba.	This round talk could be final if demands met or not: Mahara. M to operate a contact office in Kathmandu.	People in M hotbed attend army health camps despite M resistance. FNJ condemns M for torturing scribes.	Chinese envoy Wu Congyong hails the peace process, says Nepali people will resolve the current political crisis. M are the insurgents of a country: UK envoy KG Bloomfield.
May 9	Govt.-M II round peace talks held, govt. to limit army, monitoring team formed and a six point accord signed.	NC (D) launches campaign against royal move. Parties opt for peace and agitation simultaneously, play black flags round the country against the royal move. NC bans anti-King slogans.	M present the names of 322 their missing comrades. M cadres abducted Parameshwar Mandal of Vidyasagar VDC in Siraha.	Round II talks passes CoC for the talks facilitators.	
May 10	Two rounds of talks historic success: Pun- TKP. Districts panels report M misconduct: THT. Security personnel accuse M of violating CoC.	To brand move anti- talks is nonsense.	M loot grains in Rajapur, Bardiya.	Facilitators pessimistic about peace process . Speaker claims failure of peace talks.	Diplomats urge Nepalese to be united for sustainable peace.
May 11	Army expresses its displeasure over the govt.-M agreement on army patrolling, cabinet	King trying to divide NC. UML: Koirala- TKP. Hundreds of	M may drop CA agenda if a better alternative is at hand: Bhattarai. M in	Civil society in Dolpa organised peace rally. 'Even the Preamble	

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	reshuffling likely. Govt. studying M political agenda: Pun. Parties' remarks against the King indecent, improper: Defence Ministry. Violating the new agreement, army camp established 30 km away from the barrack in Terhathum.	political leaders and cadres sustain injuries as police charge lathis on them: K. RPP dissatisfied with the limited role of the army.	Morang hold six on charges of theft. Minus the political parties. peace talks will fail: Bhattarai. 8 M detainees released in Nuwakot.	of the Constitution can be amended: ex-judge Aryal.	
May 12	Political forces must come at a common point for peace. 'High level authorities at the Ministry of Home ordered Sunday's lathi charge'. Security chiefs suggest govt. not to be (too) flexible on security issues.	Parties declare II phase move programmes, Koirala frowns at army's 'political statement'. Parties object the govt. -M agreement on army.	Bhattarai warns army's expressions, activities may derail the talks: SP. Rebels continue recruitment, extortion in far western. M abducted four women, and a man on May 6 from Phalaincha village.	Leading rights activities condemn the State atrocity against the political parties' leaders.	45 international Maoist parties ask EU and the US to delete Nepalese M from terrorists' list.
May 13	Govt., M brand parties' move as talks detractor.	Thapa holds govt. unable to create reconciliatory environment. Nepal- Rana converse on current mess. We have let M free for peace talks: Koirala. PM claims in written that cabinet enjoys the executive power.	M militia training in mid and far west regions. M object the act of installing an army camp in Sankhuwasabha: R. King's confidantes delaying peace talks: Yadav.	Conflict victims complain of non-inclusion of their say in the talks: R. NHRC writes govt. and M to clarify the role of CoC monitoring team.	Truce in Nepal a partial success for American strategists: IISS reports in London.
May 14	Minister Pandey states that no decision was made to limit army activities. Army not to restrict its movement.	King should rectify error: Nepal. Parties' agitation helpful to peace talks: Koirala.	Govt. has shamelessly violated the agreement: Badal. Army activities may put the talks at loggerhead: Gurung. M in Panchthar forcibly appointing youths as militants. Rebels loot forest fund in Kailali.		
May 15	PM committed to implement the agreement on army.	11 Left parties agree to make talks and move complementary. Repression will fall short to check parties' move: Nepal.	M want Pandey out of govt. talks team. M Kalikot beat up Purna Bahadur Malla, 45 for his failure to attend their meet. Weapons' mafia trying to foil talks: Bhattarai.	Teachers in Salyan not resuming their jobs as M threat persists. 'There was a discussion to limit the army activities': Upadhyaya.	Indian envoy for joint efforts to check terrorism. Nepalis' role for the peace process is more important: Sri Lankan envoy Grace A. Wasiratham.
May 16	Pun casts doubt over peace talks process. Asks the minister to resign who does not read the reality.	Govt. is readying for war: Nepal. He urges M to join agitation against royal move.	M talks team hand over a letter to Mandal to clarify about the saying of minister Pandey.	The Kahule victims' families complain of discrimination in compensation amount.	
May 17	The idea of limiting army activities was from govt.	Royal property be made public: Koirala.	Govt. of those parties on the scene is unacceptable for us: Mahara in . M cadres who flew from jail in Kanchanpur two months back are in party contacts.	Rights and political leaders agree to move collectively.	
May 18	Pun and Bhattarai converse to ease coming talks. Army. M resorts to	RPP demands a powerful all-party government.	If the State continues to oppose the CoC. war is the alternative: Gurung . M issue trade	Govt. unconstitutional. incapable. says ex-judge.	



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	verbal exchange over security checks in Dang.		license to local merchants in Rolpa.		
May 19		M may walk out of talks, fears RPP. King should initiate for an end to the present mess: S Acharya:	M came to table not because it lost the war: Yadav. M in Sindhu abduct three civilians charging them of being timber smugglers.	AI concerned over increasing HR abuses in Nepal. 5 persons who bore imprisonment for a long time on the charge of M, have file applied for compensation Sindhu.	European Commission extends support to peace process. No successful peace talks without parties' participation: US conflict expert John Galtung.
May 20	Third round of talks likely in Rolpa or Rukum: Pun.	Agitating political parties readying for a parallel govt.	M abduct two in Siraha, torture three in Nuwakot. Abduct and beat up severely a secondary school headmistress Amrita Wasti in Gorkha:	Three killed two injured in bomb blast at an army apartment in Myagdi.	
May 21	Govt. extended the terms of M leader R Shrestha for another six months in jail. Peace talks will succeed: Pun.	RRP for all-party govt.	Mahara objects the govt's decision of not releasing Shrestha.. People's interest is for a new constitution: Badal.		
May 22	Police arrests 4 M cadres involved in abduction in Dhanusha. Minister Sharma claims that M are readying for polls under the present Constitution.	Present will not come up with any significant results for sustainable peace: Thapa.	M and local administrator in Udayapur discuss on issues related district development. M in Gorkha, set fire at the documents of Thulajung VDC in Gorkha.	Facilitators conclude no progress in talks.	
May 23	Date for round III talks will be slated soon: Pun. Royal army spokesperson says that RNA will limit its activities as agreed in the talks. RNA suspects M on army man Kumar Poudel's abduction and subsequent death.		11 M detainees released in Nuwakot. M continue to resort to their acts of atrocities. Common folk in Kailali compelled to quit their homes due to 'donation terror'		
May 24	Defence ministry denounces news that RNA will act within 5 Km. Parties' move favors M: Pun.	Koirala informs of disclosing the concept of Board Democratic Alliance.	M looted 2 quintals of rice Sarlahi.	Six civilians, out of nine abducted in Janakpur, released.	
May 25	Govt. asked M to rethink on the agreements reached on the course of round II talks.	Nepal suggests M to make end of the govt. at the office through talks.	M deny to rethink on the round II agreements, says no more talks if they are not implemented. Local M leader in Kanchanpur cast doubt over successful talks. M broke legs of Bhogendra Yadav, 18, in Siraha.	Human rights activists stress on people's agenda for the sustainable peace.	
May 26	Pun-Mahara phone talks on forth-coming peace talks ended inconclusively.		M march passed with arms demonstration in Nuwakot. Public presence of M and army equipped with heavy arms in Rolpa continues.	Local people in Sarlahi demonstrated against the M. Mahara smells rat at the govt.'s talks stance. M turned VDCs in Bhojpur into PDCs.	The crisis should be addressed through the peaceful means only: Pak. envoy Akram. 'Army should also be included in the peace talks': UK envoy Bloomfield. Donor agencies complain govt of not leading for reconstruction.
May 27	Court orders release of 45 M detainees in Taplejung and Neplagunj. Ministry of	Formation of pro-constitutional government is essential: Rana.	The talks are in limbo due to American interest: Mahara. M took 3 in control	Local people form 'security brigade' after M looted paddy in	Everest summiteers wish for peace.

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	Home vows punishment who raise fund coercively, says approval of govt. for the purpose is must.	Pro-parliament parties to hold meet at Singh Durbar. Koirala and Rohit suggest talks facilitators for an all-party govt.	released in Rautahat. Two drunk M in Dailekh. Narayan municipality, fired tear gas at Naumule hotel. At least 3 persons remained faint. M may throw itself to streets for CA.	Haripurwa. Sarahli. Tika Ram Mahato, ex-chief of Joshipur VDC in Kailali abducted by M. Released M abductees say abduction a way to collect fund.	
May 28	Peaceful talks will be successful: Pun. It is too late to see the House working: PM.	Leaders reiterate demand to restore democracy. They warn forming a parallel govt. RPP nods f or all-party govt.	M accused security forces of abduction of six M cadres in Rautahat. M donation terror in govt. offices in Sindhuli. M to move ahead by the help of RIM and COMPOSA.	AI reports- Nepal witnessed extra-judicial killings in the last year among other rights violations. blasts army, M.	Peace talks will fail unless parties and army participate: UK envoy Bloomfield.
May 29	PM Chand decides to step down, receives King's audience. PM is unknown about the agreement in the peace talks on army. Peace talks will not be derailed at any condition: Pun- SP. Army should refrain from politics, we played major role for peace talks COAS.	Thapa receives King's audience. Agitating parties' special session of the Lower concludes. They prefer republic to active monarchy. Rohit asks king to initiate for a political outlet to present mess.	The activities of the govt. may lead the talks to a break: Bhatrai. M may participate in the parties' move if they include CA as an issue: Mahara. M's office in Rolpa. M looted a gun in from an ex-policeman in Bara.	INSEC urges govt. and M to reach on a Human rights agreement-R. Scribe Ambika Bhandari files case for compensation in Dhankuta.	'M will be deleted from terrorists' list if they stop violence': US Information Center director to Nepal Constens Colding.
May 30	PM Chand steps down. King accepts his resignation. "The ball is in the parties' court now"- Chand.	Leaders of 7 political parties receive royal audience at the Palace. Stirring parties recommend Nepal as PM.	Mahara explained the incident as a bid to delay talks. M abduct two in Kotamaula-7 in SalyanK. M collect trade tax in Kailali. M looted a mobile and 2.5 thou rupees in Sarhali. Coercive find raising continues in Syangja.	Student leaders warn parties' leadership of being cheated: SP. Law experts suggest Speaker for PM.	
May 31		Presence of other leaders in royal audience a ploy: parties. They propose Nepal as PM. Our top priority is revival of House: Koirala. Demonstrators burn effigies of regression. RPP stresses for all-party govt.	Ultterior motive behind Chand's resignation: Badal.	Prachanda sees conspiracy in PM's resignation, says it would make no difference in their recognition of the govt. M under fire for double standards on children. Parties vow stir on.	
June 1	King likely to ask SC on new govt.	Parties busy to find a common man as PM. Warn stir if their demands are not met. UML stages a massive peace rally in the capital.	Chand's resignation a tactic to derail talks. Bhattarai-Koirala talk on present crisis. Agitating parties should form new govt: Yadav. M in Pokhara warn of peace talks' break at any time now.	Former judge suggests govt. under 128.	Sir Jephry James. UK special envoy to Nepal to observe peace process. is to arrive here on June 2. Press Trust of India writes M relationship with ISI.
June 2	King may seek suggestion from SC today.	Parties fail to recommend a common man as PM. Nepal. Thapa. Devkota and Mandal claim the post. Parties complete third phase of move. mulling for	We want to talk with the King directly: Badal. The next govt. will also be formed under foreign pressure: Mahara.	NC and UML NA members' meet concludes PM from agitating party. NC (D) backs Nepal as PM.	Sir Jephry James arrival delayed for a week.

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		another			
June 3	Pun flays political parties for complicating political situation. Defence Ministry objects the expressions of M leaders defaming RNA. Chand confers with Koirala on current situation.	Thapa gaining to bag PM's post. NC (D) formally backs Nepal as PM. Parties gear for stir fourth phase. The Palace playing against democracy: Poudel.	M in favor of peaceful move, ready to work together for CA. An M armed cadre shot dead in encounter with army in Ramechhap. Bhattarai skeptical of talks success: . M law to allow monthly sex for the imprisoned.	King needs PM's recommendation to seek SC's idea: former CJ. Draft for human rights agreement between govt. and M prepared, INSEC in leading role.	
June 4	King appoints Thapa as PM. Thapa vows to national consensus and peace.	New govt. under undue influence of foreigners: parties. We will detest the latest move by the King: Nepal.	M claim that army shot their unarmed cadre in Ramechhap. M find no material difference in the new government.	The King violated the Constitution once again: experts.	
June 5	Thapa sworn in to the post, busies himself to form his cabinet.	Appointment of Thapa as PM is continuation of regression: UML. UML hints of dropping the 'executive power' slogan: R. parties to continue stir, no support to Thapa.	Thapa as PM a bold negative lesson for the major political parties, sees foreign hand in PM change: Prachanda. Bhattarai warns of peace talks' break. We are mulling for a joint stir: Mahara.	Majority members of NA to hold meet.	Fresh polls better than reinstatement of the House: UK envoy Bloomfield.
June 6	Peace and elections govt's top priority: PM Thapa. He converse with Koirala on current politics. Thapa says he has not thought of House revival.	Revival of House is Koirala's condition to support the Govt.	M in Panchthar warn displaced teachers to resume their job.	Upper House members stopped outside Singh Durbar, held meet on street. Govt. and parties offended human rights: lawyers.	UK congratulates Thapa, hopes Thapa may be able to overcome the current turmoil. Indian envoy refuses alleged intervention in PM change.
June 7		Parties request world community to support their democratic move. Nepal directs his men to create a bugle of stir. Thapa cannot solve present crisis: Oli. Parties demand royal assets be made public. If the House is revived; NC supports Govt.- Koirala.	People are ready to accept monarchy, but under condition: Badal. M abduct 3 in Kaski including a journalist Padma Raj Poudel. There is no life in election talks: Govt. insincere to talks. Bhattarai. M-parties agitation likely.	Victims of armed conflict in Gorkha ask Bhattarai to prove the significance of killing innocent persons. M resorting into coercive fund raising, collecting guns in Ilam. Parties should help the govt. Dhungana. Move has weakened democracy: Speaker.	India facilitates Nepal's new PM. Congress (I) president too supports Thapa as PM. Special UK envoy Jephry James arrives here.
June 8	Thapa likely to expand cabinet today, 3 ministers from RPP, 2 from previous cabinet. Thapa meets nepal and Deuba, finds 'no' from them.	Sailaja demands polls. Parties' demands have been fulfilled: Rana. NC will attend the all party meet if it is on House revival:Poudel . Thapa has no executive power: Narahari.	We will honour the king if he abdicates: Bhattarai. I'm not a military strategist: Badal. He wants to meet king and clarify on his position: Badal. M form a political front for peaceful politics.	. M in Bhaktapur demand to publicise whereabouts of their 7 men disappeared last yr.	
June 9	Pun refutes Dr. Bhattarai's remarks that king intervened the Govt. to accept army be limited within 5 km. Formation of cabinet-RPP. Pun and partyless in the 1st round. Thapa	Leaders in NC stress for the formation of the Lower House. Rana says the govt with executive power is RPP's success.	Instability in Govt. delays talks: Mhara. Govt change a play to foil talks: Badal. 17 M detainees in Kapilvastu and 4 in Dang released. M ready to give up arms if RNA	International move against Land Mine suggest to include commitment against Land Mine in the CoCSP SC can revise its decision on House	Russia and Bangladesh felicitate PM Thapa.

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	receives audience of king.	Parties to gherao tax offices on June 10.	does so: Badal.	dissolution: experts.	
June 10	PM to name cabinet members on Wednesday, members from RPP likely. Pun to refrain from resuming his job. Thapa receives king's audience twice, reports on the extension of cabinet.	Intra-party feud in RPP intensifies in lieu of naming cabinet: R. RPP dissents' meet criticize PM's move to name cabinet: SP. Parties sit in place before the tax offices as a part their civil disobedience: K.	The next clash will be with US army: Badal. Progressive constitution is the hour's need: Yadav. M in Rukum participate in the stir held by the major political parties.	Unless people's agenda included in the peace process, it will fail. M victims threaten violence. M victims still taking refuge in Khalga, in Kalikot.	UK special envoy James and envoy Bloomfield meet Nepal, discuss on peace process. India has no intention to interfere in Nepal's affairs: envoy Shyam Saran.
June 11	PM names cabinet. I will certainly convince agitating parties: PM. Rana a dissident against his move. PM ready to discuss on House revival.	The collective audience with the king was a drama: Nepal-SP. Changing of face does not matter in addressing present crisis: Koirala.	Yadav calls all political parties to work collectively for CA.	CoC ignore in Achham: GP. Govt. and M had signed deal before truce Jhapali.	Chinese PM Hong J Bao felicitates Thapa.
June 12	Govt. names two-member talks team: Lohani and KT in the team. Thapa says is ready to Lower House polls assuming it CA.	Five party move lacks clarity in its agenda. Thapa govt. will be short be short lived: Koirala. October 4 move was not regressive: Deuba	M solicit parties' support for common agenda. We will resume weapons in there is agreement for new constitution: Bhattarai	Thapa as PM is another bid to foil constitution: Alliance for Democracy in the US.	Parliamentary democracy answer to current crisis- CoC must be fully observed and the concerned parties should reach to human rights agreement soon: UK special envoy James. Pak PM Zamali felicitates PM Thapa.
June 13		Peace talks will fail: Deuba. Oli faces party ire.	M declare local government in Surkhet district, first ever after truce.		US using M conflict to gain foothold: Indian and Pakistani diplomats.
June 14	Parliament must to revive constitutional process: KT. Security forces in Darchula arrested 17 armed M. 2 army men killed at a fire exchange in Banke.	Army only under elected executive: Tripathi. Parties' stir should focus for new constitution: Oli.	Talks have failed, though our passion has not run thin: Badal. He says fund is our right: R. M abducted 2 in Ramechhap including an army man.	Civil society worries as the warring parties head for power accumulation.	
June 15	Thapa seeks Chand's support for talks' success. Chand in favor of House revival.	Feud in RPP intensifies, chief urged to call central committee meeting. House revival is king's discretion: Koirala. UML unveils that nepal was called as PM under article 127.	Bhattarai wants Karnali zone declared autonomous.. We will submit weapons to the people only: Badal.	Peace talks facilitators to continue their job. They warn of talks' break if the agreements are not observed. They claim parliamentary forces are only the legitimate to talk.	
June 16		We have been asked why we dont go for a republic state: Nepal-R. 18 RPP CCM against Thapa govt. UML not to join govt. even if House reinstated.	No talks with "slaves" of the king: Bhattarai.		Thai PM Thaksin Sinawatra felicitates Thapa.
June 17	Early polls to resolve impasse: PM.	Parties to come out with common agenda. NC (D) ready for CA under national consensus.	M stick to the agreements reached in the second round of talks, sayno talks unless they are implemented. M	Talks facilitators and govt. team to discuss on talks: HT. Ex-minister Gyawali says there is foreign play on	US favors talks to resolve conflict for political stability: Christina Rocca. US chief for South Asia.



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			guised as teachers in Nuwakot to expand their units.	Nepalese politics.	
June 18	Security forces and M armed rebels clash in Dali VDC of Jajarkot for six hours. PM meets talks facilitators, govt. interested to resume talks. Sets up peace talks secretariat.	UML and M discuss on joint move, decision after they discuss on CA. Parties are on move against the king: Poudel. Women keeping allegiance with agitating parties held a rally in the capital.	We will never break talks. Govt. has already done it: Mahara:R. Police attempted to handover a 70 day slip to Bhattarai issued by Dadeldhura district court.	Rights community discloses its report on Fulasi incident. House revival leads to regression: Speaker. M released journalist Poudel in Pokhara.	US army chief for Asia-Pacific S Campbell arrived in Kathmandu for a two-day official visit. Sri Lanka, Cambodia and Tunisia felicitate PM Thapa.
June 19		There will be the persons to tear apart the new constitution if it is made cornering the current one: Koirala. Parties announce phase v stir: SP. It is ridiculous to say that we have democracy in Nepal: Nepal.	M-aligned student wing is forcing students in the Kathmandu valley to join to take its membership.	NHRC meets the PM, asks for human rights agreement with rebels, says it is reluctant to monitor political issues. Democratic scribes to boycott PM Thapa function.	Campbell meets COAS Thapa.
June 20	PM informs that he gave words to king on forming an all-party government, says govt. to go soft on agitation.	Members of erstwhile local bodies of the parties stage rally in the valley. NC (D) for constitution amendment.	Mahara claims that govt. is conspiring for talks break. 2 M armed cadres killed in a clash with RNA in Jajarkot. M hold a rally in the capital asking resumption of peace talks.	Two minors killed in a socket bomb blast hidden by M rebels in Athbiskot of Rukum.	
June 21	Security forces arrested 10 M cadre in Kailali and Doti. 7 armed cadres and a common person killed in Jajarkot clash: K Third phase of talks will. be held soon.	I will speak on the crisis: KP Bhattarai. King's acts arbitrary: NC.	We want to meet king before third round of talks : Badal.	I have been a head without body: Speaker.	
June 22	Army received 3 thousands pieces of modern weapons.	Shusil demands action against them who oppose the move. Countdown of Thapa govt. has begun: Nepal.	M held two hour strike in Dang. M in Dolpa busy in collecting Yarsagumba SP. Misfortune will unfold if the talks are derailed: Bhattarai.		
June 23	Govt to speak on army dispute on the third round of talks. Govt preparing in full swing for peace talks.	NC endorses proposal to limit royal title, proposal to change national anthem. The move has no significance: Shailaja . Oli boycotted party meet.	M warn against attending army health camps.		
June 24	PM to meet RPP chief soon. Govt. mum on NHRC draft on rights.	Effigies of regression burnt across the country, 5 <sup>th</sup> round of stir begins.		Hold polls or revive House: speaker. Two injured in public. M clash in Baglung, m fined 2 thousand rupees for offending CoC.	
June 25	Both the parties are in informal touch to resume talks.	The king has cherished his will to be a direct ruler: Deuba. Shailaja requests her party to exert	M politburo meet agrees to sit on 3 <sup>rd</sup> round of talks. An M cadre killed in army action in Bhojpur. Mahara accuses of	National Assembly without leadership from today.	Human Rights situation deteriorating in Nepal: US report.

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		pressure for House revival. Parties agree to change national anthem.	foreign interference in peace talks.		
June 26	We need reconsidering on the agreement on military reached between the govt and M: KT. Govt-M talks are unlikely to resume anytime soon.	Parties want to settle core issues with the: Narahari.	M killed 9 teachers after truce. M killed ex-VDC chairman in Baglung. Army meddles with ANNISU-R in Dang.		
June 27	Govt. warns M not to raise fund, M detest it. K. Tamang claims that the demands put by parties have been met. Security forces accuse M of offending CoC.	Major political parties' common agenda for agitation is on the anvil.	Prachanda seeks parties cooperation, demands their view on his party's demand. M recruiting minors once again in east Nepal. Parties bargaining for power: Mahara.		Indian MP Iduardo Falero suggests talks best way for sustainable peace.
June 28	PM meets NC leader Bhattarai, appeals for national consensus. Curfew imposed in Dang.	UML for new constitution. Sherchan and Rohit were offered PM. Common agenda to be unveiled on July 4: Koirala. NC leaders 'impressed' by 'pledges': Nepal. NC starts relay sit-in.	M warns all that any acts to derail talks would not be tolerated. M militia install their barrack at police post in Chisapani area of Nuwakot.	Foundation of Nepalese in America lambast political leaders.	
June 29	Third round of talks will be held at the earliest: PM. He hopes parties will join his govt. Efforts for national consensus is on: Tamang.	NC starts relay hunger strike throughout the nation: SP. Oli advises 'tainted' leaders to stay away from move, all govt. or House revival is not the solution. koirala vows to be on move till people's rights are restored: K.	Prachanda asks for public pressure for resumption of talks, sees less chances for another round of talks: R. Talks as a new policy of M: Gurung.	2 M abductees escaped killing the abductor in Panchthar: SP. Law experts question the significance of CA.	
June 30	No expansion of cabinet immediately: SD. Govt- talks facilitators to meet on July 1.	Parties field torch rally throughout the nation as their part of stir, dozens of the protestor injured.	M killed two persons in Parsa district.	The idea of Speaker not to call meet at the street is correct: Oli-R. King is the representative of Nepalese.	
July 1	Govt.-M eager to sit for parleys.	UML rift in offing again, Oli demands special general convention. Parties start signature campaign seeking king's and his late brother Birendra's property made public.	Right to rebel: a new M declaration for their new model democracy. A new constitution to resolve the impasse is essential: Mahara.	Talks facilitators discussed govt and M talks team members on resumption of talks:	Take steps to end present political imbroglio, Indian Shyam Saran urges Koirala.
July 2		UML confronts within on House revival. The king should not be in politics: Oli.	no talks unless the former agreements are implemented: Badal. why one is there in power who fails to control army: Gurung.		
July 3	PM urges party leaders stop doubting the king. National consensus is		M still skeptical of peace talks. Govt:M informal talks on the	Law experts believe revival of House as the best way to	

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	the last resort to redress the crisis . No pre-conditions for talks: KT.		prelude of third round of talks. M leaders in hunger strike.	solve the crisis. Social evils pushed women to join M militia: report.	
July 4	Govt. ready for talks. priority to peace, atmosphere for polls: PM-TRN. Confidence building needed for talks: KT. Govt. in touch with Dhaka over arms seizure.	parties holding Special session of the dissolved House.	First limit army movement for talks: Badal-says talks are on with a bunch of palace. There are patriots in the palace too. 5 hurt in a fire exchange between army and them in Doti	Tuladhar urges King to intervene for resumption of talks, says truce was declared under king's direction.	
July 5		Parties new slogan: secularism and abrogation of king's advisory body. Not the House, but revival of Constitution is needed: NC-D.	M leadership changed in some of the districts of the terai region.	Rise in militarisation has increased as the CoC has not been followed by both parties.	M to allow selected foreign donors to act at their strongholds.
July 6		Nepal-Oli tussel in UML sees end: R. Nine Left parties including M draw nearer to parties move: SP.	M unsatisfied with PM as he fails to meet them. M teaching their curriculum in their stronghold areas.	Justice L Aryal warns king not to be guided by gun, army and foreigners. Respect Chand govt's decisions: facilitators.	US president Bush hopes an earlier election in Nepal: R. AI flays army, M and govt for their failure to respect human rights. None of these parties met AI team. It called for the human rights agreement.
July 7	COAS Thapa says a scheme to modernize the army is on the store.	Five parties agenda sewed up in haste. I rejected king's offer for PM: Nepal: K. Koirala, Deuba and Poudel participate in king's b'day fest.	Rift surfaces in M Newar body. Different law, administration and management in M 'model area' in Jajarkot. M and parties' leaders discussed on common agenda.	Law experts expect the king may not make more mistakes.	Britain wants to see peace in Nepal.
July 8	Govt-M sit for informal talks on Friday. RNA announces welfare schemes for its members.	UML suspends RK for six months.			Militarization is the solution of the problem: Bendi Chamberline, UN aid program's South and Near East Asia ambassador.
July 9	Internal Security and Development Plan that includes is on the anvil.	Common agenda is to respect the monarchy and include M. Expunge Hindu from Constitution: koirala. Ambition of king and M revolt is the problem: Deuba.	The countdown of Thapa govt. has begun. Palace is the major obstacle for talks : Badal.	Both of the parties showing indifference to talks: facilitator Karma .	Diplomatic missions have supported our stir: Shusil Koirala.
July 10	Govt. eagerly waiting for talks: PM. Govt. ready to discuss on political issues with M: PM. People are not positive to politics and rule: PM.		Two different rules in Jajarkot and Salyan.	Now, professionals to join the stir: THT. INSEC western region asks M and Govt. to respect human rights: SP.	India watching 'what we can do, we will do, without interfering in the internal affairs of Nepal: Indian Foreign Secy Kanbal Sibal. M activities scaring away US tourists: US embassy.
July 11	Next round of peace talks soon: PM. Govt. and M talks teams held informal talks. The outlet of the current impasse possibly through parliament: KT.	Oli demands Nepal quit the post: SP.	M preparing war in remote area of Kavre.	Govt. has sent the drafts of 'meeting procedures' and 'directory for monitoring team' to M for reaction.	
July 12	Security tightened in mid-western region. curfew imposed in	Parties announce their sixth phase of stir. M's	M demand govt. leadership with the condition of drastic	M leader Rabindra Shrestha breaks his 13 day long hunger	

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	Dang.	weapons block joint work: parties.	amendment in constitution.	strike.	
July 13	Govt. writes M inviting for talks after holding an informal talks wit the rebels.	No CA before the 'regression' is defeated: Masal.. Our move is not against monarchy: Sushil.. Parties offer M to support their move. August will see a tougher stir.	The move on the part of the govt. is positive. Our high command will answer it soon: Bdal . 3 M detainees including central member Khop B Kandel released in Gorkha.	Two UML cadres escape M captivity in Jajarkot.	M trying to make India happy.
July 14	Security sources say that M are importing big weapons through different transits in Kailali district.	Rana talks with PM on the expansion of cabinet. UML goes for relay sit-in in the valley.	Mahara says the govt. has no intention to make the talks success. 'There may or may not be talks.'		RIM South Asia meet concludes in Jharkhanda of India, decides to develop Nepal as an M center.
July 15	Council of ministers writes election commission to be ready for polls. PM to resume talks with the parties.	UML intra-party feud ends in positive note. Rana suggests more men in cabinet, naming them likely next week.	M talks team 'underground' for 'talks'. M thrash UML cadre Prent Shahi to death.		
July 16	King has not been boycotted: Koirala.	No co-work with M unless the give up arms: Koirala. UML smells rat in govt. bid to hold polls.	M leaders in mid western region to discuss on the letter by the govt.		District Magistrate of Indian district Sitamadhi Atishchandra accused Nepali M of being involved in criminal activities in Nepal-India bordering area.
July 17	Govt. announces annual budget of Rs. 102.40 billion for the next fiscal year.		Senior M leaders holding meet in mid- west region.	Constitution makers discuss ways to plug loopholes.	
July 18	Parties' move has no meaning. Parties are the problems in the peace talks:PM. Govt. ready to implement all those decisions reached in prior talks.	King M plotting against democracy:Koirala a. Country will soon come off the state of confusion: Nepal. Parties show black flag to PM, he flies to Banepa as they stopped him from going by land.	No talks until the previous decisions are implemented: Badal. M leaders Khadka and Sharma suspended from the party.	NHRC worried for govt. and rebels fail to abide by the CoC. Constitution makers held a meet, say House should have restored.	
July 19		Deuba- Peace talks have failed R. Koirala real danger for democracy. Move has no alternate: UML .	M likely to resume talks soon.		European Union ready to facilitate peace process: Rudiger Wenk head of the delegation of the EC in Nepal.
July 20	Govt. pledges full security to M leaders once talks begin: Govt. hans M program in Dang: Curfew time extended in two municipalities and 30 VDCs.	Parties' House session rejects budget: R. Protest may go international if democratic parties are shunned further: Nepal . Talks have almost collapsed: LM PokhrelK.	Rebels go underground, close down contact office. M attacked Sugauli custom office in parsu. looted a dozen guns from police assigned guard the office.	Dipayal in tense as M and army intensify activities.	
July 21	Govt. contacted M informally through facilitators: K. Govt. convinced to hold talks.	Don't evade the peace process: political leaders: TKP. I have	M cadres want revival of peace process. M accused govt. of playing foul against	NA members stuck to peace process. NHRC meets facilitators, says	Industrial Security Group has urged M to end criminal extortions and sincerely pursue the peace



Date	Government	Political parties	Maoists	Rights community/ civil society	Alien parties/forces
	Security forces in Rapti in high alert.	noticed preparation of imposing military rule: Koirala. Third meet dissolve House held.	talks. M ready to take hold of power. M program in Dang failed.	ready to monitor the peace process if asked.	process. UN could help Nepal as facilitator- Henning Karcher, UNDP Resident Representative to Nepal. Donors worry over fresh bout of violence.
July 22	PM hopeful of peace process moving on track. Govt. keen to talk business with M: KT. He accuses M for talks impasse.	Grand design in talks dead lock: Koirala. The relation between the party and govt. has not been improved: Rana.	Prachanda opts for new strategy of conflict. Kirant Liberation Front Kirant Workers' Party unified.	Nepalese stage protest at UN demanding democracy in the land.	Foreign secy MR Acharya talks with C Rocca, assistant secy of state for SA affairs of the US on stalled peace talks.
July 23	Govt. studying the letter, talks may be further delayed: KT. +We will show the maximum flexibility for successful talks.	The demands by M cannot be met: Nepal. Demands PM's resignation 'as PM failed to form all-party govt'.	M write back- king himself should be in the talks table. M Dadeldhura leader TR Paneru quits party.	Press urged to minimise conflict. NHRC asks govt. to agree to Human Rights document.	
July 24	Cabinet discusses on M letter, hoping to react soon: SD. Army top brass mulls security fallout.	M should lay they cards on table: Nepal. The proposal of M is unacceptable: parties.	One woman M rebel killed in Kalikot fire exchange. M to broadcast FM in far western region	M's letter causes deadlock: Tuladhar. Chand sticks to talks. Where were these leaders when there was coup? Civil Society.	
July 25	Govt. proposes third round of talks by mid-August, stresses on talks instead of letters.	M trying to create rift between king and army: Deuba.	Constitution makers opt for revival of House.	M victims stage sit-in in front of the PM's official residence, demand surrender of arms by rebels.	US embassy in Kathmandu refutes M's allegation that US army has linkages with RNA.
July 26	Chances for third round of talks are very low, contacts with facilitators has been almost one-sided: Tuladhar.	kp bhattarai quotes king- 'I don't want to be a king who snatches away people's rights'. Parties' govt. to redress M problem: Nepal.	Parties' and M's demands are similar: Deuba.	Human rights activists talk with an M politburo member, they asked not to pull from talks: M realizes mistake.	
July 27	No need of foreign mediators: Lohani. Cabinet to be extended after two weeks.	M a blot on communism: Nepal. NC-D forms constitution reform recommendation body. RPP failing to patch rift with govt.	M submits another letter to govt., five conditions- must be met by the beginning of August.	Amar Lam shot dead in the capital: K. 'Food for Work' in conflict hit Rolpa.	

Source: Different National Media, Especially the Print Media

CA : Constituent Assembly  
 CIM : Ministry of Communication and Information  
 COAS : chief of the army staff  
 CoC : Code of Conduct  
 CPN-UML : Communist Party of Nepal (Unified Marxist-Leninist)  
 DM : defense ministry  
 FM : foreign ministry  
 M : Maoists  
 Mahara : Krishna Bahadur Mahara  
 NC (D) : Nepali Congress (Democratic)  
 NC : Nepali Congress  
 NSP : Nepal Sadbhawana Party  
 PsoC : Prisoners of Conscience  
 Pun : Nrayan Singh Pun  
 RNA : Royal Nepal Army  
 RPP : Rastriya Prajatantra Party  
 Sharma : Dina Nath Sharma  
 Bhattarai : Dr. Babu Ram Bhattarai  
 Gurung : Dev Gurung  
 Nepal : Madhav Kumar Nepal  
 Koirala : Girija Prasad Koirala  
 Rana : Pashupati SJB Rana

Yadav : Matrika Yadav  
 Mandal : Badri Prasad Mandal  
 PM : Prime Minister  
 Pandey : Rameahnnath Pandey  
 Dy PM : Deputy Prime Minister  
 Deuba : Sher Bahadur Deuba  
 KT : Kamal Thapa  
 Lohani : Dr. Prakash C Lohani  
 Tamang : Buddhi Man Tamang  
 ICM : Head Master  
 Tuladhar : Padma Ratna Tuladhar  
 Dhuneana : Daman Nath Dhuneana

# **Draft of Human Rights Agreement between His Majesty's Government and Communist Party of Nepal ( Maoist )**

## **Preamble**

Taking into consideration the cease-fire reached between His Majesty's Government and the Communist Party of Nepal- Maoist (referred to as 'parties' hereafter) followed by promulgation and enforcement of the Code of Conduct and commencement of peace talks,

Realising the constitutional and legal mandates and international laws, treaties, agreements guaranteeing human rights,

Bearing in mind the repeated commitment of His Majesty's Government for full guarantee of human rights,

Recognising the importance of the commitment to human rights proclaimed in the Code of Conduct for peace talks between the government and the Communist Party of Nepal (Maoist),

Recalling the commitment expressed by the peace talks team of the Communist Party of Nepal (Maoist) to abide fully the UN principles and emphasis to form a mechanism intending at addressing the human rights issues during the peace talks,

Considering further commitments expressed by His Majesty's Government during the interaction between the governmental peace talks team and National Human Rights Commission,

Realising that prioritization of human rights issues leads the nation to sustainable peace in the land,

The parties hereby agree:

## **1. General Commitment Regarding Human Rights**

- 1.1 The parties reaffirm their full adherence to the principle and norms designated to guarantee, protect and promote the full observance of human rights and their political will to effective enforcement of them.
- 1.2 The parties agree to continue encouraging all those provisions and mechanisms designed to pro-

mote and perfect norms and measures for the protection of human rights.

- 1.3 The parties are agreed to respect, protect and guarantee the right to life, right against torture, right to liberty and security, right to freedom of movement, right to fair trial, right to criminal justice, right to freedom of expression, right to freedom of organisations, the Geneva Conventions 1949 and the directive principle on internally displaced persons.

## **2. Strengthening Institutions for the Protection of Human Rights**

- 2.1 The parties consider that any behaviour that limits, restricts or impairs the functions assigned to the organs of the State independent judiciary, executive and legislative along with the governmental and non-governmental organisations working in favour of human rights undermines fundamental principles of the rule of law and that, accordingly, those institutions must be supported and strengthened in the exercise of those functions.
- 2.2 The parties agree to continue support governmental and non-governmental organisations working for human rights so as to strengthen them in their actions and promoting reforms of the enactments as may be needed to enable them to better carry out their functions and responsibilities.

## **3. Commitment against Impunity**

- 3.1 His Majesty's Government shall initiate in the legislature necessary legal amendments and formulation of laws against impunity for human rights violations.
- 3.2 The parties agree that His Majesty's Government annuls the Terrorist and Disruptive Acts (Control and Punishment) Act, 2002 and accept forceful disappearance, arbitrary arrest, extra-judicial executions as crimes against humanity. No special law or exclusive jurisdiction may be invoked to uphold impunity.

ty in respect of human rights violations.

#### **4. Commitment that There are No Illegal Security Forces and Clandestine Machinery; Regulation of Bearing Arms**

- 4.1 Both the parties commit for professionalisation and purification of security forces. They also express their commitment to continue the adoption and implementation of effective measures so as to provide specific regulations governing the possession, bearing and use of firearms by individuals, in accordance with law.
- 4.2 Maintaining unlimited respect for human rights, the parties agree that there must be neither illegal security forces nor any clandestine security machinery.

#### **5. Military Conscription**

- 5.1 The parties agree that no conscription will be made for compulsory military recruitment.
- 5.2 Military service should continue to be a civic duty and right; it must be just and non-discriminatory.

#### **6. Compensation and/or Assistance to the Victims of Human Rights Violations**

- 6.1 Realising the act of taking into notice about legal status of the imprisoned persons, whereabouts of the disappeared persons, identification of the persons killed in the armed conflict, rehabilitation of those displaced due to the conflict, treatment of and compensation to the victims of the conflict as matters to be addressed at the earliest from the point of view of human rights protection, the parties agree to constitute a competent mechanism for this purpose as soon as possible.
- 6.2 Such a mechanism will initiate to act for compensation and assistance in favor of the victims based on the priority considering upon the gravity of necessity of the victims. His Majesty's Government commits to implement such compensation/assistance by means of government's measures on the basis of recommendation made by the mechanism promptly.

#### **7. Human Rights and Internal Armed Confrontation**

- 7.1 Observing the provisions and commitments proclaimed in the Code of Conduct, the parties recognise the rights and security of those persons affected by the internal armed confrontation and they agree to not to intervene the fundamental rights of the civilian population.
- 7.2 Both parties consented that freedom of association and revolt are constitutionally and internationally recognised human rights, which are to be enjoyed, unfettered as defined by law.
- 7.3 The parties agree not to include anyone in any group or in any committee unless he/she intends to.

#### **8. Communications and Contacts**

- 8.1 National Human Rights Commission (referred as to 'Commission' hereafter) shall monitor whether this agreement is enforced/implemented and followed and the Commission shall be the source of its notice. The parties may collect information about it from the Commission.
- 8.2 The Commission enjoys the right to propose about the extension of the list of the rights protected by this agreement during the implementation of this agreement. The parties shall immediately and seriously consider on such proposals.

#### **9. Monitoring**

- 9.1 It is imperative that the parties agree upon the following, designed especially as the acts of monitoring of the provisions proclaimed in this document in regards with the ongoing peace talks:
  - 9.1.1 The parties agree to observe the legal status of those persons imprisoned by the State. Necessary steps will be taken for the release of those persons being detained unlawfully, if any. The Communist Party of Nepal (Maoist) permits to visit the places under its control and to observe the location doubted as 'prisoners centre'.
  - 9.1.2 The Commission will ascertain whether the rights incorporated in the agreement have fully been respected and observed.
  - 9.1.3 The Commission, for this purpose, will analyse and investigate upon the complaints received against the offence of and the issues related to the offence of the provisions of the Code of

Conduct commenced on 13, March this year.

- 9.1.4 Following the direction of the parties, the other (if any) human rights agreements made during the peace talks process, will be placed within the jurisdiction of the Commission.
- 9.1.5 The Commission will also ascertain that concerned national authorities have appropriately investigated and punished the perpetrators of human rights violations on the basis of relevant national and international human rights laws and liabilities.
- 9.1.6 The Commission will make available its conclusions and recommendations to the concerned parties whether the parties have offended human rights after it determines about it standing on the information it has received. The conclusions and recommendations will be published regularly.

## **10. Acts Regarding Monitoring**

- 10.1 The parties agree to empower the Commission, until such time as the agreement lasts, for the following activities-
- 10.1.1 The Commission will carry its responsibilities itself or through human rights organisations or in collaboration with them. Such acts will be governed by events and circumstances and the parties will immediately be informed of it.
- 10.1.2 A mechanism will be installed to execute the responsibilities assigned to the Commission. It will be known as 'National human rights Commission Monitoring Unit'.
- 10.1.3 The victims of the armed conflict will be provided equal opportunities for legal remedy.
- 10.1.4 Appropriate management will be served to the most vulnerable communities, specially children, women, those internally displaced due to conflict and others based upon the priority of needs.
- 10.1.5 The agreement will not impair the acts of any organisation or person, national or international, involved in human rights, humanitarian law, peace and development with an understanding between the parties earlier.
- 10.1.6 The Commission may receive, upon the consent of the parties, economic and technical/intellectual assistance from the United Nations, and from the persons/organisations, domestic and alien, for the monitoring acts.

## **11. Coordination and Cooperation**

- 11.1 The parties commit full cooperation to the Commission. This includes the security guarantee of the Commission personnel and staff along with persons delivering information to them. The parties will respond instantly to the information and suggestions in favour of respecting and promoting human rights.
- 11.2 Each of the parties may appoint a person as a contact person to establish information relationship with the Commission.

## **12. Recommendation**

- 12.1 Cases the Commission considers to be appropriate, with ample ground to be understood as criminal, will be forwarded to appropriate national legal entity.

## **13. Enforcement, Amendment and Annulment**

- 13.1 This agreement will come into effect from the date the parties sign on it.
- 13.2 The agreement will be a component of the overall firm and lasting peace agreement.
- 13.3 The agreement will be reached extensively throughout the Kingdom through the means of mass communication. Such an act will be the responsibility of the Commission and its subordinates.
- 13.4 The agreement can be amended through the mutual consent of the parties.
- 13.5 The agreement will be declared void immediately after both of the parties or any party to the party notify or notifies on it. But, must be notified before 15 days of the effect of notice with the cause of the breakage.

## **14. Everlasting Agreement**

- 14.1 The parties, however, shall maintain their adherence at any circumstances to all subjects as mentioned in the sub-clauses of clause 1 of the agreement that deals with the general commitment regarding human rights.

His Majesty's Government

Date :

Communist Party of Nepal (Maoist)

Date:

**Proposed by:** Informal Sector Service Centre (INSEC)

### **Drafting Committee**

Ranjana Thapa

Kamdev Khanal

Bal Krishna Kattel



# Report of Fact-finding Mission on Ramechhap Phulashi Incident

## 1. Background

On 3 June 2003 Mr. Ram Bahadur Tamang alias Khir Lal Tamang (Yonjan) was killed by the military personnel.

According to the statement of the Ministry of Defense, the incident occurred as the army patrol came under the fire from an armed group and the security force retaliated. The wounded victim was transported by helicopter to Kathmandu but died in the course of treatment. Along with the wounded, one female activist Ms. Bishnu Thapa, was also arrested by the army personnel. According to the Maoists the victim was unarmed and was miking along with Ms. Bishnu Thapa and Ms. Chhahara, to appeal the local people to participate in the planned mass-meeting of Maoists in Doramba VDC in the ninth June. They were in a local house/shop to buy electric battery for the mike when they were surrounded unexpectedly and Mr. Khir Lal was murdered. Ms. Bishnu Thapa was arrested. Ms. Chhahara was able to escape the encirclement. According to a published statement by Mr. Lalit the Maoist Party Secretary of Ramechhap, the incident was orchestrated by a spy and the alleged spy will be arrested and liquidated. However Mr. Krishna Bahadur Mahara, the leader of CPN (Maoist) in the Doramba meeting declared that the

Maoists are committed to peace without being distracted by such incident.

## 2. Objectives of the Mission

We strongly feel that an active role of civil society is needed for an appropriate management of cease-fire between His Majesty's Government and CPN (Maoists) and to make the conflicting parties abide by the Code of Conduct agreed by them on March 13, 2003. Peace process will not be successful without the confidence of the people who are now terrorized by both parties. The vestige of anger, revenge and indiscipline and attitude of impunity among the conflicting parties may ferment such incidents and jeopardize the peace process and violate the Code of Conduct. On such occasion, fact-finding reports, pressure to punish according to legal

framework and to compensate the victim become prime necessity for which the people and civil societies should remain vigilant and active. Such vigilance is needed even at a time when the risk of breakdown of peace process is relatively low. Thus, in order to prevent such incident, the Fact Finding Mission visited the place of incident and related field, collected relevant data to bring out the true account of the incident and to make it public.

## 3. Study Method

The "Civil Societies for Peace Building" constituted a seven-member fact finding mission under the leadership of Professor Dr. Mathura P. Shrestha. The team conducted on-the-spot investigation and study/observation and analyzed the information for three days from June 14-16, 2003. The team interviewed



*The fact-finding team*

eye-witnesses, authorities of different political parties, civil societies, journalists, and related personnel. In addition, several victims of human rights violation were interviewed in order to know their experiences and expectations. Interactive participatory discussions among different individuals, organizations, administration, security and military authorities were conducted to assess the human rights situation of the district and to determine the future roles of civil societies. The team also visited the prison in Ramechhap and interviewed political prisoners arrested prior to and after the cease-fire.

#### 4. Findings and Discussion

On June 5, 2003, three persons—Mr. Khir Lal alias Ram Bahadur Tamang of Daduwa VDC, Ms. Bishnu Kumari Thapa Magar of Doramba VDC, and other female said to be Ms. Chhahara—were campaigning for public participation in the mass meeting of

June 9 at Doramba by using a hand-mike and reached Ward No. 4 of Phulasi VDC. On the previous day (June 4) they had completed campaigning at the adjacent Gelu VDC. At about 9:00 AM, they reached the house/shop of Mr. Surya Man Tamang. Ms. Bishnu Kumari was drinking water from a jug provided by the owner, Ms. Chhahara was referring a book from her bag and Mr. Khir Lal was drinking water out of polythene pipe in the courtyard.

At the very time 3-4 armed army personnel came from the lower terrace of the corn field and encountered them. Khir Lal exclaimed "Appai" and ran away in the corn field behind the house of Surya Man's brother. Bishnu Kumari too ran after him. There was a gully and bamboo grove about 60 feet away. He ran upwards towards his right side. The pursuing soldiers fired once at the site. When he reached on the field of Chamarsingh

Tamang, about 70 feet away, another bullet was fired. From there he turned up and left about 50 feet, near a dug-well. In the front there was a steep slope upward and a gully towards the right and small pathway towards the left. Probably he fumbled a little there. With a third bullet fired, he fell down there (between a rock and a tree). By that time the soldiers reached there. One soldier bore him and brought down in the field in front of the house of Chamarsingh. The soldiers took turn to lift and throw the victim. The local witnesses observed the victim then in the condition of shock and weakness with perspiration all over the face and body. His hands and legs were tied and eyes covered. A straight bamboo was brought from the nearby toilet under construction. The bamboo was inserted between the tied hands and legs and two soldiers bore him like a 'tied pig'. When he was brought down the pathway for 15 minutes, obviously it became difficult to bear. Then the victim's waist was tied to the bamboo with a belt.

During the three-hour's time of transport down the hill the victim's body was thrown in the ground several times with force. He was feebly wailing and asking for some water. He was rebuked and insulted instead. After half an hour of transport the soldiers got a thick shawl from a house, which was used to tie the body like 'dola'. All through, his head was hanging down. The observers witnessed blood oozing from the waist only after two hours of transportation. Prior to that, nobody had seen



*Dr. Shrestha talking to one of the victims' family*

victim's blood. Nobody heard more than three rounds of gunfire. Probably only the third bullet struck the victim. When the body was brought in front of a school down below, the students and witnesses saw his face drenched with sweat. However, the army personnel (all together 26 in number) did not allow anybody to come near to the victim.

From the bamboo grove, from where Khir Lal turned right, Bishnu Kumari ran downward, towards the left. She encountered another group of soldiers about 10 feet below and she surrendered by raising her arms. She was taken by soldiers along with Khir Lal by tying her hands behind her body. Chhahara however was able to escape along with the school children going to school. According to Maoists she was later rescued.

Bishnu Kumari was put in police custody from where she was released on June 9 in presence of her brother, Mr. Dambar Bahadur. She is asked to report to police station on July 11. According to local lawyers she was not tortured in the custody. Khir Lal however was taken in a vehicle for about two kilometers from Milti Khola from where he was lifted to Kathmandu by a helicopter. He was taken to Military Hospital in Chhauni where he was declared dead 'during treatment'. His body was taken to Tribhuvan University Teaching Hospital (TUTH) for postmortem. His body was brought in Ramechhap and handed over to his relatives.

The soldiers involved were from



*The fact-finding team at a press conference*

the Kirnetar Camp of Dolakha District. The witness counted 26 soldiers in the way (one hour walk below the place of incident) while returning. One group of witness shared the information that the name of the chairperson of the local village committee (the local government unit of Maoists) was also Ram Bahadur Tamang.

#### 5. Conclusion and Recommendations

► Twenty-six soldiers could easily arrest Khir Lal without firing. The victims had only a hand-mike that was taken away by the army personnel. The victims were in peaceful campaign as they were in previous day in Gelu. There was no attack from the victim's side as stated by the Ministry of Defense. Only three bullets were fired - all from the army side. Army contingent reached the place of half-an-hour walk, about one hour prior to the incident. The army personnel's operation appears to be pre-planned according to the circumstantial evidence. The

nature of incidence was not according to the statement by the Ministry of Defense as Bishnu Kumari was released after five days.

- The wounded victim was manhandled several times. The transportation mode was cruel and inhumane. Insults were uttered inhumanely. However, the initiatives taken to victim after reaching the road was appreciable.
- The team found that CDO and District Police Chief were not able to investigate the incident properly. The team was told that the local people were too terrified to speak. They also thought it improper because of the Maoists programme in Doramba. Surprising fact was that they released the female prisoner without taking information from the Army (except the statement from the Ministry of Defense). The Major (the District Commander) of the Army refused to share information telling that he was not authorized. Surprising find-



ing was that the Code of Conduct paper was not formally received by district government authorities. Civil administration is not able to control the army. The army is not concerned about the people's right to information. People are terrorized by both the state party and Maoists. The people say- "Whosoever get killed it is the poor and helpless people".

- ▶ People shared extreme inhuman treatment of Maoists like slicing of body parts and sprinkling of salt and pepper, burning the victims alive, enucleation of eyeballs, and execution by firing. The Code of Conduct is not respected by any party.
- ▶ During the earlier cease-fire Maoists raised donation in

the districts. Later the government soldiers arrested donors and executed by firing.

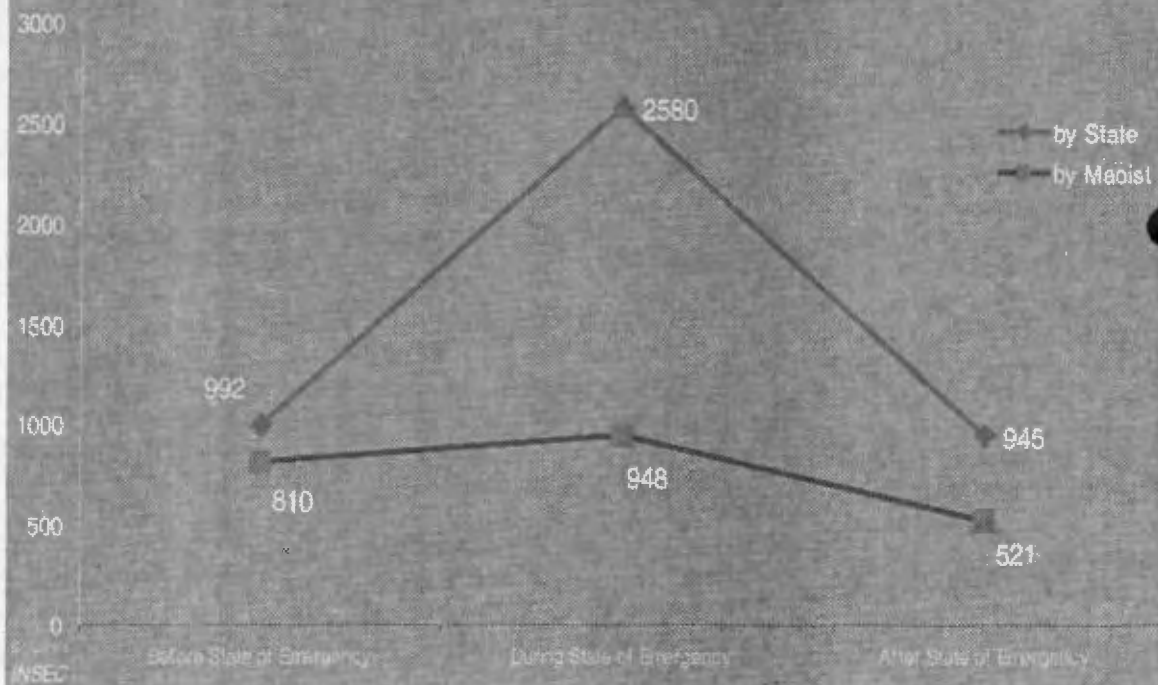
- ▶ Both parties have not done needed rehearsals to win over the people's confidence. Threat to kill is uttered by both parties frequently and shamelessly. Both parties indulge terrorizing strategy.
- ▶ We need to engage Maoists and government authorities. Civil societies need to take initiatives to repatriate the displaced personnel in their respective homes.
- ▶ Both parties should be honest and committed to peace. If Maoists cannot observe the country's law, they should formulate one fast and should discipline their cadres.

- ▶ The civil society should take initiatives in socializing processes. Joint health camp could be initiated by involving army personnel, civil societies and Maoists.
- ▶ The Phulasi incident is a disgrace to the state party. It deters the peace process. It is adding terror to the people. Thus the incident should be investigated legally and culprit be punished.

#### Fact Finding Team

- ▶ Dr. Mathura Prasad Shrestha, Co-ordinator
- ▶ Subodh Raj Pyakurel, Member
- ▶ Sarbaraj Khadka, Member
- ▶ Krishna Belbase, Member
- ▶ Sharmila Karki, Member
- ▶ Shanti Adhikari, Member
- ▶ Upendra Poudel, Member

### Killings during Maoist Movement





## ... *People's Agenda*

violations during the conflict, make the report public and bring the perpetrators to justice.

- ▶ Human rights agreement should be signed to guarantee their commitment on protecting and promoting human rights.
- ▶ Code of conduct should be literally followed.

### Liability of the King

- ▶ The king should be constitutional. Acts done contradictory to the constitution should be corrected.

### Government's Liability and Duty

- ▶ State mechanisms should serve the people instead of ruling them.
- ▶ Rehabilitation of victims of the conflict is inevitable to be carried out soon. Income generating programme providing them skill development training is mandatory to launch to support the victims and their families.
- ▶ Killings, torture, abduction, rape and harassment to the families and relatives of the rebels should be stopped.
- ▶ The government and its subordinates should obey the decisions of the court, guarantee the rule of law and punish those who contempt the court order.

### Maoist's Liability and Obligation

- ▶ Killings, abduction and coercive collection of funds should immediately be ceased to persist.
- ▶ Killing, torture, beating, abduction of the family and relatives of the security forces should be stopped.
- ▶ People's right to religion and cultural practices should be respected.
- ▶ Looted property of the people should be returned.
- ▶ Activities of the other political parties shouldn't be intervened.

### Liability and Obligation of Other Political Parties

- ▶ The political parties should guarantee their effective and meaningful presence at the negotiating table.
- ▶ Constituent assembly, if guarantees the way out from the perilous situation for sustainable peace, should not be taken as a tool of hindrance by neither of the parties
- ▶ Commitment for good governance should be brought in the behavioural practices. Parties should penalize their corrupt leaders and cadres.
- ▶ Public commitment should be made by the parties not to repeat their wrongs again.

### Liability and Obligation of Civil Society

- ▶ To fulfill the above issues, civil society should be active.
- ▶ Create a public pressure to penalize the corrupt persons.
- ▶ Create a public pressure to imply the code of conduct by both of the conflicting parties.

### Liability and Obligation of Human Rights Community

- ▶ Intensively publicise the violation of Code of Conduct and monitor the Code of Conduct signed by both of the parties.
- ▶ Document the human rights violation cases and disseminate them at the national and international level.

## Key Issues to be Addressed

### Civil Rights

- ▶ Guarantee of the right to life of the people is mandatory.
- ▶ Rule of law should be maintained.
- ▶ Judicial system should be simple, effective, fair and non-partition.
- ▶ Basic rights of the people should be the prior agenda in the peace talks.

- ▶ Open discussion should be held to make the people feel free from the fear of conflicting parties.
- ▶ Status and whereabouts of the disappeared and abducted persons by the conflicting parties should be made public.
- ▶ Justifiable compensation should be granted to the victims caused by the conflict and guarantee the right to life.

### Political Rights

- ▶ Military force should be under the parliament.
- ▶ To address the people's fundamental and basic needs, a new constitution should be enacted.
- ▶ Political parties, only after acquiring 51 percent of the total vote, should be legitimate to form the government. This provision should be incorporated in the constitution.

### Economic Rights

- ▶ The distribution of land should be justifiable. Management of land to the people relying on land production should be guaranteed.
- ▶ Right to employment should be guaranteed to the people. Foreign employment should be managed.
- ▶ Agricultural labour wages should be reviewed and fully implemented.
- ▶ Right to freedom of choosing profession to survive should be guaranteed. Equal wages for men and women should be effectively implemented.
- ▶ Relief package programme should be launched to improve the livelihood of Ex- kamaiyas, poor peasants, squatters, dalits and indigenous people.
- ▶ Agrarian products, market system, irrigation and seeds should be managed properly.
- ▶ Policy and laws should be enacted in order to promote the national industry, products and market.
- ▶ Property of the corrupt persons should be nationalised.

### Social Rights

- ▶ Free and fearless society should be established.
- ▶ Old public houses should be repaired and elderly people should be rehabilitated in such centres.
- ▶ Reservation policy on women, dalit, disadvantaged people should be launched to promote them. Domestic violence, trafficking of women should be prevented and relevant significant law should be enacted or introduced to prevent the child workers.
- ▶ Reconstruction of the infrastructure and national resources allocated to the development should be made public and transparent.
- ▶ Humanitarian aid should be granted to the conflict victims and differently able people.
- ▶ Basic treatment should be given freely in priority basis to the conflict victims.
- ▶ To end all kinds of discriminations, capacity building programme, participatory programme should be introduced in the country.
- ▶ Effective implementation of the laws to condemn the layers of discrimination should be formulated.

### Cultural Rights

- ▶ State should be secular. Equal protection and promotion of all languages and right to development should be guaranteed.
- ▶ Free education and compulsory primary education should be made effective.
- ▶ Sound environment should be created in the educational institutions to continue education classes and educational institutions should be declared zone of peace.
- ▶ To end the commercialization of the education and health sectors, effective legal measures should be enacted.



# INSEC Publications

## I. Regular publications on HR

1. Human Rights Yearbook (English & Nepali version),
2. Informal (Quarterly, English)
3. Situation Report (English & Nepali version)
4. Prachi (Bi-monthly, Nepali)
5. INSEC Aviyan (Monthly, Nepali)
6. E-bulletin (Every Friday)
7. Listeners' Club Bulletin, Public Advocacy for Good Governance Manual,

## II. Other Publications : 114 Including

8. Human Rights Awareness Series
9. Legal Education Series
10. Preamble of International Criminal Court
11. Training Manual for HR Reporters
12. One Month of State of Emergency (hand book)
13. Professional Education Series (second edition)
14. Reference Book for Awareness against Agriculture Child Labour
15. Geneva Conventions, 1949 and their Additional Protocols, 1977 (Nepali Translation)
16. Bonded Labour in Nepal under Kamaiya System
17. A Revisit to the Kamaiya System of Nepal
18. Forced to Plough
19. Situation of Basic Human Rights (A Baseline Survey Report among Selected Communities of Nepal)
20. Women in Politics in Nepal
21. Where are They (Part one & Part two) : (A Report on Disappearance)
22. Human Rights Defenders' Rights (Nepali Translation)
23. Peace Education Series
24. INSEC Strategy (2003-2007)

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