

Peace Negotiation in Nepal[®]

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Abstract

The Maoist movement (insurgency) started in 1996 by a radical group of communists after the then government couldn't contain their 40 point demand regarding the democratic political process, good governance and socio-economic development. Later, it turned violent and not only undermined the peace in the country but also affected the South Asian geopolitics, in general and drew the attention of the international actors, in particular. Observing the political deterioration king Gyanendra, a younger brother of Birendra, who was killed in the royal massacre, June 2001, mustered strength to rule the country directly under his monarchy. He scrapped the democratic system in Nepal thereby antagonizing the political parties. As a result, the interest of the Maoists and the political parties became identical, i.e., get rid of king's autocratic rule and restore democratic process. This provided a ground for making an alliance between all the political parties represented in the parliament known as Seven Parties Alliance (SPA) for the movement against the king in 2005. The interests of the Maoists and the SPA converged in April 2006 "Peoples' Movement-II", understood here as "People's Democracy Movement 2006" to reconstruct a new Nepal. However, there were still some important differences among them. The main focus of SPA was just to restore the democratic process while the Maoists' focus was on the democratic process as well as the inclusion of indigenous (ethnic) and marginalized people in the mainstream political process. Because of the different nature of interests of these parties the negotiation process required an inclusive policy. Therefore, in order to understand the ongoing peace negotiating process in Nepal, efforts were made in this paper to understand the root causes and the background of the Maoist movement as a conflict vis-à-vis behavior and intention of other parties as a political. Accordingly, the objectives of the People's Democracy Movement 2006 can be achieved by internalization of democratic culture within the political parties and their leaders, including the Maoists, overcoming the political culture of Bahunbad. For this, they must seriously reflect past deeds and should be ready to change their attitudes and accommodate the genuine wishes of the people expressed clearly during the People's Democracy Movement 2006 and not betray them again, like in the aftermaths of democratic movements of 1950 and 1990.

1. Introduction

Universally, peace is an intrinsic part of human development. Time and environment make people always forward-looking. They generate their aspirations, needs, and demands, which may differ from one society to another and from one place to other place. The competing aspirations and incompatible means to achieve them can easily generate conflicts. In order to resolve the conflict, there must be a process of negotiation between the conflicting parties. Negotiation will be successful only if the negotiating parties concentrate their mind towards the universal need for peace and not just to end the conflict. For this, the root causes of the conflict must be addressed. To address the root causes of the conflict all the stakeholders of the conflict must be involved in the negotiating process and their issues be addressed. Therefore, without the consent of all segments of the society sustainable peace may not be possible. For instance, the conflict in South Africa was resolved because of an understanding between the majority and minority groups. But, on the other hand, Kenya was unable to achieve peace because the negotiating parties failed to understand the local peoples' sentiments.¹ Similarly, in Nepal, peace is the central point of success and failure of leadership like the cases of South Africa and Kenya. Nepal has achieved a condition of no-war-no-peace temporarily halting the prolonged violent insurgency through “comprehensive peace agreement”. But, whether that agreement will be successful to bring “permanent peace” and “stable democracy” to the country or not will depend on the ethics and morality of the leaders. For this, people will have to wait, observe, and also struggle for a long time.

People are talking much about the recent Maoist insurgency movement in Nepal. Is it the first insurgency movement or conflict in the country? Why it started? What are the root-causes of the conflict and why people supported it? Why all the successive governments failed to control it? Without going through the details to seek the answers to all these questions, current temporal peace achieved through historic comprehensive peace agreement may not be sustained. If we go through the history of conflict in Nepal, we would find a lot of rebellions and insurgencies after the expansion of Gorkha kingdom by Prithvi Narayan Shah (1768-75) in the 18th century in the name of unification of Nepal. For instance, the Limbus (Tibeto-Burman language speaking ethnic group with their main domain in the eastern hills) had rebelled several times, ever since, because of deprivation of their indigenous community ownership system of land, i.e., *kipat*. Similarly, Lakhan Thapa, Sukhdev Gurung and Supati Gurung (a Tibeto-Burman language speaking ethnic group with their main domain in the eastern and western hills), from Gorkha rebelled against Jung Bahadur Rana (1846-77).² Among them, Sukhdev Gurung and Supati Gurung had declared themselves as *Chaudha and Baudha Badhyashah* (local king). Tamangs (a Tibeto-Burman language speaking ethnic group with their main domain in the central hills) had rebelled twice.³ Similarly, the Newar (a Tibeto-Burman language speaking ethnic group with their main domain in the Kathmandu valley) community had also shown their discontent in the form of linguistic activism through different social and literary organizations like *Chwasapasha* in 1925.⁴ Because of threat to rebel from the ethnic groups throughout the country the rulers had developed an attitude of revenge and suppressed them accordingly, which antagonized the ethnic groups.

On the other hand, after seizing power through *kot massacre*⁵ by Jung Bahadur Rana in 1846, 104 years of autocratic Rana rule not only made king just a figure head but also deprived the people from all the rights. People were, at best, Rana rulers' servants who had to serve them according to their wishes. Otherwise they were slaves; peasants, agricultural slaves and bonded laborers to be exploited at the whims of Rana rulers. Consequently, people from all segments of the society started their protest against the Rana rule. In this regard, different forms of organizations and parties were formed to launch the protest programs. In a way, first organized protest was made by the Arya Samaj, followed by the Gorkha League in 1921, Prachanda Gorkha in 1931, Praja Parishad (People's

Council) in 1935, Nepali Congress (NC) in 1946, and Communist Party of Nepal (CPN) in 1949. With all these backgrounds, people in 1951 launched a first political movement in Nepal, “Peoples’ Movement 1951”, which is considered as “dawn of democracy” in Nepal.

Though the year of 1951 is considered as the "dawn of democracy" in Nepal, it undermined the main root of democracy, i.e., Constituent Assembly. King Tribhuvan (1951-55), descendent of Prithvi Narayan Shah, who regained the ruling power from the Ranas after the 1951 movement, in his historic speech on February 18, 1951, had pledged to hold the elections for the Constituent Assembly for forming Nepal into a fully democratic country. But, this could not be realized as his son king Mahendra (1955-70), who succeeded him in 1955 dissolved the parliament, dismissed the government, banned the parties, and imposed direct rule in 1960 in the name of Panchayat system, a system supposed to bring guided democracy and development at the grass-root. In a way, king did not provide an opportunity to flourish democracy in the country scrapping newly established democracy in 1960 and ruled directly by fiat, widely known as royal coup. People (of different ethnicity) were compelled to sacrifice many things, including their languages, religions, culture and social practices in favor of Nepali (Khas) language, Hinduism and Bahunbad⁶ in the name of “Panchayati nationalism” – one nation, one culture and one language, unity and national development. Some 30 years of peoples' struggle against the Panchayat system, such as, NC-led armed struggle in 1970s, CPN-Marxist Leninist (CPN-ML) -led Jhapali movement (influenced by Naxalites movement in India) in 1974, Ramraja P. Singh-led armed struggle in 1986 and People’s movement in 1989-90, compelled king Birendra (1970-2001), who had succeeded Mahendra in 1970 to restore democracy in 1990. However, the restoration of democracy failed to address the aspirations of the people in cases of recognition of different languages, religions, cultures, and so on, prevalent in the country as crucial identity markers of many ethnic and discriminated groups. These failures became the crucial issues for the Maoist to launch their movement in 1996.

The Maoist movement, which later turned violent, not only undermined the peace in the country but also affected South Asian geopolitics in general and draw the attention of the international actors in particular. Observing the political deterioration king Gyanendra (2001-), a younger brother of Birendra, who became the ruler after the royal massacre killing many royal family members, including king Birendra, queen and the crown prince in 2001, mustered strength to rule directly by him. He scrapped the democratic system in Nepal thereby antagonizing the political parties. As a result, the interest of the Maoists and the political parties, who were divided on the major issues of monarchy, round table conference, constituent assembly, reinstatement of dissolved parliament and so on, became identical, i.e., getting rid of the autocratic rule by the king and restoring democratic process in the country. This provided a ground for making an alliance between all the political parties represented in the parliament known as Seven Parties Alliance (SPA) for the movement against the king in 2005. The interests of the Maoists and the SPA converged in "April 2006 Peoples' Movement" on the basis of least common agreement to reconstruct a new Nepal. They would initiate fresh actions first on the basis of issues they could agree, and to make intensive discussions on the issues they differ, i.e., republican state, constituent assembly and constitutional monarchy and then find a commonly agreeable solution to base their further actions. In a way the main focus of SPA was to restore the democratic process while the Maoists' focus was on the democratic process as well as the inclusion of indigenous (ethnic) and marginalized people in the mainstream political process. Maoists had made these points clear in their “40-Points Demand of Maoists Party” in 1996 when they started their agitation (**Appendix-1**). Because of the different nature of interests of these parties the negotiation process required an inclusive policy. Therefore, in order to understand the on-going peace negotiating process in Nepal, the root causes and the background of the Maoist movement as a conflict vis-à-vis behavior and intention of other parties as a political process should be understood first. Consequently, the main objective of this paper will be to

try to grasp the Maoist movement, including its background, nature, casualties incurred and impact on people's livelihood, its stand on ethnic autonomy government and international community's stance towards the movement, and the ongoing peace negotiation process, including the roles of various actors involved, such as ethnic organizations, external powers and the challenges therein.

2. Maoists Movement (Insurgency) in Nepal

2-1. Background of the Insurgency

Without the study of the history of the Communist Party in Nepal (CPN) it will be very difficult to understand the background of the Maoist movement in Nepal. There were many ups and downs in the Nepalese communist history. From its inception to the recent time, there were a lot of splits in the communist parties. Their splits were caused sometimes by royal palace interferences in state affairs and sometimes by the soft line or revisionist tendencies taken by the moderate communists. These developments had bred hardliners in the history of the communist parties of Nepal. Most of the hardliner communist leaders and the top level central leaders of the Maoists such as Prachanda, Baburam Bhattarai, Dinanath Sharma and others are either trained or influenced by Mohan Bikram Singh, the chairman of CPN-Mashal and a senior opinion leader of left wing politics and communists in Nepal, who splits time living in Nepal and North India.

A large number of factions emerged in the communist party during the Panchayat period (1959-89) and later. If we count the number of communist parties since their beginning, it reached about four dozens and about a dozen still exist in their different identities. They are Communist Party of Nepal-Unified Marxist-Leninist (CPN-UML), currently the biggest of all the communist parties, unified during the democratic restoration period, well represented in the parliament as the main opposition party and once a minority governing party during the democratic period of 1990s, CPN-ML, Communist Party of Nepal-Nepal Workers and Peasants Party (NeWPP), Communist Party of Nepal-United Peoples' Front of Nepal (UPFN), Communist Party of Nepal-United Left Front (ULF), Communist Party of Nepal-Nepal Rastriya Jana Morcha (NRJM), Communist Party of Nepal-Unity Centre (Unity Centre), Communist Party of Nepal-Maoists (Maoists), Communist Party of Nepal-Marxist-Leninist-Maoist (NCP-MLM), and so on (**Appendix-2**).

The hardliner communist leaders including, Prachanda from CPN-Mashal (Mashal), Ruplal Vishwakarma from CPN-People's Oriented, Nirmal Lama from CPN-Fourth Convention (Fourth Convention), and Nara Bahadur Karmacharya (a founder member of CPN) formed the Unity Centre in November 1990 under the leadership of Prachanda for adopting a revolutionary line after the 1990 democratic restoration movement. On the other hand, it also formed its electoral front as UPFN in January 1991 for participation in the parliamentary election. Its coordinator was Dr. Baburam Bhattarai. NeWPP, Fourth Convention, MLM and a break away faction of Mashal were the members of the UPFN. With difference in strategic lines and dissatisfied with the activities of the UPFN, NeWPP left the UPFN before and MLM after the parliamentary elections in 1991. Thus, two distinct lines, hard and moderate, surfaced in this revolutionary party at the first national convention held at Chitwan in 1993. The convention passed the revolutionary line hardliner, and as a consequence, moderate Nirmal Lama failed to win the leadership of the party. After the convention, the members of the moderate Fourth Convention led by Nirmal Lama were expelled from the UPFN due to opinion clash regarding the nature of revolution to be made. Then, there emerged parallel parties and fronts of the Unity Centre and UPFN. One Unity Centre was headed by Prachanda and the other by Nirmal Lama. Similarly, one UPFN under Niranjangovinda Vaidya was associated with the Unity Centre under Nirmal Lama and the other under Dr. Baburam Bhattarai was associated with the Unity Centre under Prachanda. However, the UPFN under the hardliner Dr. Baburam Bhattarai failed to get recognition of the Election

Commission for the general election in 1994. The reason for that may not have been clear and was taken as a political insult. The party general convention was called to deal with this issue. After the convention, the party started giving trainings to their cadres to initiate effective revolutionary hard line path. With a lot of preparation they decided to start a radical movement by identifying themselves as CPN-Maoists. The Maoist party gave an ultimatum to the coalition government led by Sher Bahadur Deuba by submitting a 40-point demand regarding the improvement of political, economic and social aspects, with a warning to launch a violent movement if the government fails to respond. But this was simply ignored by the government of the time and they were taken as just a bunch of people with radical ideology, good for nothing, able to influence none, hence without any public support. Since the government paid no heed to this demand the Maoists formally started the People's War on February 13, 1996, attacking public places in 4 districts; Gorkha, Rukum and Rolpa of western Nepal, and Sindhuli of eastern Nepal. This was the beginning of Maoists movement (insurgency) in Nepal. The movement expanded steadily and also became violent during its expansion and by 2005 it became countrywide covering all districts except for Manang and Mustang, the remote Himalayan districts in the north. The violent conflict concluded in April 2006 after some decisive demonstrations for several days in the streets of Kathmandu valley participated by millions of people from all over the country following the calls of Maoists and the SPA. Some people term this event as "Spring of Kathmandu".

2-2. Increase of Maoists and Communists in General

At the time of formation, Maoists had only 70 full-time cadres (Interview of Prachanda: 2006), but now they have become successful in expanding their strength to thousands of political workers and establishing separate political and military wings, and peoples' governments in various parts of the country. At present they have about 36,000 soldiers and 10,000⁷ arms (including sophisticated weapons seized from the government security forces). The main reason behind their success is their commitment to the ideological principles, i.e., communism in general and Marxism, Leninism, and Maoism in particular and mass mobilization, education, and strategies based on these principles.

The emergence of a lot of communist parties and factions within the parties during the Panchayat period helped to expand the scope of the communists in general, irrespective of the split in the leadership and parties (**Table 1**). In 1959 parliamentary elections communists received only 7.2% of the total votes, whereas the votes they received increased drastically in 1990s, i.e., 37.6% in 1991, 33.9% in 1994, and 40.0% in 1999 parliamentary elections. Next, they have been maintaining some understandings among themselves in the name of "principle unity" and "functional unity". Although they might have some differences they used to maintain these principles at the time of crisis or at the time of mobilization during the election period. These understandings were made between UML and the UPFN at the time of 1991 parliamentary elections and UML and the Maoists in 1997 local elections.

In this context, they adopted a tactical line of "friend's friend is friend", "friend's enemy is enemy", and "enemy's enemy is friend". These principles helped the Maoists to expand their activities in the rural areas where the presence of governance and development activities to enhance their lives under scarcity and dearth were negligible. Maoists were to some extent fulfilling the role of facilitating these limitations of the government and providing food, clothes and opportunities to their cadres in their own way. They also started "people's court" against feudalistic and non-resident landlords, bourgeois that exploited the poor and agents of "power" who spied on them. The mobilization of indigenous and artisan caste groups and the poor, exploited, suppressed, depressed people are the major strengths of the communist parties, especially the Maoist party. That is to say, they are successful to attract the mass of poor people. Therefore, communist party is considered as synonymous to the

party of the poor⁸.

Table 1: Party Strengths on the Basis of Votes Obtained in Different Elections

Party	1959	1991	1994	1999	Remarks
NC	37.2	37.7	33.4	36.1	
CPN	7.2	37.6	33.9	40.0	Total vote received by all the communist parties
UML	-	28.0	30.8	30.7	
UPFN	-	4.8	-	-	
UPFN	-	-	1.3	0.8	under the leadership of Lilamani Pokharel
CPN -Democrat (Manandhar)	-	2.4	-	-	NCP- Democratic, Amatya, Verma united after 1991 election but split before 1994 election
CPN-Verma	-	0.2	-	-	1994 election each of them split again
CPN-Amatya	-	1.0	-	-	Joined UML in 1994
CPN-United	-	-	0.4	0.1	
CPN-NeWPP	-	1.2	1.0	0.5	
CPN-Marxist	-	-	0.4	0.1	
CPN-ML	-	-	-	6.4	It is a faction of UML split after 1997 local elections.
Rastriya Jana Morcha (RJM)	-	-	-	1.4	It is an electoral front of Masal led by Mohan Bikram Singh, boycotted in 1991 elections, participated in 1994 on an independent status, and in 1999 participated in the name of RJM
CPN-MLM	-	-	-	0.0	
Other Parties	55.6	24.7	32.7	23.9	
Total	100	100	100	100	

Source: Pancha N. Maharjan, "Nepali Congress: Party Agency and Nation-Building", in Ed. Subrata Mitra, Mike Enskat, and Clemens Spies, *Political Parties in South Asia*, Praeger: Westport, Connecticut, 2004, p. 287.

In general, the main strength of the communist parties is the peasants' organizations and trade unions. Since the beginning of the communist history, the communist parties have been conducting awareness programs against the exploiters and initiating programs for the peasants throughout the country in the course of their "mobilization program". According to some key leaders⁹ of peasant's organization under the communist party in 1950s, the communist party had done a lot of significant works for the peasants of the Kathmandu valley. One of the most significant works they did was advocacy to educate, make the peasants of the Kathmandu valley aware of their rights and built the leadership among the peasants themselves and form Peasants Organization (Kisan Sangathan). For the first time in the history of Nepal, communist party raised issue of "land to the tillers" and campaigned accordingly. They also effectively shaped the land reform act of 1964 that provided a secured tenant right to the tillers and fixed the land rent of tenancy at 25% of the produce, a much reduced amount from the earlier prevailing practices. Later the peasants with the help of communists also successfully claimed compensation of 50% of land when it is sold or used for other than agriculture. Peasants Organizations under the communists had helped the poor and helpless farmers in planting the rice during 1960s. Even today, they are symbolically maintaining it. For instance, on June 29, 2006, a group of members of Peasants Organization affiliated to CPN-UML in Kathmandu participated in rice planting program in Bunga, Lalitpur, under the leadership of a prominent communist leader Bamdev Gautam, deputy Prime Minister in the UML government in 1994/95. This is a very strong way of mass mobilization of the communist party of Nepal. The Maoist party

cautiously follows this, as well. In this regard, they are not simply confined to 40-points demands and campaigns but are very much part of it and are strongly dedicated to achieving them. Their stand for ethnic autonomy in the country can be regarded as an example of such dedication. Similarly, the Maoists have also been maintaining relations, network, and getting support from its external alliances like Revolutionary Internationalist Movement (RIM).¹⁰ This aspect will be dealt further in detail in the following sections of this paper.

2-3. *Insurgency and Strategy of Ethnic Autonomy*

One of the main strengths of the Maoist party is its cadres and supporters from different ethnic groups. Ethnic groups support it because their problems were well taken by the Maoists and there was a common understanding between the two.

About 100 ethnic/caste groups and languages are recorded in Nepal by the national census of 2001. Out of these groups, the National Commission identifies 59 ethnic groups as the Indigenous Peoples and Nationalities of Nepal. Majority of the people under these groups are below poverty line. Many people including the Maoists agree that one of the root causes of poverty of the indigenous people is the discriminatory policy of the state against them. Though Prithvi Narayan Shah who “unified” Nepal had propounded the phrase “Nepal is a garden of 36 flowers (=caste/ethnicity)”, in practice, only two flowers, the higher Hindu caste people of Bahun (priest caste) and Chhetri (warrior caste), have all the chances to grow and other flowers were neglected badly. Any agitation or activism against this discriminatory policy and practice were/are regarded as vice against the “spirit of unification” and the state. Similarly, the Newar activists who raised the issues of recognition of language, culture and religion of different ethnic groups, in this case with specificity to Newar ethnicity, were suppressed inhumanly¹¹. Even after the dawn of democracy in 1951, the state had taken undemocratic decisions against the ethnic groups following the policy of “one nation, one language and one culture”. This policy was adopted by the state after the recommendation provided by the committee formed by the government in 1956. This committee had recommended, “Nepali language (Khas/Parbate language of Panbate Hindus living in the hills, including ruling classes, Bahuns and Chhetris, comprising about one third of the population) be a teaching medium language to the students of new generation, so that other languages will disappear accordingly, and it will strengthen more national unity”.¹²

Because of this discriminatory policy, all the other ethnic/caste groups are lagging far behind in all fields of nation building, social participation and economic opportunities such as education, employment, economy, politics, and so on. Unfortunately, this discriminatory practice was even more vigorously carried out even after the restoration of democracy in 1990. The result of such discriminatory practice is pronounced very clearly by the declining trend in the ethnic distribution of the bureaucrats in the country (**Figure 1**). It is to be reminded here that in an underdeveloped country like Nepal employment opportunities in the country are severely limited and the government is the sole biggest employer. In 1983-86 (2040/42 B.S. of vernacular calendar), the share of Bahuns and Chhetris employed in bureaucracy was 69%, which increased to 98% in 2000 (2057 B.S.). The share of Newars, one of the prominent ethnic groups, declined sharply from 19% in 1983-86, to just 1% in 2000. Similarly, the share of Tarai ethnic groups also declined rather sharply from 9% in 1983-86 to 1% in 2000. All other groups, such as, hill ethnic groups, Dalits (lower Hindu castes) and Muslims were also losing their share every year and had almost no share in 2000.¹³

In terms of percent of total population Bahuns represented only 13% and Chhetris, 17% in 2001 (2058 B.S.), but they overwhelmingly dominated the bureaucracy (**Table 2**). The ethnic groups and other communities are marginalized not only in the employment sector but also in other fields such as land holding and local initiatives in community/rural development¹⁴. Besides, the ethnic groups and other communities are marginalized

also in the fields of religion, culture, recruitment in army, resettlement in Tarai (southern plain area of the country), and citizenship policy. Though Nepal is a multi-cultural, multi-lingual, multi-religious and topographically diversified country, people under these factors other than those promoted by Panchayati Nationalism, are discriminated, some even from earlier times. For instance, soon after the formation of the country by Prithivinarayan Shah in 18th century Christians were expelled from the country. They took shelter in Betia, India Muslims were forced to live in different parts of the country under discrimination. Similarly, Rana rulers expelled Buddhist monks from the country during the early half of the 20th century. Even after dawn of democracy in 1951 the country was declared Hindu kingdom and people were not allowed to follow other religions even if they would prefer, especially Christianity and Islam. Conversion of religion even by one's own will was strictly prohibited. Similarly, Nepal as a nation had adopted discriminatory policy of nationalization of community land. The community (*guthi*) land of Pashupati temple was not nationalized, whereas the *guthi/kipat* land of ethnic people used to support the cultural activities of the respective ethnic people were nationalized, in a way to damage their culture.

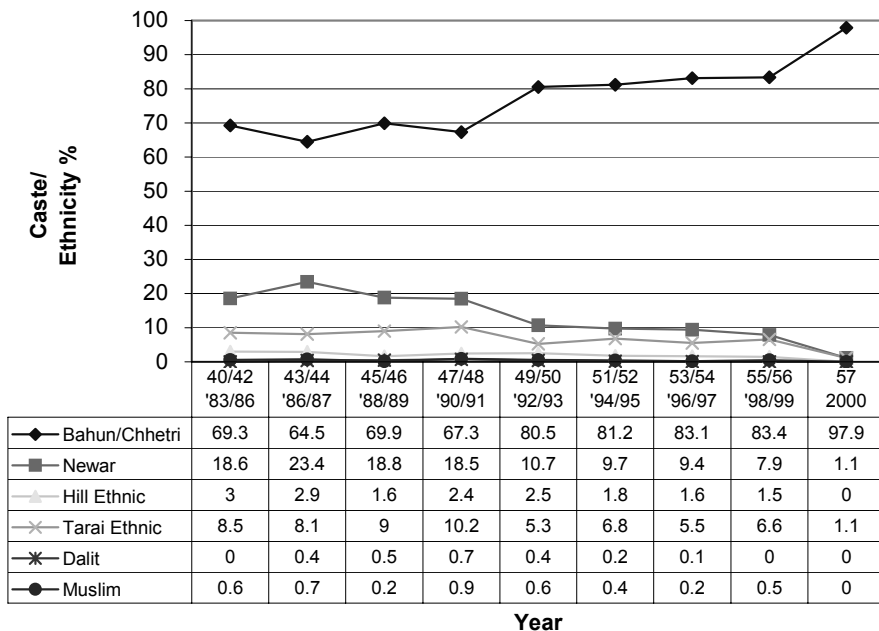


Figure 1: Recent Trend of New Enrollment of Bureaucrats According to Caste/Ethnicity

Source: Subba, 2001.

Similarly, people from Newar, Tamang and Madheshi (people of different Indo Aryan language speaking groups living in Tarai region, some with properties and relatives across the border in India and some even with Indian citizenships) ethnic communities were not recruited in army. Again, under the resettlement policy of Tarai, state had encouraged the hill caste/ethnic people to migrate there with an aim to marginalize the Madhesis. In this regards, Madheshi people were/are discriminated while issuing citizenship certificates by asking them to also produce landownership certificate, not needed for other ethnic groups. These are some of the main causes behind

the ethnic people's inclination towards the Maoist insurgency.

After examining the miserable conditions of the Dalit and ethnic groups, the Maoist addressed their problems of social discrimination, poverty, unemployment, language, religion and culture of the country. Their emphasis on ethnic autonomy and the right to self-determination to achieve the ethnic rights was mentioned in number 20 of its 40-point demand made public prior to launching the movement in 1996. Further, after its politburo meeting held in 1994, it decided to go for ethnic autonomy after reconstruction of new Nepal. Then, after the formation of United Revolutionary Peoples' Council it decided to demarcate the autonomic regions. This was also mentioned in number 60 in the 75-point directive-policy of the Maoist Peoples' government and was made public in 2003 by announcing 8 autonomous regions. Newar region was declared later. These are (1) Seti-Mahakali region, (2) Bheri-Karnali region, (3) Tharuwan, (4) Magarat, (5) Tamuwan, (6) Tamsaling, (7) Newar, (8) Kirat restructured as Limbuwan and Khumbuwan-Kirat in 2007, and (9) Madhesh an eastern portion was carved out as Kochila also in 2007¹⁵. These declarations are the commitment of the Maoist party in regards to policy of inclusion, empowerment and self-rule of the ethnic groups in their command areas. This declaration sent a signal to the ethnic people of respective regions that the Maoists are committed to secure their autonomy in the places of their main domains. In this way, one of the main causes behind the success of its movement was a successful mobilization of ethnic groups as well as Dalits in the whole process of insurgency. Hence the Maoist will find it difficult to escape from its policy of ethnic autonomy in course of its negotiation process, which could become a litmus for them. If they give them up they will probably have to bear a high cost.

Table 2: Ethnic Distribution of Bureaucrats in Comparison to Respective Population (%)

S.N.	Caste/Ethnic Groups	% of total Population*	% in Bureaucracy in 2057**
1.	Bahun and Chhetri (Hill)	30.01	97.9
2.	Bahun and Chhetri (Tarai)	1.9	-
3.	Janajati (Hill)	28.5	1.1
4.	Janajati (Tarai)	8.7	1
5.	Tarai Middle Class	12.9	-
6.	Dalit (Hill)	7.1	-
7.	Dalit (Tarai)	4.7	-
8.	Muslim	4.3	-
9.	Unidentified	1.0	-

Source: *2001 Census,CBS,Acharya 2004, cited in Unequal Citizens(Summary), The World Bank & DFID, January 2006. **Subba, 2001.

2-4. Maoists War (Insurgency) and Casualties

A total number of 13,269 people were killed in the decade long Maoist war. In the starting year of the insurgency 81 people were killed and 477 killed in the final year of insurgency. But, the highest number of killings (4,647) was observed in 2002, during the time of emergency rule under the coalition government of various parties. In the movement, more killings were done by the state than by the Maoists (**Table 3**).

On the basis of occupational breakdown of the victims killed in the Maoist war, mostly the political workers (5,226), agricultural workers (1,353), unidentified (1,001), general people (186), and manual workers (146), teachers (57), businessmen (47), civil servants (43) and so on were killed by the state (**Table 4**). Except for the political workers, all these victims were those caught between the attacks and counter attacks between the

Maoists and security forces or the ones regarded as actively partaking in the agitation and violent protests and or support the Maoist willingly or under forceful threat.

Table 3: People Killed in the Maoist War

Year	By the State	By the Maoists	Total
1996	59	22	81
1997	16	32	48
1998	334	75	409
1999	328	141	469
2000	180	219	399
2001	243	390	633
2002	3,296	1,351	4,647
2003	1,217	646	1,863
2004	1,606	1,113	2,719
2005	815	709	1,524
2006	245	232	477
Total	8,339	4,930	13,269

Source: *Fact Sheet*, INSEC Online, 2007.

Table 4: Occupational Breakdown of the Victims Killed in the Maoist War

Occupation	Killed by the State	Killed by the Maoists	Total
Agricultural Workers	1,353	876	2,229
Teachers	57	85	142
Political Workers	5,226	447	5,673
Police Personnel	15	1,344	1,359
General People	186	128	314
Civil Servants	43	556	599
Social Workers	6	7	13
Businessmen	47	121	168
Workers	146	76	222
Health Workers	2	4	6
Army Personnel	31	664	695
Security	3	118	121
Photographer	2	3	5
Journalists	10	4	14
Law Professionals	-	2	2
Prisoners	1	3	4
Dacoits	4	4	8
Engineers	-	1	1
Unidentified	1,001	351	1,352
Total	8,339	4,931	13,270

Source: *Fact Sheet*, INSEC Online, 2007.

Maoist also had caused similar casualties to the public. Though the Maoists' target was mostly focused on the security forces such as police and army, they had killed many agricultural workers (876), civil servants (556), political workers of other political parties (447), and others unidentified (351).

At the initial stage, the Maoists had used light weapons as guns (mostly looted from the police), hammer, *khukuri* (the traditional Nepali knife), and hand made explosive means in the movement. They killed mostly villagers and other common people who were suspected to be informants of the police or bourgeoisie (political foes). Later, they enhanced their capacity to fight with the police and army not only getting in hand of the more sophisticated arms but also better managing their strategies to cause damage to the security personnel and dysfunction them. For instance, within 11 years of insurgency movement they attempted 128 attacks and seized a huge quantity of weapons from the security force during the confrontations (**Table 5**).

Table 5: Maoists' Confrontations with the Security Forces and Seizure of Weapons

Year	No. of attacks	Arms Seized by the Maoists
1996		Started from Gorkha, Rukum, Rolpa and Sindhuli.
1997	2	303-Rifles = 4
1998	5	-
1999	15	Out of 15, first frontal battle with police was in Kalikot. Rifles = 27
2000	17	Rifles = 18, Pistol = 6, and other weapons, Rs.50 million.
2001	15	SLR = 99, SMG = 12, GMG = 12, Several Rocket launchers and mortars. Rifles = 350, Rs.100 million and gold.
2002	17	Out of 17, first frontal battle with army was on May 2. May 7, combat was with a military base camp made by US military engineers. SLR = 126, LMG = 12, SMG = 3, Rifles = 168, MMG = 15, Shot gun = 12, Rocket launchers, Pistols 17. Rs.52.3 million.
2003	20	Out of 20, attempt in Kusuma on October 10 was unsuccessful. SLR= 31, SMG = 3, LMG = 1, GPMG = 1, Rifles = 9
2004	17	Out of 17, one on Feb. 21 in Khotang lasted for 14 hours and one in Krishnavir on Nov. 17 was live-telecast by Indian TV. INSAS = 16, AK-47, SLR = 39, SMG = 23, LMG = 3, Mortar = 1, Shot gun = 11, Chinese Pistol = 32, Rocket launchers = M-16 = 10, Rifles = 122
2005	19	More arms looted.
2006	10	Out of 10, an encounter with Ranger battalion in Makawannpur lasted for 19 hours. Attack in Thankot (Kathmandu) was considered significant in terms of security. Rifles = 21, SLR = 2, INSAS = 1, SLR = 1, LMG = 1. More arms.
Total	128	

Source: Figures are taken from "Chronology of Major Events and Military Raids during 10 Years of People's War" and tabulated accordingly, the *Worker*, No. 10, International Department, Central Committee, CPN-Maoist, May 2006, pp.117-124.

2-5. Impact of Insurgency on Livelihood of the People

People were sandwiched between the Maoists and the government security forces. Generally, people were tortured during the search time. For instance, once the government security forces made a search in the village, immediately after the return of the security forces, Maoists would come to enquire about the government security forces. If they denied giving information about the search they would be victims of the Maoists as well. This was applicable to both the government and the Maoists security forces. This kind of search and the counter search were repeated time and again at any place where the security forces sense the presence of Maoists activists (guerillas; terrorists in the eyes of security force). This created a grave psychological torture to the general people. Besides, there are other problems that gravely affected the livelihood of the general people as a whole. Some of the main ones are listed below.

- General people in rural areas were facing a great problem of feeding the Maoists as well as the government security forces in spite of the fact that their own household food was not secured and had to leave hand to mouth.
- In the conflict areas the government security forces violently mistreated the girls and women in the name of search and enquiry often denying their human rights.
- Due to the tense situation, it was difficult to run the schools in those regions. At times teachers and students were taken to their camps for several days by Maoists to indoctrinate them.
- Agricultural harvests of the “Maoist supporters” were plundered and destroyed by the security forces.
- Whereas agricultural harvests of “political foes” were captured by the Maoists and those of the supporters were obtained as “donation” or “cooperation”.
- People unable to tolerate all these things could not survive in the village and have to leave the village.¹⁶
- Problems arising from the fake police and the fake Maoists, who tried to cheat the people taking benefit of the chaotic circumstances gravely, affected social network and human relations among the people.
- Demand of forced donations by the Maoists as well as by the security forces terrorized the people.
- Problems of thieves and dacoits due to the absence of law and order increased dramatically leaving the ordinary people helpless.

2-6. Government Initiatives to Curb Insurgency

The governments under different parties at different times had tried to control the conflict through the coercive power of ordinary police, security police, military and other governing powers. For instance, government launched various military operations against Maoists insurgents (also termed as terrorists and guerillas by the government and other authorities), i.e., Romeo Operation, Kilo Shera-2 Operation, Peter Operation, stricter utilization of security force; mobilization of para-military force and formation of unified command of security force, and legal actions, such as, introduction of anti-terrorist bill and declaration of the state of emergency, and so on. After the failure to control the problem through these means, other “peace making” measures, such as, integrated package programs, Ganeshman Peace Program, income generating program of Bishweshwar Prashad with Poor, and allotting rewards for the Maoists who surrendered were also introduced to win the support of the people in general and the Maoist supporters in particular. Government also tried to get external (foreign) support to suppress the Maoists before and after the king’s direct rule in 2005.

2-7. External Factors and Insurgency

Most of the scholars emphasized that poverty and injustice done to the people are the root-causes of the growing insurgency and terrorism. For instance, David Seddon, Andrew Nixon, Piter Limqueko, *Quest for Peace*:

2000, *Conflict Prevention Initiative: 2001*, and other different national and international conferences had emphasized on poverty and injustice to the people as the root-causes of the Maoist insurgency in Nepal.¹⁷ But political ideology is equally an important factor. After the World War II, world was divided into two blocs of capitalists and communists. Consequently, most of the countries which emerged as independent nations after getting liberation from their colonial powers were supported by the Soviet and Chinese bloc on the basis of socialism and communism ideology. Thus ideology became a source as well as root cause of the insurgency in many parts of the world and became a part and the process of the “cold war”. Communists in Nepal are also influenced directly and indirectly by communism in India, China and Soviet Union of Russia. Some of them are educated and trained in those countries.

Mostly, insurgent groups mobilize these resources at their disposal as far as possible for their movement; but foreign support is also a vital factor. Insurgency movements may not succeed without foreign support. Similar is the case with the suppression of the insurgency undertaken by various countries. Talking of political ideology as a root of insurgency, Nepal's Maoists root is also linked with Communist Party of India-Marxist (CPIM)¹⁸, Coordination Committee of Maoist Parties and Organizations of South Asia (CCOMPOSA)¹⁹, Revolutionary Communist Party of America, and RIM²⁰ with its headquarter in London.

After the “nine-eleven” attack in September 2001 on twin-tower in New York, the US interest on the Maoist problem became much more pronounced than before. Before September 2001, the USA was silent towards Nepal's domestic problem, as justified by the statement of the US Ambassador to Nepal, Michael E. Malinovski, who said that the Maoist problem was an internal political problem of Nepal. But, later in November 26, 2001, the US Embassy supported the declaration of the state of emergency in the country, saying that it was done “with an aim to establishing peace and tranquility in Nepal”.²¹ Similarly, after the Maoists attacked in Achham and Salyan districts in the western part of the country, Malinovski reacted and branded the Nepalese Maoists as terrorists similar to that of Khemer Rouge, Al Quaida and Shining Path.²² The US policy towards Nepal can be observed as inconsistent and unpredictable during this period. For instance, US Assistant Secretary of State for South Asia Christina Rokka expressed her dissatisfaction with the conflicting behavior of the leaders of the ruling parties and satisfaction towards the Maoist's activities towards peace process.²³ Even recently, it has shown concern towards the state of emergency and the direct rule of the king and has suspended the lethal military aid to the government. Later it released the aid package to Nepal without any public clarification.

3. Negotiation Process for Permanent Peace and Stable Democracy

Since the beginning of the Maoist insurgency, all the political parties used the conflict as the politics of pressure against the government. The ruling party sought to use coercive power against the Maoists. Contrary to this, opposition parties stressed the importance of political means. They used to urge the government to solve the problem through “dialogue”. They charged the government with the failure to resolve the Maoist problem during the vote of no confidence motion. All the parties that pressured the government thereafter repeatedly followed this. Similarly, the civil society as well as some European countries gave importance to dialogue to solve the problem politically.²⁴ Hence, the government was compelled to form dialogue committees and sometimes fact-finding and recommendation committees. Though the government formed different dialogue committees, it was proved not to be serious. These committees were just a meager political tactics and for public consumption. For instance, the first dialogue committee was formed in 1997 by Prime Minister Sher Bahadur Deuba and made public call to the Maoist leaders Prachanda and Baburam Bhattarai to come to the negotiating table. However, a formal letter was never issued. Hence, the Maoists did not trust the government and the committee failed to initiate its mandated

work. The subsequent coalition government formed several fact-finding committees, but the recommendations provided by those committees were never implemented. Similarly, Prime Minister Krishna P. Bhattarai (a heavy weight in Nepali politics, founding member of Nepali Congress Party, a key person in 1990 restoration of democracy movement and two time prime minister in the consecutive governments thereafter) formed another fact-finding committee under the leadership of Sher Bahadur Deuba to deal with the issue. But, sadly enough findings of the committee led by such a political heavy weight were also not taken seriously, partly due to the internal fraud among the factions of the ruling party. No actions were taken by the government to deal with those findings.

After a long interval the second dialogue committee was formed in 2001 by the government of Sher Bahadur Deuba. The first meeting of the committee was held on August 30, 2001 at Godavari in Kathmandu. The second one was held at Bardia (western Nepal) on September 13, 2001, and the third was held at Kathmandu on November 13, 2001. All these efforts ended without a fruitful conclusion. In those meetings, Maoists had presented their demands for the elections of the constituent assembly and declaration of republicanism as important ones among other demands. The government representatives and their followers did not well understand those demands and had no courage to relay the Maoists demands of “constituent assembly” and “republicanism” to the government. The members of the government dialogue team directly rejected these demands. Then, the dialogue was discontinued.

The third dialogue committee was formed in April 2003 by the government under Lokendra Bahadur Chand (a prominent politician from Panchayat period, now a key figure in National Democratic Party (NDP)), appointed by the king, the only parliamentary functionary intact as the lower house was already dissolved by then prime minister Sher Bahadur Deuba and the holding of general elections for the lower house could not be decided by the political parties, and most members of the upper house were nearing or done with their terms of six years. This dialogue committee became very much controversial on the military issue. The committee had verbally agreed to the Maoist agenda to confine the military forces within 5kms circumference from their respective barracks. This was taken as a serious blow to the government and the committee was replaced by one led by Surya Bahadur Thapa (another prominent veteran politician from the dawn of the Panchayat system, founding chairman of NDP and Rashtriya Janashakti Party (National People’s Power Party)), also appointed by king. By this time, the king, was more and more directly partaking in the parliamentary affairs, becoming more influential in running the country. The Thapa government continued the process of dialogue and nominated the members in the committee accordingly. In the meeting, when the Maoists asked to implement the previously agreed agenda on “confinement of military within 5kms circumference”, the government representatives directly rejected its validity. They were in a position to say so because there was no mechanism of documentation or recording of the meetings during the previous dialogues. In the meantime, an incidence of confrontation between Maoists and the military forces occurred in Doramba (eastern Nepal) killing 19 Maoists. Consequently, the confidence among the dialogue teams collapsed and the whole process of dialogue came to an end.

All these exercises indicated that the process of negotiation that began during this period was just a political display only, not a realistic endeavor to solve the problem as demanded by the Maoists. The political parties always defended against the Constituent Assembly in the name of multi-party democratic parliamentary system. They were also afraid of the Maoist party that accepting their demands could be understood as legitimizing them into peaceful mainstream politics. Implications of such acceptance of the Maoist party may enhance the popularity of Maoists, which may backlash other parties as the general people are not content with their performances of being unable to deliver peace dividend to the people after the restoration of democracy in 1990 and becoming more corrupt and ever nepotic, instead, during the period. Hence, the political parties

unwillingly feel comfortable to side with the king than with the Maoists.

King was well aware of this situation and tried to cash it for his political gain. Maoist conflict, internal conflicts within all the parties, corruption, and bad performance of the parties as well as the governments during the 12-year period of democracy provided king an opportunity to develop an aspiration to be precisely an autocratic ruler. He sacked the government of Sher Bahadur Deuba on October 4, 2001. Then, he changed the government, as he liked, as also partly mentioned above. He formed the government under Lokendra Bahadur Chand on October 12, 2002, under Surya Bahadur Thapa on June 4, 2003, and again under Sher Bahadur Deuba on May 7, 2004. Within this period political parties could not play any significant role to check the king, though they formed 5 party-alliances against the king's action. It was not because of the differences between the parties' perception of king's action only but they also didn't have any clear and consistent policies/views on the crucial issues of national interests, such as, inclusive democracy, good governance, sustainable resource use, poverty alleviation, environment preservation, social networking and social emancipation, and effective judicial deliberation. Politically, they were also divided on the issues of constituent assembly, reinstatement of the dissolved parliament, reinstate of the dissolved government, and formation of national and local governments. Hence, all the parties could not come into one umbrella. Their (in)actions were always very slyly opportunistic in nature seeking short-term vested interests only. These factors invited the king to dismantle the parliamentary democratic system finally on February 1, 2005 disposing Sher Bahadur Deuba government. King himself became the chairman of the cabinet in which two stalwarts, but very much-outdated prominent leaders from Panchayat period, Tulshi Giri and Kirti Nidhi Bista, were appointed as vice chairmen to support the king. He went as far as to listen to the secretaries' and joint secretaries' briefings on day to day administrative affairs of the ministries and played active role in their appointments in a hope to improve the governance. He also made extensive travels in different parts of the country in a hope to grasp the grievances of the people directly from the mass. Further, he made travels to other developing countries in Asia and Africa facing similar malaise of politics, governance and development to find clues to tackle the problem at home.

However, the high-handedness of the king made all the political parties realize the importance of united force to launch the movement against the king. The alliance of five parties increased to seven parties and renamed it as Seven Party Alliance (SPA) and passed a six point agenda including "restoration of the parliament" and "election of the Constituent Assembly". Later, policies to be undertaken against the autocratic king were passed by the parties in their respective national conventions. For instance, UML passed a resolution on "democratic republic" on August 25, 2005 and NC removed "constitutional monarchy" in its constitution on August 30, 2005. All these steps paved the way for them to develop relations with the Maoists demanding Constituent Assembly and a Republic State. Then, SPA made an understanding with the Maoists on 12-point on November 22, 2005 (**Appendix-3**). It could be considered as ice-break for the People's Movement-II that began formally on April 6, 2006. It could be considered as a kind of vital supplement for the movement of the SPA, as well. After this agreement, the Maoists party instructed their workers as well as the villagers to go to Kathmandu to enforce the People's Movement-II and take it as their own movement to make it successful. Accordingly, people from outside the valley gathered in Kathmandu to support the people of Kathmandu in agitating the royal government. At this point the Maoists and the SPA became equal stakeholders in the movement and turned to become further more people oriented. Henceforth, we would like to term the People's Movement-II as the "People's Democracy Movement 2006".²⁵

Even then the movement could not get momentum as expected since the people were doubtful of the behavior of the political leaders regarding the issue of constituent assembly that could be crucial for paving the inclusive democracy (inclusive of all ethnic/caste groups). No leaders of any party had shown their full

commitment to the constituent assembly till then, whereas the ethnic community, the backward community, Dalits, and other marginalized communities demanded constituent assembly to pave a way for ethnic and regional autonomy with right of self determination to achieve their natural rights, such as, freedom to practice and develop their languages, cultures, religions and so on. These caste/ethnic groups realize that these rights will not be possible without ethnic or regional autonomy, which itself will not be possible without the Constituent Assembly. Only after the formal commitment to Constituent Assembly made public by Girija Prasad Koirala, president of NC and the leader of SPA, the movement took momentum and became successful within 19 days of consecutive agitations in the streets of Kathmandu valley in April 2006. The agitation showed great dissatisfaction with the autocratic rule of the king.

Consequently, the king made a proclamation on April 25, 2006, reinstating the dissolved parliament and made Girija Prasad Koirala the prime minister. Immediately after the reinstatement of the parliament, it passed some political declarations, such as, delete the word 'HM=His Majesty's' from the government institutions", agreed to the election of "constituent assembly", made the country "secular state" and started negotiation process of peace with the Maoists. On May 25, 2006 SPA and the Maoists signed a 25-point code of conduct (**Appendix-4**), then signed 8-point agreement on June 16, 2006 (**Appendix-5**) and following these two agreements a comprehensive 6-point agreement was signed on November 16, 2006 (**Appendix-6**). Similarly, the formation of interim constitution drafting committee, formation of interim parliament including the Maoists, who became the second largest party, endorsement of the interim constitution by the interim parliament, and the interim government, with several Maoists ministers are other achievements of the negotiation process. Now, the process is going on to reach the main target point, i.e., to accomplish the election of constituent assembly proposed to be held first in June 2007, now changed to November 2007 and later to April 2008 and declaration regarding the monarchy according to the decision to be made by the Constituent Assembly, that could sway between the constitutional monarchy and republican state. (In the third amendment of the interim constitution made in December 2007 Nepal was declared republic which is to be endorsed by the first meeting of the constituent assembly.)

However, since the beginning of the formation of interim parliament and the interim government, they, the Maoists and SPA failed to implement the policy of inclusion. Similarly, the interim constitution drafting committee failed to accommodate the important suggestions provided on the aspects of self determination, ethnic autonomy electoral system and federal governance by different organizations of ethnic, religious, language, and federation of ethnic communities, federation of Dalit communities, and so on. The suggestions were submitted to the interim constitution drafting committee, the prime minister, and the SPA as well. They had assured to consider the suggestions. But, it seems they simply ignored these suggestions, almost forgetting the role played by these communities in making the "People's Democracy Movement 2006" successful. Consequently, ethnic communities under NEFIN made public demonstrations and started agitation. They burnt the unacceptable clauses related to language, ethnic autonomy, and procedure of proportional elections and federal system of the interim constitution. Again, the people from Tarai area went one step ahead than others when they launched the movement demanding to amend the interim constitution, to declare a federal system of government and proportional electoral system on the basis of population size of caste/ethnic groups. It created a kind of doldrums in a newly achieved peace and democracy in the country. This compelled the interim government to rethink on the ongoing political development. All these incidents made the people more and more aware of the importance of the negotiation process of peace and sought a sustainable peace and stable federal democracy that is inclusive and proportionately represented.

3-1. Role of Ethnic Organizations in Peace Negotiation Process

All the ethnic organizations are playing a vital role in all the dialogues and the negotiation processes since the very beginning of the Maoists movement. Various ethnic organizations were putting pressure to the Maoists, government, and the political parties to solve the problem through peaceful means, i.e., dialogue and not confrontation. For this, they submitted memoranda to various governments, met the leaders of the parties and discussed the issues face to face, and at times organized peace-rallies and sit-in protests in different parts of the country. Sometimes they organized the programs independently and sometimes under the umbrella of NEFIN. They had not only put pressure on the concerned parties, but also organized different trainings and advocacy programs for the members of their organizations in regards to peace, inclusive democracy, ethnic autonomy, and constituent assembly. For instance, Newa Dey Daboo, a prominent Newar organization under NEFIN organized about half a dozen of programs in various parts of the country to educate its members and the members of other ethnic organizations as well as Dalit organizations to disseminate the importance of ethnic autonomy and constituent assembly. Similarly, NEFIN had also organized dozens of programs in this regard. One of the considerable works performed by the NEFIN was a national conference on “restructuring of state” in 2005 in which more than 700 members of its organizations participated. Recommendations collected in the conference were compiled in a book, and disseminated accordingly. A copy was submitted to all the stakeholders. Since People’s Democracy Movement 2006 to this date NEFIN is playing a key role by putting pressure on the peace negotiation. It has exerted pressures not only for the peaceful transformation of the current political stalemate but also to fulfill their demands of self determination ethnic autonomy, constituent assembly, and proportional elections on the basis of population size of the ethnic groups to ensure the representation of the ethnic people from the regions of their respective main domains. In this regard it called for *valley bandh* (general strike in the Kathmandu valley) on February 15, 2007, a first one in the series of agitations of its kind to be followed by several others till to date.

3-2. Role of External Powers in the Peace Negotiating Process

Since “nine-eleven” incidence in September 2001, the policy of US towards Nepal has changed. It took a policy to see Nepal through India and made agreements with India accordingly. The US wanted to control the Maoist through suppressive means and is not in favour of 12-point understandings made between the Maoist and the SPA. Later, US has to remain silent because of the continuous support of India to this 12-point understanding and the people’s movement. Again, the US Ambassador James F. Moriarty expressed displeasure on the 8-point agreement between the SPA and the Maoists and warned the government and the SPA not to include the Maoists into the interim government without the management of the arms or containing the People’s Liberation Army (PLA). Later, India also got tuned to the US approach and followed the same line. As a consequence, most of the MPs in the parliament started to speak on the same line. However, India’s role in regards to Nepal in general and this issue in specific was seen as inconsistent. Only occasional arrest of the low tier Maoist leaders and few top ranking leaders who otherwise are allowed free movement in the Indian soil as a safe heaven, different from the official stand of the Indian central government to not allow any Maoists to travel to India and operate from its soil, as well as open cooperation of the Indian Communist Parties to the Maoists in their endeavor can be regarded as indications of overlooking if not supporting the Maoist movement in Nepal. On the other hand, India has also tried to influence in People’s Democracy Movement 2006 by sending its envoy Dr. Karan Singh, a veteran politician, Deputy leader of Congress Party in Rajya Sabha (house of councilors), Crown Prince of former Princely State of Kashmir, who is distantly related to the present king of Nepal, to Nepal to support the king’s stance. The message he conveyed to king was to hold dialogue with all the constitutional forces of the country and opt for constitutional

monarchy and multi-party democracy. Accordingly, India was sending a message to king to hand over the power he has assumed to SPA and retain monarchy as defined by constitution of 1990, which still puts him the position of commanding the army as a supreme commander-in-chief and gives him power to act at times of emergency and verge of national disintegration, virtually giving the king wide space to act in the future in a similar to his action in 2005. There was no mention of options of constituent assembly, demanded by Maoists, some other political parties and civil societies in the message of Karan Singh. But, India changed its message of version of Karan Singh within a short span of time in response to the people's growing dissent voice. The seemingly inconsistent and double standard of Indian policy towards Nepal seems to be direct outcome of India's Nehruvian doctrine since 1950s to contain Nepal by dividing political forces in Nepal using different channels simultaneously and recently improved relations with the US, which wants to involve India directly to contain the Maoists.

US formally tagged Maoists as the terrorists and wanted to prevent them from coming to ruling power in Nepal by all means from where the Maoists could start attacking the US interests world wide and make and support similar revolutions around the world, as mentioned by Prachanda in some of his rhetorical speeches. It is committed to promotion of "democracy" in Nepal and wants to leave no space for China to play role that would influence the peace process and the Tibetan issue, which could have wider implications. But it wanted to work with India regarding peace and democracy in Nepal. It can be said that the US is working under these presumptions in Nepal. This can be justified by the opinions expressed recently by another US Ambassador to Nepal, James F. Moriarty. He warned SPA not to allow the Maoists in the government saying that if they were included in the government, the US will not help Nepal. But, a few days later, his version changed and said, "We encourage the Maoists to meet their peace process commitments and begin acting like a mainstream political party. We urge them, for the good of Nepal's democracy and people, to give up violence, once and for all".²⁶ This change in US stand may have been effected by the Indian stand towards Nepal, which itself is in turn seems to have been effected by People's Democratic Movement 2006, i.e., the decision of the Nepalese people at large but do not want to directly credit Maoists for it. They always want to exert political influence in Nepal.

But, the policy of the European and the Scandinavian countries towards Nepal is different from India or the US. Most of the INGOs under the diplomatic agencies of the European and Scandinavian countries have conducted different researches on the Maoist conflict. They had also provided trainings to the human rights leaders, politicians, and civil society leaders on the peace negotiation process by sending them to different countries to get exposures to similar situations as well as inviting experts from different countries to Nepal to present their views on the issue through seminars and other means. Similarly, they had also funded the local NGOs in Nepal in the name of various development programs, most being training and education programs. Many of such NGOs are engaged in capacity building and advocacy trainings in order to educate the people on the importance of human security constituent assembly, and ethnic autonomy. Their policies are mostly based on peace, human rights, democracy and inclusion indicating that they, the Europeans and the Scandinavians, are more interested in genuine causes of the people and full-fledged democracy in Nepal without political inclination. This can be said to be much closer to wish of people longing for sustainable peace, inclusive democracy, human rights and secured livelihood.

3-3. Challenges Faced by Peace Negotiation Process

The peace negotiation process is facing difficult challenges at different times, i.e., before and after the April 2006 movement. New discourses are focusing on "republic v/s constitutional monarchy", "dissolution of house v/s Maoists' people's government", "army v/s people's army", "interim constitution", "interim parliament", "disarmament and management of weapons", "code of conduct", and "modalities of constituent assembly

elections”.

Before the People’s Democratic Movement 2006 they faced a challenge of “amendment of constitution v/s constituent assembly”. But, it was now “republic v/s monarchy”. In this period, all the three parties – the king, the parliamentary parties, and the Maoists-had played only a strategic game, which can be understood by the behavior of these parties in the negotiating table. For example, the parliamentary parties and the governments formed at different times did not budge an inch from “constitutional monarchy” and “parliamentary democracy”. On the other hand, the Maoists were even ready to leave one of their main agenda “constituent assembly” in the process of negotiation to strengthen its position in getting the legal status. Maoist leader Dev Gurung expressed this in Pokhara in 2003. But, the government could not cash the opportunity, but pushed the dialogue towards failure by creating controversy on the military issue.

Even after the People’s Democratic Movement 2006, the issue of “republic v/s monarchy” remains the same. After the People’s Democratic Movement 2006 was able to make the king track back from the autocratic direct rule, SPA had tried to neglect and undermine the Maoists. Because of this, the peace negotiation process could not go fast and smooth as expected by the people. The main causes behind the delay are, among others, long time taken to form a “peace negotiation talk team”, differentiation on formation of “interim constitution draft committee” and “violation of code of conduct from both sides of SPA and the Maoists”. SPA had always tried to blame the Maoists on the violation of code of conduct. Maoists clarified their causes of violation of the code of conduct and at the same time sharply criticized the non-commitment of the government regarding the important aspects of mutual understanding reached with the SPA, i.e., “dissolution of parliament within three days after its reinstatement” to pave the way for constituent assembly and government’s responsibility to allocate budget for their PLA to contain them in the barracks. Maoists also made clear that until the government managed the PLA they would continue collecting (forced) donations from the people of various walk. It compelled the SPA to dissolve the parliament and managed the resources to the PLA. Other delaying factors in the peace negotiation were the statement of PM Girija P. Koirala on “constitutional monarchy”, unwilling to shed it easily and SPA’s discontent on “8-point agreement” and “disarmament”. All of these things indicated that even after the People’s Democratic Movement 2006 the SPA is not being able to make a decision on monarchy and wants to sideline the Maoists, ever if possible. This has provided a space for political pundits and people at large to speculate that the SPA is some how indirectly manipulated by monarchy and people around it. Next, the belatedly formed peace talk team in May to negotiate ABCs of peace building completed its task (belatedly) only on 8th Nov. 2006. It took such a long time due to contrastive difference on the issues of peace building among the Maoists and SPA, especially on the issue of monarchy and DDR (Disarmament, Demobilization, and Rehabilitation) of the Maoists.

The peace negotiation team could come to a conclusion only after the pressure of the civil society members who were observers of the peace talk team. In the peace negotiating process, when all the parties including the Maoists made a decision trying to escape from the issue of “ethnic autonomy” and “proportional elections on the basis of ethnic composition”, the Tarai movement forced them to rethink their decisions. Hence, it can be said that the peace negotiating process is traveling through all the barriers one by one but still has to deal properly with the issues of “republic state”, “ethnic autonomy” and “proportional elections on the basis of ethnic composition”. They will have to face all these challenges so that the new nation reconstructed will be inclusive, democratic, proportionately represented and federated, as aspired by the sovereign people at large and well expressed in the People’s Democracy Movement 2006. That could perhaps be the only answer for sustainable peace, inclusive democracy human rights and secured livelihood.

4. Conclusion

As a result of the People's Democracy Movement 2006, the nation is standing at the threshold of great transformation expecting to bring other two historical results, i.e., to establish "inclusive republican democracy" and to establish "permanent peace" ending not only a decade long conflict but also ending a 300-year old long suppression and exploitation in the country. Now, it is time for the leaders and parties to be judged whether they will be able to fulfill the promises they made during the movement, i.e., "democratic republic" by the SPA, "ethnic autonomy" by the Maoists, and the demands of the people "inclusive republican democracy", "ethnic autonomy", and "proportional election on the basis of ethnic composition". To achieve them, inclusion of all the indigenous and marginalized communities in the state machinery is a must. It will be possible only by internalization of democratic culture within the political parties and their leaders, including the Maoists. But, there is a doubt that the inherited Bahunbad culture of the political leaders will hinder the process. For this, they must seriously reflect their past deeds and should be ready to change their attitude and accommodate new developments and the genuine expression of the sovereign people at large. Only then they will be able to bring about the fruitful results.

The ad hoc move to end the conflict does not smooth the process of negotiation for ensuring permanent peace. What is needed is commitment from all the parties involved in the task of negotiation. The grievances of the people, civil society, ethnic and marginalized people, Dalits, etc. must be addressed in order to reach the goal. It should be reminded here that the people were betrayed by the leaders twice in the democratic movements of 1950 and 1990. In the name of democracy the people were deprived of their fundamental rights. People are even now afraid that same story may be repeated. If the leaders try to betray the people, as in the past, they will have to face new movements like "Tarai movement", a recent movement originating in Tarai (southern Nepal) after the People's Democracy Movement 2006 by the Madheshi people living there who have been treated as a second class citizens ever since the modern Nepal was formed by Prithvi Narayan Shah and who still feel they are going to be neglected again. Some of the key members of the big political parties have deserted their parties to form Tarai-Madhes Democratic Party along with agitating groups, such as Madesh Jana-adhikar Forum. It is high time the political parties and the leaders, including the Maoists learn the lesson for good.

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Appendix - 1
40-Points Demands of Maoists Party

I. Demands Related To Nationalism

1. Regarding the 1950 Treaty between India and Nepal, all unequal stipulations and agreements should be removed.
2. HMG should admit that the anti-nationalist Tanakpur agreement was wrong, and the Mahakali Treaty, incorporating it, should be nullified.
3. The entire Nepal-Indian border should be controlled and systematized. Cars with Indian number plates, plying the roads of Nepal, should not be allowed.
4. Gorkha recruiting centers should be closed and decent jobs should be arranged for the recruits.
5. In several areas of Nepal, where foreign technicians are given precedence over Nepali technicians for certain local jobs, a system of work permits should be instituted for the foreigners.
6. The monopoly of foreign capital in Nepal's industry, trade and economic sector should be stopped.
7. Sufficient income should be generated from customs duties for the country's; economic development.
8. The cultural pollution of imperialists and expansionists should be stopped. Hindi video, cinema, and all kinds of such newspapers and magazines should be completely stopped. Inside Nepal, import and distribution of vulgar Hindi films, videocassettes and magazines should be stopped.
9. Regarding NGOs and INGOs: Bribing by imperialists and expansionists in the name of NGOs and INGOs should be stopped.

II. Demands Related to the Public Welfare

10. A new Constitution has to be drafted by the people's elected representatives.
11. All the special rights and privileges of the King and his family should be ended.
12. Army, police and administration should be under the people's control.
13. The Security Act and all other repressive acts should be abolished.
14. All the false charges against the people of Rukum, Rolpa, Jajarkot, Gorkha, Kavre, Sindhupalchowk, Sindhuli, Dhanusha and Ramechhap should be withdrawn and all the people falsely charged should be released.
15. Armed police operations in the different districts should immediately be stopped.
16. Regarding Dilip Chaudhary, Bhuvan Thapa Magar, Prabhakar Subedi and other people who disappeared from police custody at different times, the government should constitute a special investigating committee to look into these crimes and the culprits should be punished and appropriate compensation given to their families.
17. People, who died during the time of the movement, should be declared as martyrs and their families, and those who have been wounded and disabled should be given proper compensation. Strong action should be taken against the killers.
18. Nepal should be declared a secular state.
19. Girls should be given equal property rights to those of their brothers.
20. All kinds of exploitation and prejudice based on caste should be ended. In areas having a majority of one ethnic group, that group should have autonomy over that area.
21. The status of dalits as untouchable should be ended and the system of untouchability should be ended once and for all.
22. All languages should be given equal status. Up until middle-high school level (uccha-madyamic) arrangements should be made for education to be given in the children's mother tongue.

23. There should be guarantee of free speech and free press. The communications media should be completely autonomous.
24. Intellectuals, historians, artists and academicians that engaged in other cultural activities should be guaranteed intellectual freedom.
25. In both the tarai and hilly regions there is prejudice and misunderstanding in backward areas. This should be ended and the backward areas should be assisted. Good relations should be established between the villages and the city.
26. Decentralization in real terms should be applied to local areas which should have local rights, autonomy and control over their own resources.

III. Demands Related To The People's Living

27. Those who cultivate the land should own it. (The tiller would have right to the soil he/she tills.) The land of rich landlords should be confiscated and distributed to the homeless and others who have no land.
28. Brokers and commission agents should have their property confiscated and that money should be invested in industry.
29. All should be guaranteed work and should be given stipend until jobs are found for them.
30. HMG should pass strong laws ensuring that people involved in industry and agriculture should receive minimum wages.
31. The homeless should be given suitable accommodation. Until HMG can provide such accommodation they should not be removed from where they are squatting.
32. Poor farmers should be completely freed from debt. Loans from the Agricultural Development Bank by poor farmers should be completely written off. Small industries should be given loans.
33. Fertilizer and seeds should be easily and cheaply available, and the farmers should be given a proper market price for their production.
34. Flood and draught victims should be given all necessary help.
35. All should be given free and scientific medical service and education and education for profit (private schools?) should be completely stopped.
36. Inflation should be controlled and labourers' salaries should be raised in direct ration with the rise in prices. Daily essential goods should be made cheap and easily available.
37. Arrangements should be made for drinking water, good roads, and electricity in the villages.
38. Cottage and other small industries should be granted special facilities and protection.
39. Corruption, black marketing, smuggling, bribing, the taking of commission, etc. should all be stopped.
40. Orphans, the disabled, the elderly and children should be given help and protection.

We offer a heartfelt request to the present coalition government that they should, fulfill the above demands, which are essential for Nepal's existence and for the people's daily lives as soon as possible. If the government doesn't show any interest by Falgun 5, 2052, (February 17, 1996) we will be compelled to launch a movement against the government. The above demands put forth by the Samyukta Jana Morcha, led by Dr. Bhattarai, were handed over to the then Prime Minister Sher Bahadur Deuba.

The government showed no interest in fulfilling any of the above demands, or even taking these seriously. After a cruel government crackdown on members of the Samyukta Jana Morcha (which previously held nine seats in the parliament), in Rukum, and Rolpa, Dr. Bhattarai declared the "Jana Yudha."

Source: *Nepal Home Page* (Internet), May 7-14, 1998.

Appendix - 2
Formation of Communist Party of Nepal (CPN), 1949

1. CPN-Rayamajhi, 1967.
2. CPN-Pushpalal, 1968.
3. CPN-Marxist-Leninist Revolutionary Group (Gandaki), 1968.
4. CPN-Amatya, 1968.
5. CPN-Coordination Committee for Communist Unity (Red Flag), 1974.
6. CPN -Fourth Convention, 1974.
7. Federation of Nepal Communist Revolutionary Coordination Committee (ML), 1975.
8. CPN-Proletariat Revolutionary Organization Nepal, 1976.
9. Liberation Front Group, 1976.
10. Red-People's Liberation Army, 1976.
11. CPN-ML, 1978.
12. Nepal Workers and Peasants' Party, 1978*
13. Secret Group (Ati Gopyabadi Samuha), 1978.
14. Bodhisatwa Maoist, 1978.
15. Revolutionary Communist Organization, 1979.
16. CPN-Manmohan Adhikari, 1979.
17. CPN-Bishnu Bahadur Manandhar, 1981.
18. CPN-Berma, 1983.
19. CPN-Masal, 1983*.
20. CPN-Mashal, 1986.
21. CPN-Marxist, 1986.
22. Nepal Front.
23. Voice of International Proletariat.
24. United Voice Group (Samyukta Baktabya Samuha).
25. Nepal Sarbaharabadi Communist Sangathan.
26. Nepal Communist League (S.R. Shrestha)*
27. CPN-MLM*.
28. CPN-MLM**.
29. Nepal Samajbadi Parishad.
30. CPN-UML, 1991*.
31. CPN-People Oriented (Janamukhi), 1990.
32. CPN-Unity Centre, 1990.
33. CPN-UPFN, 1991.
34. CPN-United (Amatya, Manandhar and Berma [later, Amatya joined UML]), 1991.
35. CPN-Manandhar*.
36. CPN-Berma*.
37. CPN-Unity Centre (Lama group), 1994.
38. CPN-Unity Centre (Prachanda), 1994**.
39. CPN-UPFN (Vaidya), 1994*.

40. CPN-UPFN (Baburam Bhattarai), 1994**. (Later, it changed into Revolutionary Peoples' Front of Nepal, then Maoist in 1996.)
41. CPN -United Left Front*.
42. CPN -Unity Centre (Mohan Bikram Singh), 1999.
43. CPN -United National People's Front of Nepal (UNPFN) under CPN -Unity Centre (Mohan Bikram Singh) headed by Chitra Bahadur K. C., 1999. (In 2006, CPN -Unity Centre splitted into three factions and one faction merged with Maoists. Then CPN -UNPFN also splitted into two factions in line with the remaining two factions of CPN -Unity Centre.)

* Still exists.

** Becomes NCP-Maoist in 1996.

Appendix - 3
Twelve Points Understanding between the SPA and the Maoists (November 2005)

1. Today, democracy, peace, prosperity, social advancement and a free and sovereign Nepal are the chief wish of all the Nepalese. We completely agree that autocratic monarchy is the main hurdle in (realizing) this. It is our clear view that without establishing absolute democracy by ending autocratic monarchy, there is no possibility of peace, progress and prosperity in the country. Therefore, an understanding has been reached to establish absolute democracy by ending autocratic monarchy, with all forces against the autocratic monarchy centralizing their assault against autocratic monarchy from their respective positions, thereby creating a nationwide storm of democratic protests.

2. The seven agitating parties are fully committed to the fact that only by establishing absolute democracy through the restoration of the Parliament with the force of agitation, forming all-party government with complete authority, holding elections to a constituent assembly through dialogue and understanding with the Maoists, can the existing conflict in the country be resolved and sovereignty and state power completely transferred to the people. It is the view and commitment of the CPN (Maoist) that the above mentioned goal can be achieved by holding a national political conference of the agitating democratic forces, and through its decision, forming an interim government to hold constituent assembly elections. An understanding has been reached between the agitating seven parties and the CPN (Maoist) to continue dialogue on this procedural work-list and find a common understanding. It has been agreed that the force of people's movement is the only alternative to achieve this.

3. Today, the country has demanded the establishment of permanent peace along with a positive solution to the armed conflict. Therefore, we are committed to ending autocratic monarchy and the existing armed conflict, and establishing permanent peace in the country through constituent assembly elections and forward-looking political outlet. The CPN-Maoist) expresses its commitment to move along the new peaceful political stream through this process. In this very context, an understanding has been reached to keep, during the holding of constituent assembly elections after ending autocratic monarchy, the armed Maoists force and the royal army under the supervision of the United Nations or any other reliable international supervision, to conclude the elections in a free and fair manner and accept the result of the elections. We expect reliable international mediation even during the dialogue process.

4. Expressing clearly and making public institutional commitment to the democratic norms and values like the competitive multiparty system of governance, civil liberties, human rights, the concept of the rule of law, fundamental rights etc, the CPN (Maoist) has expressed commitment to move forward its activities accordingly.

5. The CPN (Maoist) has expressed its commitment to create an environment allowing the political activists of other democratic parties displaced during the course of the armed conflict to return to their former localities and live there with dignity, return their home, land and property seized in an unjust manner and carry out their activities without let or hindrance.

6. Undertaking self-criticism and self-evaluation of past mistakes, the CPN (Maoist) has expressed commitment not to repeat such mistakes in future.

7. The seven political parties, undertaking self evaluation, have expressed commitment not to repeat the mistakes of the past which were committed while in parliament and in government.

8. In the context of moving the peace process forward, commitment has been expressed to fully respect the norms and values of human rights and press freedom and move ahead accordingly.

9. As the announcement of municipal polls pushed forward with the ill motive of deluding the people and the international community and giving continuity to the autocratic and illegitimate rule of the King, and the talk of elections to Parliament are a crafty ploy, we announce to actively boycott them and call upon the general public to make such elections a failure.

10. The people and their representative political parties are the real guardians of nationality. Therefore, we are firmly committed to protecting the independence, sovereignty, geographical integrity of the country and national unity. Based on the principle of peaceful co-existence, it is our common obligation to maintain friendly relations with all countries of the world and good-neighbours relationship with neighbouring countries, especially India and China. But we request the patriotic masses to be cautious against the false attempt by the king and (his) loyalists to prolong his autocratic and illegitimate rule and delude the patriotic people by projecting the illusory “Mandale” nationalism and questioning the patriotism of the political parties, and appeal to the international powers and the people to support, in every possible way, the democratic movement against autocratic monarchy in Nepal.

11. We call upon the civil society, professional organizations, various wings of parties, people of all communities and regions, press and intellectuals to actively participate in the peaceful movement launched on the basis of these understandings centered on democracy, peace, prosperity, forward-looking social change and the country’s independence, sovereignty, and pride.

12. Regarding the inappropriate conducts that took place between the parties in the past, a common commitment has been expressed to investigate any objection raised by any party over such incidents, take action if found guilty, and to make the action public. An understanding has been reached to settle any problem emerging between the parties through peaceful dialogue at the concerned level or at the leadership level.

Source: Bishnu Raj Upreti, *Armed Conflict and Peace Process in Nepal*, Delhi: Adroit Publishers, 2006, pp. 345-347.

Appendix - 4

Full text of the Ceasefire Code of Conduct agreed between the government of Nepal led by Seven Party Alliance (SPA) and CPN-Maoist on May 25, 2006

Preamble:

Respecting the popular mandate expressed through the historic people's movement for total democracy, progress and peace;

Remaining committed towards the Universal Declaration of Human Rights -1948, and fundamental principles and values of international humanitarian law and human rights;

Remaining committed to fulfill the 12-point agreement between the seven political parties and the Maoists;

Remaining committed towards democratic values including the concept of competitive multiparty democracy, civic liberties, fundamental rights, human rights, press freedom and rule of law;

Guaranteeing the fundamental rights of the Nepali people to participate in the process of constitution making through elections to the Constituent Assembly without any fear, threat and violence;

Placing democracy, peace, prosperity, forward-looking social transformation and freedom, sovereignty and dignity of the nation in the center; and

In order to transform the ceasefire between the Government of Nepal and the CPN (Maoist) into permanent peace and resolve the problems through negotiations, a code of conduct has been issued as follows as per the wishes of the Nepali people:

Guaranteeing fearless civilian life

1. Not to issue any statement or engage in any activities which could provoke each other.
2. Both the parties shall not mobilise, display or use their armed forces in a manner that could spread fear and terror amongst the people.

Not to attack or destroy each other's military or security installations, not to lay down mines or ambushes, not to recruit new people in one's military and not to spy against each other.

3. Both sides will extend mutual cooperation in order to maintain peace and security.
4. Discussion and understanding will be made as per need regarding the issue of management of arms and armed personnel.

Creating an environment of trust among the people

5. Both the parties will not participate in public meetings, conference or any other political activities in combat dresses or along with arms.
6. No hindrance will be made from either side for political activists and members of social organisations to move around the country and express their views, organise meetings or engage in their organisational works. They will not be subject to any mental or physical pressure.

On basic services to the people and development activities

7. During the period of ceasefire, activities like 'bandh' (general strike) and 'chakka jam' (transport strike) will not be organised, but peaceful demonstrations may be organised.
8. Essential services and facilities to the people will be allowed to operate without any disruption.
9. Not to create hurdles in undertaking regular development works peacefully and other works aimed at people's benefit.

10. Transportation of items like food, medicines, and materials used in development works and daily utility items will not be obstructed or banned.
11. Both the parties will create an environment for the smooth functioning of schools, colleges and universities, hospitals, health centers and industrial institutions.

Cooperation from media for peace talks

12. Use civilised and dignified language while disseminating information about ceasefire, code of conduct and the peace process and other political activities.
13. Nobody should issue statements through media in a manner, which could hamper the talks and peace process.

Not to collect donation and other financial assistance forcefully

14. Donation or financial assistance in cash, kind or in the form of services will not be collected or mobilised against one's will.

Release and rehabilitation

15. Accusation, claims or cases filed by both the parties against various individuals will be withdrawn and the detainees will be released gradually.
16. Whereabouts of the people who have been disappeared will be publicised immediately.
17. To help in the rehabilitation of and extend cooperation to displaced people to return to their respective houses in a peaceful, comfortable and respectable manner.
18. Return the properties of the leaders of political parties, activists and civilians, which were seized, locked up or prohibited from being used during the period of the conflict, to concerned persons or their families. Problems arising while returning the properties will be resolved through mutual agreement.

Facilitating the talks

19. No hurdles will be created in the movement and activities of individuals involved in negotiations from both the parties.

Monitoring

20. On the basis of mutual agreement between the two parties, national and international monitoring teams will be asked to monitor the ceasefire.

Miscellaneous

21. Dispute, if any, in terms of interpretation of this code of conduct, will be resolved on the basis of agreement between the parties.
22. In accordance with the spirit of the preamble of this code, amendments could be made in the code of conduct through mutual agreement.
23. To enforce this code of conduct immediately after it is signed.
24. To make the code of conduct public immediately after it is signed.

Signed by:

Krishna Bahadur Mahara

On behalf of the CPN (Maoist)

Signed by:

Krishna Prasad Sitaula

On behalf of the govt. of Nepal

(Unofficial translation by Nepalnews translation team)

Appendix - 5

The 8-point agreement

The **8-point agreement** between the Seven Party Alliance and the Maoists envisions a competitive multiparty polity, UN involvement in the peace process, an interim constitution, national consensus on decision-making, the guarantee of citizen's rights, and the continuation of the ceasefire, among others.

The top leaders of the Seven Party Alliance (SPA) and the CPN (Maoist), led by Girija Prasad Koirala and Pushpa Kamal Dahal (Prachanda), agreed on 8-points after their 7-hour talks at the PM's residence at Baluwatar, Kathmandu on Friday, June 16, 2006.

Following is an unofficial translation of the 8-point agreement:

1. To follow the 12-point understanding between the SPA and the CPN (Maoist) and the 25-point code of conduct signed by the Nepal government and the CPN (Maoist) with honesty and firmness.
2. By expressing commitment towards democratic norms and values including competitive multi-party system of governance, civil liberties, fundamental rights, press freedom and rule of law, launch activities in a peaceful manner.
3. To urge the United Nations to help in the management of arms and armed personnel of both the sides and to monitor it in order to conduct elections for the Constituent Assembly in a free and fair manner.
4. To form an interim constitution, constitute an interim government accordingly, to announce the date for elections of the Constituent Assembly (CA), to dissolve the House of Representatives on the basis of consensus and after making alternative arrangements, and dissolve the "people's governments" formed by the CPN (Maoist) on the basis of 12-point understanding between the SPA and the CPN (Maoist), the spirit of the preamble of the ceasefire code of conduct and by guaranteeing the people's rights acquired from the people's movement of 1990 and the recent historic people's movement.
5. To take decisions on the basis of consensus on the issues of national importance that may have far-reaching consequences.
6. To guarantee the fundamental right of the Nepali people to take part in the constitution making process and in the elections for the CA in an environment free of fear, intimidation and violence and invite international observers to monitor the CA elections as per the need.
7. To transform the ceasefire between the government of Nepal and the CPN (Maoist) in a permanent peace and to resolve the problems through negotiated settlement by forward-looking restructuring of the state so as to address the problems related to class, ethnicity, regionalism and gender and by placing the issue of democracy, peace, progress, forward-looking movement and independence, dignity and sovereignty of the nation in the center.
8. The government and Maoist negotiating teams have been directed to accomplish all the above-mentioned tasks immediately.

(Posted by Editor on June 16, 2006 07:24 PM | [Permalink](#))

Appendix- 6

Comprehensive Agreement Reached Between Maoists & the Seven Party Alliance

The highlights of the agreement are -

I. Arms Management

1. The Arms of the Maoists and an equal number of arms of the Nepalese Army will be stored under a single lock system. The combatants will retain the keys and arms stored will be monitored by CCTV and alarm systems provided by the UN. *(It is claimed that the Maoists have in all 20,000 modern arms – a number that is many times more than the weapons lost by the Nepalese Army in the conflict. It is not clear how the Maoists could have obtained such a large quantity of arms within a short period of eight years).* Both GP and Prachanda have had their way – with one lock system as GP wanted and the key to be retained as Prachanda wanted.
2. Some quantity of arms will be retained for security of the camps by the Maoists.
3. Maoists cadres will be housed in seven major cantonments – in the districts of Ilam, Kavre, Palpa, Rolpa, Sindhuli & Kailali *(These are said to be 35,000 cadres – a number, larger than expected – surprisingly there are no camps in the Terai).*

II Interim Arrangements

1. An interim legislature will be formed with 330 members. All those members of the previous parliament except those who did not participate in the Jana Andolan (mass movement) will remain as members. Of these, the Nepali Congress will have 75 members, the UML & Maoists will have 73 members each, NCD will have 42 & others will have 48.
2. The interim constitution will be announced on 26th November. The interim constitution, interim legislature and the interim government will all be in place by 1st December – The people's government and the people's court of the Maoists will be dissolved on the same day.
3. Elections to the Constitutional Assembly will be held by the second week of June 2007. Elections will be monitored by the United Nations.
4. In the first meeting of the Constitutional Assembly, the future of monarchy will be decided, by a simple majority of the house.
5. The king will have no role in the country's affairs till then and the properties of late King Birendra and Queen Ayshwarya and of the family members will be nationalised and converted into a trust.

III Constitutional Assembly

1. The Constituent Assembly will consist of 425 members. Of these 205 will be elected by "first past the post" system, and 16 to be nominated by the cabinet. The rest will be elected on a proportional representation basis.
2. All Nepali citizens over 18 years of age will be eligible to vote in the CA elections.

IV Points Relating to Implementation

1. There will be Constitutional Council presided over by the Prime Minister with the Chief Justice and the speaker of the Interim Assembly as members. A constitutional court will also be formed to deal with problems arising over the interim constitution.
2. Local bodies will be run according to the understanding between the SPA and the Maoists.

3. Citizenship – Issues relating citizenship will be resolved before the CA elections. The cut off date for distribution of certificates will be 1990.

V Others Issues

1. A High level commission will be formed to recommend restructuring of the states and the existing unitary central governance will be converted into inclusive, democratic and a progressive one to end class, ethnic, linguistic, cultural, religious and regional discrimination.

2. It was agreed to adopt modalities for giving relief, compensation to those killed and displaced during the conflict (*It is presumed that it will cover there people effected by the excesses of both the Army and the Maoists. The immediate need is to persuade the internally displaced persons who should be more than 500,000 in number to return to their homes without fear and in time to vote for CA elections*).

3. A High level “Truth & Reconciliation Commission” will be formed to pave the way for reconciliation.

(By Dr. S. Chandrasekharan: After 14 hours of discussions, the Maoists and the Seven Party alliance leaders reached a final “six points agreement” in the early hours of 8th Nov. 2006. The agreement is truly a historic one that it is likely to change the entire political landscape of the country and will be formally signed on 16th November.)

Notes:

⊗ This paper was prepared for the *HiPeC International Peace Building Conference*, presented accordingly on March 8-9, 2007, Hiroshima University, Higashi-Hiroshima, Japan. It was also presented at the *Workshop* organized by the National Museum of Ethnology, on March 3, 2007, Osaka, Japan. Finally, Prof. Dr. Keshav Lall Maharjan advised me to rework on it and also agreed to be the joint author to improve the paper and put it to the wider audience. For all these opportunities I would like to express my sincere gratitude to the IDEC and HiPeC, Hiroshima University, the National Museum of Ethnology, and Prof. Keshav Lall Maharjan.

¹. Yash Ghai expressed it in a training programme on Constituent Assembly elections in Nepal. He was an expert on the negotiating process in Kenya. The model of South Africa (Constituent Assembly) is widely considered as a good example of successful conflict resolution in the world, which produced a constitution through a hectic exercise negotiating between and among the heterogeneous political and cultural groups of the country. South African peace accord was signed in 1991 and the constitution was implemented in 1997. Contrary to this, case of Kenya is taken as a failed example. In Kenya, ruling elites had influenced the functioning of the People's Commission. As a result, people of Kenya rejected the proposal produced by the commission.

². Banskota and Sharma 1998.

³. *An Introduction to Nepal Federation of Indigenous Nationalities (NEFIN)*, Kathmandu.

⁴. *Ibid.*

⁵. The first massacre of 25 nobles and scores of soldiers and retainers in the then Nepalese court, after which Jang Bahadur became the prime minister and the commander in chief of the army, and became the de facto ruler of the country making the Shah king a puppet. For further details see, Sever 1993.

⁶. For further details see, Bista 1990.

⁷. *The Himalayan Times*, July 12, 2006.

⁸. The CPN successfully established this sentiment at the grass root level since the very beginning of their mobilization, which was widely observed by the author during the Parliamentary elections in 1991.

⁹. Personal communications with late Sanu Maharjan and Nati Maharjan, who were the senior leaders of Peasants Organization of Kathmandu valley under the Communist Party of Nepal.

¹⁰. *The Worker*, No. 10, International Department, Central Committee, CPN-Maoist, May 2006.

¹¹. For example, Jagat Man Sakya, a Newar language activist had to leave country to escape punishment by Rana regime and live in Calcutta in early 1990s who later ordained to Theravadin Buddhism as Dharmaditya Dharmacharya and finally escaped the punishment (Maharjan 2007). Shukra Raj Shastri, a prominent literary figure writing essays, poems in Newar language with revolutionary tones, an activist of the time as a member of civil rights group, Nagarik Adhikar Samaiti and the follower of Swami Dayanand and the principals of Arya Samaj, was hanged in a tree in periphery of the Kathmandu city in 1941 by Rana regime and his body was left in the street for several days to be scavenged by street dogs, jackals, and vultures, to demonstrate to the people what they are to expect for such actions. Later, he was regarded as one of the four national heroes who helped to bring the "dawn of democracy" in 1951, but the governments thereafter never recognized his fight for Newar language.

¹². "Nepalma Sikshya...1956", cited in *Nepal Bhasha Sangharsha Samittee (Occasional Paper)*, March 2001, p. 3.

¹³. People with vested interests do ruthlessly counter argue to this by saying that the government is not only the sole employer of the people and the government job is of course highly competitive. Bahuns and Chhetris being more efficient and competitive increasingly land up in this job even after restoration of democracy, a fair sign of development. Any quota system favoring the other ethnic/caste group will create different problems and would be like opening a Pandora's box. More over, they also argue that other ethnic/caste groups have their traditional/hereditary niche jobs; trade and business among Newars and Indian ethnic merchants, Thakalis, Sherpas and other fringe ethnic groups, British/Indian Gurkha Army recruitments among Magars, Gurungs and other hill ethnic groups, mountaineering guides and highland portering among the Sherpas, occupational jobs among the occupational castes (Dalits), to engage with in which they have good professionalism and earn much better than the bureaucrats. There are two serious flaws in such arguments. The first one is, the seemingly higher competitiveness of the Bahuns and Chhetris in landing to government jobs, but of course never efficient, are due to systematic discriminatory state policies of language, religion and culture mentioned in the above text, which deprives all other ethnic/caste groups to prove themselves of their worthiness. The formal and informal government recruiting system, including the public service examinations which special preferential treatments to Khas language were/are never fair in the true sense. Secondly, it should be well understood that the niche professionalism was developed and often continued by the other ethnic/caste groups as the (only) alternative strategy to their vulnerability of livelihood in the state with systematic

discriminatory policies until the 20th century and its day to day vigorous practice even to date. Few people would willingly dare to risk their lives at a very high rate going to wars any where in the world, conducting relay trade or portering through the extreme environments of snow peaked Himalayan mountains and malarial zones for weeks and months, and undertaking occupational jobs always frowned and regarded as impure, hence constructively discriminated, had they had/have a viable different alternative. More over, recently even such jobs when have some policy preferences, are almost monopolized by the Bahuns and Chhetris, such as recent rising trend of proprietorship of industries/businesses in construction, transportation, finance, tourism, manufacturing and service sectors (including foreign employment), all fast growing sectors of the economy, more and more prominently becoming contributors of gross national production.

¹⁴. For further details see, Maharjan and Joshi 2007.

¹⁵. In 2007, Kirat region was regarded to be comprised of two regions of Limbuwan and Khambuwan, and Madhesh was divided in three regions, Eastern (Mithila), Central (Bhojpur) and Western (Avadi). The newer list of the proposed federal states by the various groups of indigenous nationalities and their sympathizers is as follows; Limbuwan, Khambuwan, Tamangsaling, Mithila, Newa, Bhojpur, Tharuwan, Magarat, Tamuwan, Avadhi, Khasan, Jadan and Kochila (special autonomous region).

¹⁶. For instance, according to one study report from 5 districts Rolpa, Rukum, Salyan, Dang, and Accham, 350,000 people were displaced from these districts. Similarly, according to another report 427,500 landowning people were displaced, 2.5 million home owning people were displaced, and 600,000 had already migrated. 70% cottage industries were collapsed, and 327 schools were deprived of 45,000 students in Achham district. For further details see, Dhruva Kumar 2006.

¹⁷. Pancha N. Maharjan 2003.

¹⁸. Pushpalal, one of the founders of Communist Party of Nepal (CPN) who is regarded as the founder of CPN even by Maoists was trained in northern India, actively participated in agitating the British rulers along with the comrades of West Bengal. Mohan Bikram Singh, a communist ideologue who has big influence on all the current Nepali Maoists leaders, mentioned in the text as well, who also studied in India, is a voracious reader of Indian Marxists and his ideology is much influenced by them. Current intimate relationship between Sitaram Yechury, a senior member of the politburo of the Communist Party of India (Marxist) and CPI (M) Parliamentary group leader, who played a major role in signing of the peace accord between the ruling Seven Party Alliance and the Communist Party of Nepal (Maoist) and Baburam Bhattarai, Nepali Maoist leader and the party ideologue, seems to have been developed during their studentship in Jawaharlal Nehru University, New Delhi.

¹⁹. In July 2001, about 10 extreme Left Wing (Maoist) groups in South Asia formed the Coordination Committee of Maoist Parties and Organization of South Asia (CCOMPOSA), in which the Communist Party of Nepal (Maoist), Communist Party of India (Marxist-Leninist) (People's war), Maoist Communist Centre (MCC), Revolutionary Communist Centre of India (MLM), Revolutionary Communist Centre of India (Maoist), Communist Party of India (ML)(Nakshalbari), Purba Bangla Sarbahara Party (CC), Purba Bangla Sarbahara Party (Maoist Punargathan Kendra), Bangladesh Samyabadi Party (ML), Communist Party of Ceylon (Maoist) became the founding members. Prachanda, the Nepali Maoist leader became the chief coordinator of CCOMPOSA. RCCI(M) and MCC merged in 2003 and became, Maoist Communist Centre of India (MCCI). MCCI and CPI (M-L) (PW) merged in 2004 and became the Communist Party of India (Maoist). The member parties of CCOMPOSA share views and resources as per need in their periodical meetings. See also, <http://www.mail-archive.com/kominform@lists.eunet.fi/msg09817.html>

²⁰. CPN-Maoist is a member of RIM (http://cpnm.org/new/RIM/rim_index.htm) and gets various direct and indirect supports for its activities from RIM. For further details, see also, <http://www.frontpagemag.com/Articles/Printable.aspx?GUID=6675291D-F96A-43BF-8550-70992278EE7B>

²¹. *Informal*, Vol. 15, No. 2, 2003, p. 4.

²². *Ibid.*

²³. *Ibid.* p. 5.

²⁴. Bishnu Raj Upreti, *Armed Conflict and Peace Process in Nepal* (New Delhi: Adroit Publisher, 2006).

²⁵. It is to be noted here that during the whole process the vernacular word for democracy also changed from Prajatantra (Prjara = reigned people + Tantra = governing system); governance by the "reigned people" to Loktantra (Lok = people at large + Tantra); governance by the "people at large". It is to be understood here that the "people at large" are more sovereign than the "reigned people".

²⁶. *Kantipur-on-line*, February 12, 2007.