

# Understanding Nepal's Maoist Insurgency: Strategies for Sustainable Peace and Democracy

Symposium Report  
June 16, 2003

Co-sponsored with the Social Science Research Council and the Woodrow Wilson International  
Center for Scholars

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*Major funding for this project was provided by the Himalaya Foundation and the Social Science Research Council. The Asia Society gratefully acknowledges their support.*

## *Précis*

The symposium, “Understanding Nepal’s Maoist Insurgency: Strategies for Sustainable Peace and Democracy,” co-sponsored by the Asia Society, the Social Science Research Council, and the Woodrow Wilson International Center for Scholars, was convened on June 16-17<sup>th</sup>, 2003 to bring together the international policy making community, NGOs, scholars, and members of donor agencies who are working toward resolving the conflict.

The eight-year Maoist insurgency and the aggressive response by the state have had a very grave impact on ordinary Nepalese. The violence has claimed the lives of more than 7,000 people; displaced people internally and forced migration; inflicted deep psychological trauma; destroyed the infrastructure and caused immense socio-economic harm to an already poor country. Many donor organizations and international non-governmental agencies have been forced to discontinue their programs in the affected districts because of insurgency-linked disturbances.

Compounding the Maoist conflict is a serious political crisis as the country struggles to establish democratic institutions, practices and norms. The fragile nature of the democratic experiment has manifested in short-lived coalitional governments, polarized political parties, and a growing concern about the prospects for the resolution of the insurgency towards lasting peace.

More than a year ago, King Gyanendra summarily dismissed the popularly elected government led by Prime Minister Sher Bahadur Deuba and assumed executive power. Since then, the political situation has further deteriorated with the sudden resignation of Prime Minister Lokendra Bahadur Chand and his interim government, thereby creating a vacuum in national leadership. The Chand government had successfully brought about a ceasefire agreement with the Maoists, and had even completed two rounds of peace talks. This was achieved despite the noticeable absence of mainstream political parties who continue to object to the King’s violation of his role as a constitutional monarch. The latest political development has generated new questions about the state of Nepal’s democracy, as well as the efficacy of the existing institutions in the peace process.

The present state of affairs in Nepal is contrary to what the “*Jana Andolan*” (People’s Movement”) of 1990 had envisioned when multi-party democracy was restored in Nepal, after 30 years of the one-party *Panchayat* system. The Movement had initially raised hope and aspirations for economic prosperity, equal opportunities, and greater political voice for all. Twelve years later, the country is in disarray as a result of political, social, and economic turmoil.

Nepal’s acute political troubles are not confined to within its borders. Nepal shares over 1,800 kilometers of open border with India. Communication and coordination between the Maoists in Nepal and similar groups in India is highly possible and perhaps, already exists. India is also the destination of choice for the majority of Nepalese youth who flee from their villages to escape from both the Maoists and the security forces. The Maoist insurgency therefore, could export instability as well as economic refugees across its borders and into Indian territory, thereby causing a regional dimension to the crisis in South Asia. The case of Nepal, therefore, poses an urgent need to develop a coherent strategy to effect a durable political resolution of the conflict and greater institutionalization of democracy, issues that have plagued Nepal for the last decade.

Protracted civil conflicts, such as in Nepal, are largely ignored by the western press and under-prioritized by the major donor agencies involved in conflict prevention. Such conflicts draw international attention only when the scale and magnitude of the violence is utterly incomprehensible. Yet, the associated costs of displacement of people, the human rights abuses in addition to the health, environmental, economic and regional security implications equal, if not surpass, those of conflicts that have received greater international attention.

By exploring the social costs, evaluating the roles of non-governmental and international organizations, and examining the impact of confidence-building measures within the Nepalese communities, the organizers of the conference aspired to learn, in greater depth, about the human, non-military dimensions of the conflict and to contribute to an increased understanding of the constructive role that the international community can play in supporting a peace process in Nepal. The lessons from the Nepal case may be instructive in exploring opportunities for conflict prevention, resolution and civil society engagement in other conflicts around the world.

The symposium in New York was followed by a briefing in Washington on Tuesday, June 17<sup>th</sup> that was held at the Woodrow Wilson Center. The discussion built on the recommendations generated in the New York symposium and explored the impact of the insurgency on regional stability as well as the implications for U.S.-Nepal relations.

## Background

Hopes were high when democracy was restored in 1990 when the Nepali Congress and the United Left Front led *Jana Andolan* (People's Movement) culminated in lifting of the ban on the political parties and restoration of multi-party system. After 30 years of rule under the party-less *Panchayat* system when the King reigned supreme, an all-party interim government oversaw the drafting of a new constitution that made the Nepali people sovereign one more time. The government led by the Nepali Congress leader, Krishna Prasad Bhattarai also held the second general elections in the nation's history. In 1959, the first popularly elected government in Nepali history was unceremoniously dissolved by the then King Mahendra, the reigning king's father.

Thirty years later, as in 1959, it was the Nepali Congress (NC) that emerged as the largest party in the first election post-1990. But there was also a sizeable communist presence in the 205-member House of Representatives-82 in all-exhibiting a dramatic growth of communist parties as an electoral force. The Communist Party of Nepal Marxist-Leninist (CPN-UML) with 69 seats emerged as the main opposition party. The pro-Maoist United People's Front (UPF) secured 9 seats; Community Party of Nepal (Democratic) 2 seats; and Nepal Workers and Peasants Party (NWPP) 2 seats. The democratic parties enjoyed such groundswell of popular support that the majority of the Panchayat candidates, including the party veterans, were routed in the elections. Indeed, the remnants of the autocratic Panchayat system-who contested the 1991 elections as the Rastriya Prajatantra Party (Chand) and Rastriya Prajatantra Party (Thapa) candidates-only secured a total of 4 seats in the House.

Buoyed by a popular mandate, the Nepali Congress government led by Girija Prasad Koirala embarked on bold market reforms, often at the prodding of western donors and Bretton Woods institutions. Unfortunately, it was also a time of intra-party feuds, which would later take nasty forms of factional battles within the Nepali Congress. Loyalists to the interim Prime Minister Bhattarai attributed his unexpected defeat in the 1991 parliamentary election to sabotage engineered by none other than Koirala.

The intra-party squabbling came to a head in 1994 when Prime Minister Koirala dissolved parliament and announced midterm elections after 36 dissidents of his own party abstained from a crucial vote in *Pratinidhi Sabha*, lower house of the parliament. The elections gave way to an extremely volatile "coalition era" with neither of the two major parties-NC and CPN-UML-securing a clear majority. As public got increasingly disenchanted with the ever-warring mainstream parties, the RPP parties made solid electoral inroads to secure 20 seats in the new hung parliament-up from 4 seats in 1991.

In November 1994 CPN-UML, the largest party in the factitious parliament, formed a minority government but it collapsed after only nine months in office. This period saw two major parties-NC and CPN-UML-locked up in ugly display of political one-upmanship. In May 1995, the opposition led by NC moved a vote of no confidence against the CPN-UML. Prime Minister Manmohan Adhikari respond to the NC move by dissolving the parliament instead of facing the vote. What ensued was a period of deep political polarization and disregard for democratic ethos.

In September, the Supreme Court declared that Prime Minister Adhikari's call for the dissolution of parliament and fresh polls was unconstitutional. The verdict established the supremacy of parliament and argued that so long as possibilities to form a government exists in a given

parliament, that option should be exercised before going for fresh elections. The decision became immediately controversial.

The opposition parties, including NC, hailed the decision, arguing that it had saved the country from another expensive election. CPN-UML, still in office, lost no time in branding the then Chief Justice Biswonath Upadhyay, who enjoyed close personal ties with a number of NC leaders, as a “traitor” who had trashed conventions for convenience.

The CPN-UML government gave way to a coalition headed by Sher Bahadur Deuba. And three parties-Deuba’s Nepali Congress, RPP, and the Terai-based Nepal Sadbhavana Party-shared the spoils. The “coalition era” significantly put the party of former Panchas-political untouchables until then in the driving seat. Neither of the large parties-NC and CPN-UML-could now get into the office without help from RPP, the third largest party in parliament.

RPP stalwarts, many of who were battle-hardened politicians of the Panchayat era, proved to be too wily for Prime Minister Deuba who steadily lost control over his council of ministers. Soon, he found himself battling on two fronts-on one hand, the NC boss and former Prime Minister Koirala was nervous about Deuba’s growing stature in the party; on the other, he had little control over the cabinet colleagues outside his own party.

Much to Deuba’s chagrin, Koirala faction prevailed, resulting in the collapse of the Deuba government collapsed after less than two years in the office. Deuba’s government was forced out when two Nepali Congress lawmakers were mysteriously kept out of a crucial confidence vote in parliament.

“One of the tragedies of post-1990 Nepal,” explains analyst Deepak Thapa in his book *The Growth of the Maoist Movement*, “has been the unstable politics at the Centre which saw twelve changes of government between 1991 and late 2002.”

Significantly, this was also the time (February 1996) when the Communist Party of Nepal (Maoist) decided to go underground after the Deuba government failed to meet its 40-point demand. To be fair to Deuba, many of the demands were unreasonable as well as politically explosive: far from easy to meet and politically explosive too: Abrogation of the 1950 Treaty of Peace and Friendship with India and the Indo-Nepal Mahakali River Treaty; curtailing all privileges of the royal family; drafting of the new constitution through a constituent assembly; nationalizing the property of “comprador and bureaucratic capitalists.” Even if Deuba was supportive of these demands, he was in no position to accept them on his own.

In 1998, Nepal held its third general election in eight years. Once again, the Nepali Congress managed to defuse the intra-party dispute to regain the parliamentary majority it had lost since 1994. Predictably, the honeymoon was short-lived and the K.P. Bhattarai government was forced to step down by the Koirala faction on charges of failure to resolve the Maoist insurgency. Later, Koirala himself was forced to resign when the Royal Nepali Army defied his call for mobilization against the Maoists. In July 2001, Sher Bahadur Deuba formed the third Nepali Congress government after 1998.

Many believed that Deuba’s political flexibility and relative proximity to the Palace and the army would give him a clear advantage over Koirala (known for his uncompromising attitude) in the high-stake negotiations with the Maoists. The Deuba government did hold three rounds of talks with the rebels but the negotiations hit the wall when the prime minister refused to give in to the

Maoist demand for a constituent assembly. The rebels had earlier withdrawn their longstanding demand for a republic. Soon after, the Maoists walked away from the talks, and attacked the army for the first time.

In November 2001, the government declared a state of emergency, giving sweeping powers to the security forces. The army was widely mobilized against the Maoists but the general belief that they would inflict a decisive blow to the Maoists turned out to be unfounded. While the army made tall claims of numerous victories and the death tolls on both sides soared, a comprehensive win by either side was nowhere in sight. In May 2002, Deuba dissolved parliament and called elections 18 months ahead of schedule, largely because of the differences in his own party over an extension of emergency rule.

In October 2002, King Gyanendra sacked Prime Minister Deuba when he requested the king to delay the elections by a year in light of the poor security situation due to the escalating Maoist violence. According to the Nepali Constitution, elections have to take place within six months after they are announced. Deuba's call for postponement, therefore, created a constitutional crisis, which permitted the King to intervene to avert the perceived crisis. Initially, the royal takeover even came as relief to many Nepalis who seemed to regard non-delivering political parties with deep suspicion and mistrust. A year on, the king has failed to deliver on his promises for elections and restoration of the constitutional process.

### **Impact of the Maoist Insurgency**

Nepal borders on lawlessness. The Himalayan Kingdom of 23 million people has been wracked by the Maoist insurgency for the last seven years. Fourteen governments have taken office since the restoration of democracy in 1990, and the great expectations of the *Jana Andolan*-that it would usher a new era of prosperity for all have yet to materialize due to continuing political turmoil and social unrest. Furthermore, only a small segment of the society, i.e. elites, those who were already rich to begin with, seemed to benefit disproportionately during this period. Twelve years on, the country still finds itself in near complete disarray as a result of the ongoing political, social, and economic turmoil.

The insurgency has affected every single Nepali's life. Unfortunately, much of the discourse on the conflict in Nepal is concentrated on its political aspect while very little attention has been given to the conflict's socioeconomic cost. When the first peace talks between the Maoists and the government took place in 2001, the debate was exclusively on politics.

It is believed that the insurgency has cost Nepal eight to 10 percent of its GDP. Forty percent of the Village Development Committee (VDC) buildings have been destroyed and following the dissolution of local bodies by the Deuba government, local commerce and development activities have come to a grinding halt. The inadequate rural infrastructure remains in ruin, including power plants, electricity grid and telecommunication towers, all prime Maoist targets. Nearly 2000 schools, mostly private, have also been periodically closed. Health centers and schools, which depend on government grants to VDCs, are without medicines and school supplies. Widespread fears of Maoists and security forces, and lack of economic opportunities have forced more than half a million people to leave their rural homes and head to district headquarters, Katmandu, and even India.

In areas most affected by the insurgency, there have been perceptible demographic changes. Women now head most households in the absence of men and boys as many have left homes due

to fears of forced conscription by the Maoists and routine harassment by the security forces. Evidences of increasing reliance on remittance notwithstanding, many overseas Nepalis are shying away from sending money to their families in the villages due to fears of extortions.

At first, the Maoists were able to capture the public imagination with strong opposition to perceived inequality and injustices—such as patriarchy, polygamy, child marriage, gambling and drinking. They also dealt harshly with individuals who they identified as corrupt, which often would include village elites and the police. Much of this goodwill was squandered when they resorted to indiscriminate violence.

Another area that has been affected dramatically is the rural healthcare sector. While the Maoists have generally been supportive of immunization, these programs have greatly suffered in recent years due to poor level of social mobilization. Many international donor agencies have totally withdrawn from Nepal due to the poor security situation. One of the panelists reported that in the Maoist affected districts; rates of malnutrition are exceptionally high—62 percent in Achham, 69 in Jajarkot, 78 in Jumla, and 83 in Kalikot. These rates of malnutrition are worse than what is evident in the current emergencies that the world is paying attention to—63 percent in North Korea, and 52 percent in Ethiopia and Afghanistan. According to the World Health Organization, any region with 40 percent of malnutrition is a serious public health concern.

Even though the country is facing a humanitarian crisis of massive proportion, the political parties, the Maoists, and the royalists have paid scant attention to the pressing needs of the people. If the poor socio-economic conditions drag on, and nothing is done to alleviate poverty and suffering of the people, the good will toward the peace process will evaporate.

## **The State's Response to the Maoist Insurgency**

It is believed that until the government and the Maoists agreed on a surprise ceasefire on January 29, 2003, more than 7,000 had succumbed to the "people's war". Human rights groups have documented a pattern of brutal state response as well as atrocities committed by the insurgents. The situation was further exacerbated by political instability at the national and local level. In May 2001, Prime Minister Deuba dissolved the parliament and called parliamentary elections for November. In July, the government disbanded local bodies, replacing them with government appointees. In October, King Gyanendra sacked Deuba and took executive powers and indefinitely postponed parliamentary elections.

During the period of emergency that started in November 2001, fundamental rights, including the right of assembly, the right to freedom of thought and expression, and the right not to be held in preventive detention without sufficient grounds, were all suspended. The Terrorist and Disruptive Activities Act (TADA) curtailed some of the powers granted to the security forces but still allowed preventive detention for up to 90 days. The Amnesty International estimates that of the more than 4,000 "Maoists" officially declared killed since November 2001; nearly half may have been unlawfully killed. Among those killed were civilians suspected of providing shelter, food or financial assistance to the Maoists. They also included members of CPN (Maoist) who were killed while in custody or when they had already been taken prisoner. More than 65 people "disappeared" since late 2001 from government custody, which according to a UN report, is the highest cases of custodial disappearances for a country in the year 2002.

According to one of the participants, a recent survey of the detainees found widespread cases of torture and denial of food. Of the 1,000 detainees interviewed, more than 90 percent said they were not taken to the court within 24 hours despite a constitutional guarantee. 70 per cent of the interviewees said they were severely tortured to force confessions. When cases of sexual harassment and various forms of psychological pressures are also taken into account, the figure goes up to 100 percent. Tortures include beating on the soles, rolling wooden sticks on the legs, forcing wooden sticks above and under thighs and pressing them. Nearly 50 per cent of the interviewees did not know why they had been arrested and more than 50 percent said they were denied access to food. The interviewers were not provided with the names of the detainees; nor were they allowed to visit the detainees who were not produced before the court. In many cases, bribes and influence peddling led to their release, however. Most custodial deaths were attributed to "encounters"; many were shot dead in their house and in custody days after their arrests.

Many women recounted that their husbands did not receive adequate legal protection while in custody; neither were they allowed to see lawyers or family members. Some lawyers who demanded legal protection for the detainees were themselves imprisoned in army barracks for about a year; others were issued death threats. The lawyers who were released after detention were confined to their communities, lest they file complaints of atrocities. Many health professionals had no choice but flee the Maoist-affected areas, caught in the crossfire. On the one hand, the government warned that they would face prosecution if they provided any kind of medical assistance the Maoists. On the other, the Maoists forced these professionals to treat their injured workers at gunpoint

Very little has been done on the ground to improve the human rights situation and the culture of impunity, which gave way to a vicious cycle of violence, continues. After the January ceasefire, the Maoists and the government have agreed on the mechanism to investigate extra-judicial killings under the purview of the National Human Rights Commission,

but it still remains to be seen whether the bereaved families will be adequately compensated and the guilty punished.

### **The Regional Dimension of the Conflict**

A critical element that led to the surprise ceasefire in January could be credited to the external factors that pushed the Maoists to the negotiating table. Unlike the 2001 ceasefire, which came at its own volition, 9/11 came at a very inconvenient time for the Maoists. The United States embarked on a high-profile global battle against terror; the U.S. Secretary of State, Colin Powell arrived in Kathmandu in January 2002 to pledge military aid and overall economic support in Nepal's battle against the Maoists. In the new international context, Nepal found sympathetic allies in Washington and London who were willing to arm a beleaguered state with military hardware and prop up the economy that was on the verge of collapse. In early 2003, the United States put the Maoists in its terror watch list and gave a clearest indication yet that it was in no mood to offer any concessions to the rebels who were now increasingly isolated. Other analysts argued that the move has only heightened suspicion, including among parliamentary parties, which largely view the United States as a friendly super power with deep historical ties.

Even more than the United States, it is India that seems to have been decisive in brining the Maoists to the negotiating table. In the past one-year or so, India seems to have concluded that the security situation in its Hindi-speaking heartland of Uttar Pradesh and Bihar would be in serious jeopardy with the expansion of the Maoists in Nepal. India can ill afford a failed state, or a Maoist state, in its underbelly. The results are evident. Indian security forces have now started refusing injured Maoists medical treatment in hospitals along the India-Nepal border areas. Senior Maoist leaders who had taken shelter in India at various times have been asked to leave and/or refrain from using Indian territories for their operations in Nepal. India recently gave Rs. 2 billion aid to the Nepal army and has pledged an additional Rs. 1 billion. All these indicate that the Maoists face a very bumpy road ahead, one that could radicalize them and restart the cycle of violence. This is not to imply that the Indian government is knowingly providing sanctuary to the Maoist rebels or supporting their cause. Also, it has become increasingly evident to the Maoists that the tottering Nepali state will withstand their onslaught as it can rely on generous international support, unlike their isolated lot.

Another participant underscored the importance of understanding the Maoist movement in the historical context and continuity, which has thrived due to the geopolitical situation of South Asia. It is important to note here that the rulers in India had supported the pro-democracy movement in Nepal in 1950-51 when the Rana oligarchy collapsed. Again in 1990, Indian leaders arguably played a crucial role in restoring multiparty system by using a yearlong Indo-Nepal transit impasse to precipitate the collapse of the Panchayat regime. One can draw certain lessons from this experience. In spite of the Nepali state's apparent weaknesses, it is capable of defusing domestic crises. However, whenever there is outside intervention/assistance, Nepal has been forced to make concessions. After 1990, India forced Nepal into signing several secret bilateral accords by manipulating the oppositional politics in Nepal. According to this argument, the rebel leader Ram Raja Singh (during the Panchayat days) and now the Maoists are prime examples of India's "strategic coercion" against the Nepali state. Without a base outside Nepal, the Maoists will find it very hard to continue their guerilla war.

## Looking Forward

1. Five months into the ceasefire, the early momentum for peace has been lost, primarily because none of three actors to the conflict—the political parties, the Maoists and the Royal Palace—seem to know its bottom-line. Instead, all three constantly seem to shift positions and try to manipulate the other while jockeying for public approval. If the King committed a blunder in dismissing an elected government in 2002, he seems to be in no mood to correct the wrong. In June, King Gyanendra in fact went a step further by ignoring a near-unanimous call by the five political parties to appoint Madhav Kumar Nepal, the CPN-UML General Secretary, as the prime minister to form an all-party government. The royal intransigence has radicalized the party rank and file, even though the major political parties continue to remain committed to constitutional monarchy. By rejecting the parties' choice of consensus candidate and appointing Surya Bahadur Thapa as the new prime minister, the king has only deepened suspicions among the political parties that he is not interested in solving the Maoist problem but in continuing the politics of chaos. The political parties will benefit by putting further pressure on the international community and the Palace by introducing a common political agenda to break the impasse and restore peace.

2. The Maoists have been quick to cash in on this growing undercurrent of anti-Palace sentiments and have repeatedly issued public statements urging political parties to join forces in pursuit of their republican agenda. They have also claimed that they came aboveground because of the likely foreign interference, a story line that seems to have quite a few takers. As for the political parties, they remain ambivalent over the Maoists' core demand for a constituent assembly. Instead, they support amending the Constitution through parliament.

3. Many believe that the 1990 Constitution is flawed. Several articles defining the role of the head of the state are ambiguous which has given way to a deeply polarized debate on whether the Constitution gives the king any executive authority. Other constitutional debates have revolved around the question of representation. The first-past-the-post electoral system has given way to overwhelming domination of Nepali politics by a few parties, sidelining smaller parties whose grievances do not get voiced by big parties.

4. The five-party agitation against "regression" - the October 2002 Royal takeover and the subsequent assumption of executive powers by the king in sharp violation of the spirit of the democratic constitution - has not gathered momentum. One factor behind the lukewarm public response is that the parties are not addressing larger issues of representation and disenfranchisement, which are at the core of current political turmoil and social unrest. Significantly, they have also failed to articulate how they will avoid getting into another quagmire—marked by corruption and inefficiency—once their rule is restored. Political parties have been busy talking about elections without offering a blueprint on how they are going to put in place various institutions to nurture a liberal democracy and control the abuse of power evident in the last 12 years of democratic experiment.

5. Given Nepal's difficult topography and regional disparity, many experts have suggested that a federated system of governance, as against the current Center-based rule, is more likely to address the issues of disenfranchisement. But the federated system should in no way be developed along ethnic lines. Various models have been suggested. One by Dr. Harka Gurung, a noted minority voice, offers 25 economically viable units.

6. Another alternative could be proportional representation to give legitimate space to smaller parties and ethnic aspirations. In the first-past-the-post electoral system, two or three large parties tend to overwhelm the smaller parties.

7. It is important to bring the issues of women, caste, ethnicity and the general issues of disenfranchisement to the fore during the negotiations. But as a number of other peace negotiations have shown, the influence of fighters decline with advancing peace process. Once that happens, the legitimate stakeholders will have the window of opportunities to exert greater influence and that ultimately is where Nepal has to move.

8. It is only through the participation of experts, either local or foreign, that the complex issues underlying the conflict will first be identified and then addressed. The participation of experts will give the talks a much needed nonpartisan credibility and opportunity to educate the stakeholders that it is not in any parties' interest to get involved in political one-upmanship and posturing outside the negotiating table. In the last five months of ceasefire, the peace negotiators have instead been involved in ugly war of words in routine violations of the mutually agreed code of conduct. One government negotiator has gone on record to say that there can be no negotiation on the question of constituent assembly, for example, giving the Maoists to believe that that the government has already firmed up its positions instead of approaching the talks with an open mind.

9. The peace talks, which have exclusively focused on political agenda, should encompass a broad-based agenda, including the socioeconomic aspect of the conflict, and the international good will should be mobilized for massive reconstruction. The peace talks should be held on two tracks: first, on the core Maoist demands for constituent assembly, interim government, and republicanism; second, on reconstruction efforts, without which the public is bound to lose interest in the peace process. The Sri Lankan conflict is a case in point. A recent donor meet held in Tokyo raised billions of dollars for reconstruction in Sri Lanka, but the donors also insisted that they would closely monitor the situation on the ground and their pledges would be very much tied with whether the parties to the conflict stick to the peace process.

10. Some in Nepal suggest that it is premature to talk about reconstruction because the major political parties are still questioning the legitimacy of the current regime. Critics of two successive governments appointed by King Gyanendra argue that the culture of impunity, which fuelled the Maoist insurgency in the first place, persists with very little structural and systemic changes. The Royal Nepal Army, for example, continues to be controlled by a small group of pro-Palace elites who have given little indications of reconciliation. The King consults only a small group of loyalists and seems to be in no hurry to be politically inclusive. A businessman himself, he commands deep reverence among business elites in Kathmandu but seems to be out of sync with civil society aspirations. Instead of hiding behind the façade of "people's government", the king should come out in the open in admitting that he has stakes in the talks. His intransigence will radicalize the parties further and erode the peace process.

11. The confusion on the ground has frustrated the international community, which would be in a better position to exert pressure if the parties to the conflict come up with a clearly stated bottom lines. What they have done instead is to constantly tinker the peace process. There is a serious possibility of donor fatigue should the conflict drag on. For its part, the United States should remain neutral in the conflict and instead seek a guarantee from the Maoists that they will not harm the U.S. interests. It is only through strict adherence to neutrality will the United States be looked up at by all parties to the conflict.

12. Political parties are aware that they could overstep their current anti-regression agitation, which may transform into an anti-king movement. While the party leaders still take great pains to stress the difference between their call for a constitutional monarchy and the Maoists' goal for a republican state, the king's moves after the October 2002 takeover seem to have alienated them so much that many senior party leaders have publicly called on their parties to review their position on Monarchy. This is a call the King will do well to take note of. The King is definitely committing mistakes in neglecting the parties, who can solve the long-term problem of peace in taking it beyond the immediate ceasefire. He is instead resorting to the long-term formula of the 1950-59 period when his father, King Mahendra, championed the divide-and-rule tactic. But the king is gradually feeling the pressure now. While the disenchanted public hasn't given the pressure yet, it is the parties that are at the forefront of anti-king movement. The parties have the staying power; the king does not.

13. Maoists are careful not to be seen in total alignment with forces that they fought against the last six years. A recent poll conducted in various urban centers found 20 percent of the respondents saying that they will support the Maoists if they gave up arms and contested elections. Going solely by their military successes, it would be a grave mistake to assume that the Maoists are already the biggest political force in the country. At best, they will emerge as the third or the fourth largest electoral force. Maoists have taken a much more sincere approach than the go-slow government in the peace talks. If the king wants to maximize the power for immediate gains, the longevity of monarchy will be short-lived.

14. The external factor has been critical in forcing the Maoists to the negotiating table. However, the donor communities and the business elites, who have ganged up against the political parties, have taken a simplistic position: an active king, as against the political parties, will resolve the insurgency and so long as the security forces receive military assistance they will be able to keep the Maoists at bay. The donors need to do a lot more than that. At the very least, they must insist on greater degree of professionalism of the Royal Nepal Army and police, who are responsible for massive human rights abuses. There is a need to define the role of the army and nurture Maoists and political parties. While the Maoists have already proved many political commentators wrong in continuing to put their faith on talks, there is now a need to build institutions that will nurture the Maoists and political parties. A divided Maoist camp will result in *warlordism* and huge collateral damages as the army will be deployed with vengeance.

15. A vigorous push for rural employment - construction of roads, schools, health post, trails, and bridges - will keep millions of unemployed youth in the villages away from the insurgency. It will also restore faith in the government.

16. The two rounds of talks have been far from substantive and the peace process is already bogged down in controversies over the purported agreement to restrict the army's movement within a 5-kilometer radius from the barracks. The army has come out strongly against the decision and the government negotiators, who were involved in the talks. The Maoists have threatened to walk out of the talks, citing insincerity on the part of the government.

17. One factor that seems to keep the Maoists in the negotiating table is their realization that an all-out takeover, including that of Kathmandu Valley, is not possible. The RNA officers say that the Maoists have felt the twin pressure of not having enough ammunition and failure to maintain the existent armory, which have impeded their march toward a decisive victory. Their leaders are also struggling to control their fast expanding cadre base, which has been increasingly infiltrated

by bandits and criminals. As a result, the cadre base is not ideologically primed to become Maoists.

The Maoists have not yet gone for an all-out war-as political assassinations, sabotage in the cities. But there is a widespread fear that they will if they go underground again. At least, the top cadre wants to remain underground but they have a problem explaining to the rank and file to continue to get their support without the dreams and romanticism of a takeover and Maoist rule.

17. That is where a little bit of nurturing is required. Government-civil society partnership is one way to go about this: in the last seven years of conflict, many NGOs have successfully performed impressive work for the needy in rural Nepal, where the government has failed miserably.

### **Postscript *February 24, 2004***

On August 28, 2003, Nepal's fragile peace process collapsed after going on a roller coaster ride for seven largely quiet months. The bombshell came when the government negotiators refused to give in to key Maoist demand for election to the constituent assembly.

Many now believe that it was never likely that the government appointed by King Gyanendra would ever consider an underlying possibility: Monarchy was non-negotiable as far as it was concerned. So, the argument goes, why even talk of a constituent assembly, the proverbial Pandora's Box, and put monarchy to litmus test.

But many others, including some noted political leaders, also claim that the Maoists were never fully committed to the peace process anyway. Their decision to come aboveground was a strategic mid-term move in that it would allow them to penetrate groups and regions that had remained elusive while they were underground. This theory holds that the question of compromising on the long-term Maoist goal for republicanism was never on the cards.

It is not unnatural to be suspicious of the Maoist commitment to the peace process, at least within the framework of constitutional monarchy. After all the rebels have remained largely consistent in their call for constituent assembly and overhauling of the pro-Palace Royal Nepal Army.

But it is also a fact that the security forces didn't exactly behave like saints while the ceasefire was in place. On August 17, they shot dead as many as 19 unarmed Maoists gathered in the remote village of Doramba in central hills, even as the third round of peace talks were taking place in the western town of Nepalgunj.

Four months after the ceasefire, the two sides continue to trade charges for the failed talks and in Nepal's murky political landscape it will be extremely difficult to pinpoint what exactly led to the breakdown in the peace process.

Almost every single day the newspapers and television networks report deaths of Maoists and security personnel in encounters right across the country. The two opposing forces are deeply suspicious of each other and the distance between them seems to have widened after King Gyanendra dismissed an elected government in October 2002 to take complete control of the security agencies.

After eight years of conflict and some 10,000 deaths, the violence is no longer confined to the Maoist stronghold in Mid West as it was during the early years of insurgency. Disturbance and deaths are now commonplace, and even the capital Kathmandu, the last bastion of peace, now lives in jitters. Right after the talks collapsed in August 2003, Maoists shot two colonels, one of them fatally.

The Royal Nepal Army (press briefing, December 17, 2003), whose own atrocities have found frequent mention in the Nepali media, says 1,000 Maoists have died in the renewed fighting but suspects 200 more may have also perished. The corresponding toll for the security forces is put at 287.

## Agenda

# Understanding Nepal's Maoist Insurgency: Strategies for Sustainable Peace and Democracy

Monday, June 16, 2003

*Asia Society*

New York

*Co-sponsored with the Social Science Research Council and the Woodrow Wilson International Center for Scholars*

- 8:30 am      **Breakfast**
- 9:00 am      **Welcome and Introductory Remarks**  
Nicholas Platt, Asia Society  
*Presiding:* Shyama Venkateswar, Associate Director, Asian Social Issues Program  
Asia Society
- 9:15 am      **Overview and Latest Developments**  
Discussants:    Deepak Thapa, Himal Association  
                         Kanak Mani Dixit, Himal South Asia  
  
Moderator:     Celia Dugger, Council on Foreign Relations
- 10:00 am     **Panel 1: Social and Economic Costs of the Maoist Insurgency**  
A roundtable discussion to look at the humanitarian and social costs of the conflict.  
This session will primarily focus on the following issues:
- 1) What is the experience of the people in the conflict zones?
  - 2) What impact has the conflict had on communities (women, children & youths, families)?
  - 3) How are the affected parties dealing with internal displacements and rehabilitation, psychological traumas, human rights violations?
- Discussants will open with brief remarks to be followed by a moderated discussion.
- Discussants:    Kul C. Gautam, UNICEF  
                         Mandira Sharma, Advocacy Forum  
                         Kathryn S. March, Cornell University
- Moderator:     Nafis Sadik, United Nations
- 11:15 am     Coffee break
- 11:30 am     **Panel 2: Local and Regional Responses**  
The main focus of this panel will be on the local and regional initiatives taken to address the conflict. In this session, the following issues will be addressed:
- 1) How are the problems being addressed or not being addressed at the local level?  
National level? Regional level?

- 2) What has been the role and extent of humanitarian and relief organizations in providing the necessary aid?
- 3) What has been the range of local responses to the conflict?
- 4) What is the response of local communities to the efforts of domestic and international NGOs to address the costs of war?
- 5) Are there more effective ways in which both domestic and international NGOs could engage the communities they are trying to help?
- 6) Is there a lesson to be learned from regional experiences in solving protracted conflicts? From India? From Sri Lanka?

Discussants will open with brief remarks to be followed by a moderated discussion.

Discussants: Murari Raj Sharma, Permanent Mission of Nepal to the UN  
Kanak Mani Dixit, Himal South Asia

Moderator: Saubhagya Shah, Harvard University

12:45 pm **Lunch break**

1:15 pm **Panel 3: Recent Steps Toward Conflict Resolution**

The final session will look at the role and strategies of potential stakeholders, key actors and the international community to bring about sustainable peace, as well as the challenges for reconciliation and reconstruction.

- 1) What are the prospects for conflict resolution in Nepal, given the most recent crisis in leadership?
- 2) What could be done to encourage all parties to transform the current cease-fire into lasting peace?
- 3) What constructive roles could the U.S. as well as international organizations play in resolving this crisis?
- 4) What are the immediate steps for reconstruction?
- 5) What are the strategies for ensuring accountability, bringing reconciliation, and facilitating transition to democracy?

Discussants will open with brief remarks to be followed by a moderated discussion.

Discussants: Deepak Thapa, Himal Association  
Chitra Tiwari, Consultant, DC  
John Norris, International Crisis Group

Moderator: Paul van Zyl, International Center for Transitional Justice

2:30 pm **Concluding remarks**

3:00 p.m. **Adjourn**