

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

What is the current situation with regard to the Maoists and the government in terms of:

- 1. cease fire and/or amnesty;**
- 2. steps towards a coalition government;**
- 3. the open presence in Kathmandu of Maoists, both leaders and ordinary rank and file;**
- 4. opinions as to whether the current situation appears to be a significant and lasting change to Nepalese politics?**

RESPONSE

1. What is the current situation with regard to the Maoists and the government in terms of the cease fire and/or amnesty?

Although there have been reports of ongoing violations of some aspects of the ceasefire arrangements (about which see the information supplied under Question 3 and 4) the ceasefire has continued to hold. The stabilisation brought about by the initial agreement of 26 May 2006 is said to have been reinforced by the terms of the 8 November 2006 peace accord and also by the related 22 November 2006 comprehensive peace agreement (CPA) and the 28 November 2006 agreement on monitoring of management of arms and armies. Even so, Nepal commentators tend to stress that the situation remains unstable. The following extract from a December 2006 report by the International Crisis Group (ICG) is indicative of the circumstances which have attended the unfolding situation:

The ceasefire was tenuously defined and monitored, although both sides refrained from military activity. The Maoists declared a three-month unilateral ceasefire immediately after the April movement and extended it; the government responded with an indefinite ceasefire. On 26 May both sides signed a 25-point code of conduct and formed a 31-member national

monitoring committee, headed by former election commissioner Birendra Prasad Mishra. However, a formal bilateral ceasefire came only with the November peace accord (p.5, n.22).

...Political manoeuvring in Kathmandu took place against a background of lawlessness and confusion across most of the country. Despite poor monitoring mechanisms, the ceasefire held. But re-establishing anything like normal governance was hampered by Kathmandu's weakness and Maoist intransigence. The rebels were happier to move into any vacant political space than to share power (p.5).

...Maoist violence did decrease after the ceasefire but other intimidating behaviour appears to have increased, at least in the period before the CPA. The killings which took place differed from the targeted "annihilation" that was a trademark during the war. Most were due to torture in Maoist "people's government" custody: in the first five months of the post-April ceasefire, almost 200 people were arrested by the rebels, although most were subsequently released. Local Maoists may feel they have free rein until their "people's governments" are dissolved (p.5).

...Maoist cadres were becoming restive, and their public threats of an "October revolution" were taken literally by many observers. At a central committee meeting in September held not far from Kathmandu, all their army's divisional commanders and commissars participated as observers and presented situation reports. The six-day session saw serious debate and concluded that if peace talks were blocked, the only remaining option was revolt (p.8).

...The CPA is not truly comprehensive. It does open the way for a more durable ceasefire and charts the course for the rest of the process but even if it ends the armed conflict, it has deferred certain central issues. Structural changes have yet to take place: if the political understanding falls apart or the process is otherwise derailed, the Maoists are prepared to start another type of struggle, albeit not a simple resumption of "people's war". As long as their armed forces remain intact and the state security sector unreformed, there is potential for a rapid return to conflict (p.13) (International Crisis Group 2006, *Nepal's Peace Agreement: Making it Work*, Asia Report no.126, 15 December, pp.5, 8
http://www.crisisgroup.org/library/documents/asia/south_asia/126_nepals_peace_agreement_making_it_work.pdf – Accessed 20 December 2006 – Attachment 12).

Terms of the Cease Fire

On 8 November 2006 Dr S. Chandrasekharan, of the South Asian Analysis Group (SAAG), provided an overview of the highlights of the 8 November 2006 peace accord which has formed the basis of the situation as it presently stands.

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 keys will be retained by the combatants 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 [G. P. Koirala] 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, Kavve, 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 Ayswaroya 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 a 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 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. (Chandrasekharan, S. 2006, ‘Nepal: Comprehensive Agreement Reached Between Maoists & the Seven Party Alliance – Update No.108’, South Asian Analysis Group, no. 349, 8 November <http://www.saag.org/notes4/note349.html> – Accessed 29 November 2006 – Attachment 3).

Chandrasekharan notes that the “[t]he storage of arms agreed to, is not the best of the arrangement, so long as the key & access to the weapons continue to remain with the Maoists”. According to Chandrasekharan, the “responsibility” for the success of the peace process “lies totally with Prachanda and his restless cadres” (Chandrasekharan, S. 2006, ‘Nepal: Comprehensive Agreement Reached Between Maoists & the Seven Party Alliance – Update No.108’, South Asian Analysis Group, no. 349, 8 November <http://www.saag.org/notes4/note349.html> – Accessed 29 November 2006 – Attachment 3).

On 9 December 2006, Chandrasekharan provided an overview on the significance of the successive 22 November 2006 comprehensive peace agreement (CPA) and also the 28 November 2006 agreement on monitoring of management of arms and armies. The overview notes that: “[t]here has been no major change from the points agreed to on 8th November and discussed in detail in our Note 349 in the previous update 108”; and that: “[m]ore significant has been the agreement on ‘monitoring of management of arms and armies’ signed...on 28th November. With the signing of the agreement the way to implement other points agreed to in the peace agreement has been cleared.” The overview is supplied as Attachment 18 (Chandrasekharan, S. 2006, ‘NEPAL: Historic Peace Agreement Signed- but some problems continue – Update No 109’, South Asian Analysis Group, no.353, 9 December <http://www.saag.org/notes4/note353.html> – Accessed 11 December 2006 – Attachment 18).

General Amnesty

July 2006 saw the implementation of a broad amnesty for almost all Maoist prisoners. According to Nepal’s *eKantipur.com*:

A day after the government revoked all cases filed against Maoist leaders and cadres under the Terrorist and Disruptive Activities (Control and Punishment) Act/Ordinance in different courts, the Nakkhu Jail Administration released 61 Maoist detainees on Tuesday afternoon.

The Maoists were released after the Patan Appellate Court withdrew all cases against the Maoists, said Ram Prasad Bhattarai, jailer of Nakkhu Jail.

With the 61 Maoist prisoners released, there are only six Maoists left in the jail, according to Bhattarai. They will also be released after the completion of necessary legal proceedings.

Immediately after their release, the Maoist detainees chanted pro-Maoist and pro-government slogans. They were also welcomed by their comrades with garlands outside the jail premises.

Similarly, eight Maoists were released from Central Jail, Kathmandu today. Likewise, 53 Maoists from Kaski, 50 from Biratnagar, 7 from Rupandehi, 41 from Hetauda, 22 from Banke, 20 from Kanchanpur, 13 from Dang, four from Birgunj, seven from Dhankuta, six from Surkhet and four from Jaleswor were released, according to Home Ministry sources.

Over 350 Maoists, including senior leaders Prachanda, Dr Babu Ram Bhattarai, had been facing cases in different courts under the controversial anti-terrorism law – TADO introduced by the earlier governments.

There are 43 cases filed under TADO, including some against Prachanda and Dr Bhattarai in Patan Appellate Court alone.

Home Ministry Spokesman, Baman Prasad Neupane said the process of releasing the Maoists detained outside the capital had already started.

The number of Maoists released from outside the capital was immediately not available.

Sources said nearly 400 Maoists have been detained under TADO at various detention centres across the country ('Over 290 Maoist inmates released' 2006, 'Over 290 Maoist inmates released', *eKantipur.com* website, 13 June

<http://www.kantipuronline.com/kolnews.php?nid=76502> – Accessed 11 December 2006 – Attachment 19).

By 20 June 2006 *Agence France Presse* was reporting that “[t]he new government [had] freed 1,019 Maoist detainees across the country since it struck a peace deal with the rebels in May”. Nonetheless, in spite of the large number of Maoist prisoners released under this broad amnesty, it would appear that not all Maoist prisoners have been released. On 28 December 2006, *The Himalayan Times* reported that: “[f]our Maoist inmates, who were imprisoned in the Doti District prison one and a half years ago for detonating socket bombs in the Kathmandu Lower Secondary School in Doti, have still not been freed” (there were also reports of prison riots in mid-2006 but these disturbance were reportedly orchestrated by “prisoners convicted of non-political crimes” who, in the wake of the release of the Maoist prisoners, were also “appealing for a general amnesty”, for more on this see the *Agence France Presse* report: ‘Prisoners in Nepal protest in bid for general amnesty’ 2006, *Agence France Presse*, 20 June – Attachment 23; for the *Himalayan Times* report, see: ‘Nepal press selection list 28 Dec 06’ 2006, *BBC Monitoring South Asia*, source: *Himalayan Times*, 28 December – Attachment 20).

It has also been reported that it seems increasingly unlikely that many of the persons responsible for civil-war human rights abuses will ever be made accountable for past crimes. The ICG has observed that:

Nepal faces sometimes competing imperatives of peace and justice. So far, attention has been given to the former, while plans to address accountability for crimes committed during the war remain vague and lack political momentum. ...Neither the government nor the Maoists has shown any great appetite to pursue those responsible for the more significant violations over the course of the conflict (International Crisis Group 2006, *Nepal's Peace Agreement: Making it Work*, Asia Report no.126, 15 December, p.28

http://www.crisisgroup.org/library/documents/asia/south_asia/126_nepals_peace_agreement_making_it_work.pdf – Accessed 20 December 2006 – Attachment 12).

A recent *Nepali Times* report notes that:

[for] thousands of Nepalis whose children, siblings, parents, and friends died in extra-judicial killings by the security forces, who were executed by the Maoists, and abducted or tortured by either side, the draft interim constitution has come as a bitter reminder of their helplessness. Human rights groups in Kathmandu say that under the terms of the new dispensation, perpetrators of such crimes will essentially walk away with total amnesty (; Lak, D. 2007, ‘Here And There: The short-term outlook aside, things are looking good for Nepal’, *Nepali Times*, 5 January – Attachment 21).

2. What is the current situation with regard to the Maoists and the government in terms of steps towards a coalition government?

There is, as yet, no specified date for the formation of the envisaged coalition interim government. According to the current agreement this coalition body can only be formed after the terms of the arms management conditions have been met and this process is still being completed. Nonetheless, and in spite of concerns reported in late November about the lack of arms storage facilities, recent reports indicate that progress is now being made in this regard. Further to this, a specified date has been set down for the first meeting of the interim legislature which will be formed on 15 January 2007 with the promulgation of the interim constitution. The Maoists “named the people who will serve as its MPs in a interim parliament” on 12 January 2006: “[i]ts list of 73 MPs includes many people from traditionally marginalised groups, but not the party’s top three leaders” (for recent reports on the schedule for the formation of the interim legislature and the interim government, see: ‘Maoists to join Nepal’s Parliament’ 2007, *The Hindu*, 9 January – Attachment 15; and also: ‘Nepal: Govt, Maoists meet to discuss interim constitution’ 2007, *Press Trust of India*, 8 January – Attachment 16; for a report the listed 73 Maoist MPs, see: Haviland, C. 2007, ‘Nepalese Maoists name their MPs’, *BBC News* website, 12 January – Accessed 15 January http://news.bbc.co.uk/2/hi/south_asia/6256583.stm – Accessed 15 January 2007 – Attachment 22; for an example of early concerns about arms management in regard to the absence of storage and monitoring facilities, see: ‘The peace prize’ 2006, *The Economist*, 23 November http://www.economist.com/world/asia/displaystory.cfm?story_id=E1_RPTJVVQV – Accessed 29 November 2006 – Attachment 4; for a more recent report on progress in the monitoring of arms management and the appearance of storage facilities, see: ‘NEPAL: UN monitoring of arms and armies to begin’ 2006, IRIN News website, 29 December <http://www.irinnews.org/report.asp?ReportID=56877> – Accessed 11 January 2007 – Attachment 17).

The International Crisis Group has provided an overview of the envisaged arrangements which the various parties have agreed to for the interim constitution, legislature, government and local administration and policing. These follow below:

Interim constitution. The interim constitution – an essential prelude to formation of other interim institutions – was scheduled for completion on 26 November but has proved harder to finalise than predicted. Teams resumed intensive discussions on it as soon as the arms management agreement was completed and now expect to finish the task in mid- December. The primary difficulty has not been agreeing the constitution itself but the fact that its completion would then demand the prompt formation of interim bodies – something that Prime Minister Koirala, and some in the international community, do not want to proceed until the issue of how to manage Maoist weapons is definitively resolved, and the weapons themselves are under solid UN supervision.

Interim legislature. The 330-member interim legislature that brings in the Maoists will be an expanded form of the current House of Representatives. That body will formally be dissolved but all sitting MPs (apart from those opposed to the April movement) and a handful of members from the upper house will fill 209 seats. The Maoists will have 73 seats, while 48 are to be allocated to representatives of affiliated political organisations and professional bodies, oppressed ethnic communities and regions and political personalities on the basis of mutual understanding between all parties. Victims of the Maoists have also demanded representation.

Interim government. The interim legislature will elect a prime minister, who will form an SPA-Maoist cabinet to take responsibility for the remainder of the peace process and organise the constituent assembly election. Koirala, who is acceptable to both the SPA and the Maoists will almost certainly remain as prime minister but the cabinet berths will probably be allocated in line with the balance of power in the legislature.

Local administration and policing. The government and the Maoists agreed that the “Nepal Police and Armed Police Force shall give continuity to the task of maintaining [the] legal system and law and order along with criminal investigation” and “not to operate parallel or any [other] form of structure in any areas”. Interim local bodies will be formed at district, city and village level on the basis of mutual understanding. The Maoist “people’s governments” and “people’s courts” are to be dissolved on the day the interim legislature is formed (International Crisis Group 2006, *Nepal’s Peace Agreement: Making it Work*, Asia Report no.126, 15 December, p.12

http://www.crisisgroup.org/library/documents/asia/south_asia/126_nepals_peace_agreement_making_it_work.pdf – Accessed 20 December 2006 – Attachment 12).

3. What is the current situation with regard to the Maoists and the government in terms of the open presence in Kathmandu of Maoists, both leaders and ordinary rank and file?

Activities of the Maoist cadres in Kathmandu

According to the ICG’s report of 15 December 2006 there has been an expansion in the number of Maoist activists present in Kathmandu. The ICG reports that the Maoists staged a six-day “central committee meeting in September...not far from Kathmandu [at Kami Danda in Kavre district], [where] all their army’s divisional commanders and commissars participated as observers and presented situation reports” (p.8). The ICG also states that “hundreds of Maoist military cadres (PLA) had entered the Kathmandu valley shortly after the central committee meeting”. Since the signing of the peace agreement PLA personnel have been moving into the designated cantonments but the build up of non-PLA Maoist cadres in Kathmandu has reportedly proceeded apace: “In Kathmandu, they claim some 1,500 full-time political activists compared to 70 before April 2006” (p.19). It is also reported that the Maoists have maintained their People’s Courts in Kathmandu in spite of “Prachanda’s promise to close the courts in major cities” (p.19). Maoist activists have reportedly become increasingly active in enforcing Maoist justice on Kathmandu’s streets. The relevant extract follows:

The public political activity which the Maoists started immediately after the April movement has gained new momentum since the peace agreement. They plan to restructure the party to increase its effectiveness in open politics, especially in elections. For dealing with potential allies, their major priority is to form a democratic republican front and tempt small leftist groups and individuals to join the CPN(M). They have concentrated on boosting their presence in the urban areas where they have traditionally been weak. In Kathmandu, they claim some 1,500 full-time political activists compared to 70 before April 2006. They have tried to curry support among the sceptical local Newar community with a “valley republican campaign” launched in October.

They have had trouble deciding on their public image. Their new urban “people’s courts” drew enthusiastic business from those fed up with the state judiciary but harsh criticism from the press and mainstream politicians. That Prachanda’s promise to close the courts in major cities has not been kept in Kathmandu reflects the Maoists’ difficulty in deciding which

approach would win more support rather than revealing a lack of discipline. Attempts to foster sympathy by using cadres to clean streets and target organised crime likewise prompted mixed reactions (International Crisis Group 2006, *Nepal's Peace Agreement: Making it Work*, Asia Report no.126, 15 December, pp.19-20

http://www.crisisgroup.org/library/documents/asia/south_asia/126_nepals_peace_agreement_making_it_work.pdf – Accessed 20 December 2006 – Attachment 12).

The extent to which the Maoists now have influence in Kathmandu was demonstrated on 18 December 2006 when “the Maoists brought Kathmandu and other major towns in Nepal to a virtual standstill thus proving a point that they cannot be ignored whether they are in the government or outside”. The action was taken “[a]s a protest against the ‘unilateral decision’ of Koirala’s government in the appointment of fourteen Ambassadors” without consulting the Maoist leadership. It was also reported at this time that “[o]n the 19th, thousands of PLA cadres came out of their cantonment camps with their weapons and staged demonstrations” (the South Asia Analysis Group’s Dr. S.Chandrasekharan provides comment on the significance of the disturbances in: Chandrasekharan, S. 2006, ‘NEPAL: The Maoists Prove a Point: Update No. 111’, South Asian Analysis Group, no.355, 21 December <http://www.saag.org/notes4/note355.html> – Accessed 10 January 2007 – Attachment 26).

Recent reports suggest that, in addition to undertaking political activities and targeting criminal networks, Maoist cadres in Kathmandu have also begun to target political competitors and also persons and institutions which the Maoists deem socially undesirable. For instance:

- On 1 December 2006 it was reported that “[s]cores of college students were injured in the Nepalese capital as members of the Maoist affiliated All Nepal National Free Students Union (Revolutionary) clashed with those belonging to the Nepal Students Union, a pro-Nepali Congress students wing”. The report states that, “[f]ollowing a verbal squabble with the NSU students, the Maoists beat the members of the student union, vandalised college furniture and burnt nine motorcycles parked inside the college” (‘Scores of college students in Nepal injured in clashes’ 2006, *Press Trust of India*, 1 December – Attachment 8).
- On 23 December it was reported that “A group of Maoist cadres on Tuesday night beat up a student activist affiliated to All Nepal National Free Students Union in Kathmandu. They also threatened to kidnap three cadres of the organization for criticizing their party, according to the daily *The Kathmandu Post*” (‘Locals protest against alleged Maoist attacks’ 2006, *Press Trust of India*, 23 December – Attachment 25).
- On 4 January 2007 the *Indo-Asian News Service* reported that “[t]he communists, who now freely roam in the capital...have now turned their attention to cleaning ‘social pollutants’, ranging from pornographic films to homosexuality”. According to this report: “Kathmandu’s gays, who had joined hands with the Maoists and political parties to oppose King Gyanendra’s direct rule, felt the new communist crackdown last month after Maoist cadres went around ordering house owners not to let out rooms to homosexuals and lesbians” (‘Nepal’s gays hit by Maoist clean up drive’ 2007, *Daily News & Analysis* website, source: *Indo-Asian News Service*, 4 January <http://www.dnaindia.com/report.asp?NewsID=1072742> – Accessed 9 January 2007 – Attachment 13). SEE ALSO (FACTIVA)

Some further instances of reported Maoist activities in the area of Kathmandu follow below sourced by *BBC Monitoring South Asia*:

From *The Kathmandu Post*, 22 December 2006:

Maoist cadres on 19 December beat up a student activist affiliated to the Communist Party of Nepal (Unified Marxist-Leninist) in Kathmandu ('Nepal press selection list 22 Dec 06' 2006, *BBC Monitoring South Asia*, source: *Kathmandu Post*, 22 December – Attachment 27).

From *The Kathmandu Post*, 29 November 2006:

A group of Maoist cadres on Tuesday kidnapped and tortured three students affiliated to All Nepal National Free Students' Union (ANNFSU) at Sanothimi Campus, Bhaktapur about 10 kilometres east of Kathmandu ('Nepal press selection list 29 Nov 06' 2006, *BBC Monitoring South Asia*, source: *Kathmandu Post*, 29 November – Attachment 10).

From *The Kathmandu Post*, 27 November 2006:

Barely five days after the signing of the Comprehensive Peace Agreement with the government, Maoist cadres on Saturday afternoon entered the residence of a foreign national in Lalitpur and threatened those in the house of stern action if they failed to comply with the Maoist's demands ('Nepal press selection list 27 Nov 06' 2006, *BBC Monitoring South Asia*, source: *Kathmandu Post*, 27 November – Attachment 9).

No reports could be located of Maoist sweeps against Christians in Kathmandu in the recent months. According to *The Press Trust of India*, thousands of Christians openly celebrated Christmas without obstacle. The report follows in detail:

As a secular Nepal gears up for its first Christmas, a prominent Christian body today demanded public holidays on the day, as also Good Friday and Easter.

Hindu State Nepal was converted into a secular nation through a Parliament Declaration on May 18, when King Gyanendra lost most of his powers as a result of the popular uprising of April.

At a function organised by Nepal Christian Society (NCS) here to exchange greetings, which was attended by about 500 people, including some political party leaders, demands were also raised for protection to the minority Christians and allocation of specific area for burying their dead.

Prayer services were held in Kathmandu's Nepali Ishai Mandali and neighbouring Lalitpur district's Qqinonia Patan Church. Some 5,000 people attended the Christian musical concert organised in Open Ground Theatre of the city where noted singers Ananda Karki and Ramkrishna Dhakal performed.

Major tourist centres of the city were decorated with colourful lights and Christmas trees.

"This time the Christians here are happier than ever," NSC General Secretary Lokmani Dhakal said but added that though the country has been converted into a secular state, "many laws have to be changed for total religious freedom".

He hoped that as Nepal goes for polls to the Constituent Assembly in June 2007, these changes will be accommodated.

According to the society, there are some 700,000 Christians in Nepal ('First Christmas in secular Nepal' 2006, *Press Trust of India*, 24 December – Attachment 14).

Activities of the Maoist Cadres outside Kathmandu and generally

BBC Monitoring South Asia has regularly cited reports from the local press on the activities of the Maoist cadres in areas outside the Kathmandu Valley. Some samples follow below and these give an indication of the extent to which Maoist cadres are acting, variously, in violation and in accord with the terms of the peace agreement.

From *The Himalayan Times*, 14 January 2006:

Maoists attacked the police post at Khairi Chandanpur of Rajapur across the Karnali River at around 9 p.m., district police office (Bardiya) said.

“Some 50 Maoists armed with domestic weapons like spears and sticks attacked seven policemen at the post,” SP [Supt] Shyam Bahadur Khadka said. Some policemen sustained minor injury, ran away barefooted and came in contact with the district police office after three hours. “Maoists attacked the policemen saying that they did not need the police,” Khadka said.

Meanwhile, Maoists’ attack displaced another police post at Baniyabhara in Bardiya on Friday night. Policemen at Baniyabhara police posts ran away after some 400 Maoists, saying that they did not need police, threatened to set the police post on fire and threw away the police paraphernalia from there.

...Ramechhap [eastern Nepal]: Maoist cadres on Saturday morning turned away the policemen who had gone for the re-establishment of Bethan area police office in Ramechhap District.

“Around 300 locals including Maoist cadres forced the policemen to leave the village immediately on Friday. So the police team left the area on Saturday,” Sanubabu Pandey, a local, informed journalists over telephone.

A group of 15 police personnel who reached Bethan to reinstate a police post were compelled to stay in sheds and hotels after the Maoists and locals did not provide them place to stay. [passage omitted]

Maoists on Friday also sent back police team which had reached Gunsli to re-establish a police post there, and now are staying at Tokanpur VDC [village development committee area].

...Dolpa [western Nepal]: A police team that had reached Liku of Dolpa as part of the second phase of reinstatement of police posts in the district had to return due to obstruction by local Maoist cadres. An 11-member police team led by Assistant Sub-Insp Jit Bahadur D.C. had been deputed from the district police office, Dolpa, to establish a police post there. The team had reached Liku on Friday but returned back the same evening to the recently re-established police post at Tripurakot.

So far two police posts have been reinstated in the district. Liku, Kaigaon and Majhawal were the locations to have the police posts in the second phase. However, the Maoist disagreed to the reinstatement at Kaigaon and Majhawal, as a result an agreement had been reached to establish the police post at Liku on Thursday and to carry out the remaining as per further agreement, Chief District Officer (CDO) Nanda Kesar Tripathi said (‘Nepal Maoists drive away police returning to out-stations’ 2007, *BBC Monitoring South Asia*, source: *Himalayan Times*, 14 January – Attachment 24).

From *The Press Trust of India*, 23 December:

Over two dozen people, including policeman, were injured after around 300 Maoist combatants from a satellite camp allegedly attacked an all-party meeting at Katari Bazar on Wednesday.

The Maoists in Arghakhachi district in western Nepal have reportedly warned district authorities against allocating budgets and urged to stop all appointments in government bodies until the interim government, inclusive of Maoists, is formed ('Locals protest against alleged Maoist attacks' 2006, *Press Trust of India*, 23 December – Attachment 25).

From *The Kathmandu Post*, 6 December 2006:

Maoists told worried parents of a missing son that they had killed their son on charge of spying.

...Refusing to comply with the peace agreement and other accords signed by the government and Maoists, the rebels on Tuesday announced the reactivation of their peoples' government ('Nepal press selection list 6 Dec 06' 2006, *BBC Monitoring South Asia*, source: *Kathmandu Post*, 6 December – Attachment 10).

From *The Himalayan Times*, 6 December 2006:

At least 50 Maoist workers have occupied seven rooms of the office building of the National Construction Company of Nepal in the western town of Pokhara.

Maoist cadres on Monday seized paddy grains from three local farmers, including Raj Kumar Shrestha, at Pokali village in Okhaldhunga district in east Nepal ('Nepal press selection list 6 Dec 06' 2006, *BBC Monitoring South Asia*, source: *Himalayan Times*, 6 December – Attachment 10).

From *The Rising Nepal*, 6 December 2006:

Nepali Congress Central Working Committee meeting Tuesday raised serious concern over Maoists' activities of extortion, abduction and intimidation against the spirit of comprehensive peace accord and the past agreements reached between the seven party alliance and the Maoists.

The Maoist leadership and the UN representatives have agreed that they would select satellite cantonments for the management of CPN (Maoist) combatants and their weapons after the UN secretary-general's special representative Ian Martin returns to Nepal ('Nepal press selection list 6 Dec 06' 2006, *BBC Monitoring South Asia*, source: *Rising Nepal*, 6 December – Attachment 10).

From *Rajdhani*, 6 December 2006:

A Maoist commander has claimed that 40,000 Maoist combatants have come to the cantonment all set up at different parts of the country.

...Due to congested shelter, lack of food and cold weather have made Maoists combatants ill at a camp in Nawalparasi district in west Nepal. The camp houses 2000 combatants ('Nepal press selection list 6 Dec 06' 2006, *BBC Monitoring South Asia*, source: *Rajdhani*, 6 December – Attachment 10).

From *Nepal Samacharpatra*, 6 December 2006:

Two Maoist workers were injured in a scuffle with local people in Achham district ('Nepal press selection list 6 Dec 06' 2006, *BBC Monitoring South Asia*, source: *Nepal Samacharpatra*, 6 December – Attachment 10).

From *The Kathmandu Post*, 29 November 2006:

In two separate incidents in Sunsari District, eastern Nepal, Maoist cadres on Monday thrashed and severely injured two civilians.

Communist Party of Nepal-Unified Marxist Leninist General Secretary Madhav Kumar Nepal on Tuesday urged the Maoists to immediately stop their extortion and tax drives ('Nepal press

selection list 29 Nov 06' 2006, *BBC Monitoring South Asia*, source: *Kathmandu Post*, 29 November – Attachment 10).

From *The Himalayan Times*, 29 November 2006:

Member of parliament and former general secretary of Nepali Congress-Democratic Bijaya Kumar Gachhedar urged Maoists to stop the incidents of collection of donation, abduction and beating civilians.

...The Nepali Army has taken action against two army men for violating the military conduct by being engaged in scuffle with the civilians in Baglung district ('Nepal press selection list 29 Nov 06' 2006, *BBC Monitoring South Asia*, source: *Himalayan Times*, 29 November – Attachment 10).

From *The Kathmandu Post*, 27 November 2006:

A group of around 50 local youth led by a local Maoist cadre beat up the journalist associated with *The Kathmandu Post* Dharma Poudel based in east Nepal's Taplejung District at his home.

...Former Maoist cadre Bipin, who was held by rebels for interrogation on Saturday called human rights workers here from an undisclosed location appealing to them to protect his life under threat from Maoists.

...In Taplejung district, Maoists have been collecting road tax along the Mechi Highway and taxing goods brought in and taken out from the district, according to local businessmen and transport operators ('Nepal press selection list 27 Nov 06' 2006, *BBC Monitoring South Asia*, source: *Kathmandu Post*, 27 November – Attachment 9).

***The Himalayan Times*, 27 November 2006:**

The government and Maoist negotiators could not finalise modalities of managing arms and armed personnel of the Nepali Army (NA) and Maoists' People's Liberation Army (PLA) due to differences over a provision of "regular exercises" to be carried out by personnel of both the sides inside barracks.

...Thousands of students from 22 schools in Sunsari could not appear for the second term examinations that was to begin on Sunday due to the threats issued by the Maoist affiliated students wing, parents said.

The Maoist People's Liberation Army (PLA) now gathered at four different places in Kailali for integration is spending winter nights in the open ('Nepal press selection list 27 Nov 06' 2006, *BBC Monitoring South Asia*, source: *Himalayan Times*, 27 November – Attachment 9).

***Nepal Samacharpatra*, 27 November 2006:**

The far-western regional in-charge of the Maoists party Pampha Bhusal has warned that the combatants would go to the villages for food and shelter if the government fails to take care of them in the temporary camps ('Nepal press selection list 27 Nov 06' 2006, *BBC Monitoring South Asia*, source: *Nepal Samacharpatra*, 27 November – Attachment 9).

The ICG notes that in the lead up to the signing of the CPA, "[e]xtortion, the major source for the some \$30 million the Maoists say they need annually to maintain basic activities, increased more dramatically". It is also noted that: "Following the CPA, initial reports suggest that extortion has decreased but it is too early to judge this trend". The relevant extract follows:

Despite promising not to force donations, it went up for a number of reasons. First, cadres used to raising cash this way could not resist the new opportunities afforded by post-April

lawlessness. Secondly, a series of conventions by student, women, peasant, teacher and other affiliated organisations meant that their members needed to raise money. Thirdly, there appears to have been a calculation that extortion would soon have to end, and it was important to build up funds to see the movement through the remainder of the peace process and the election campaign. Fourthly, urban activity was more expensive, both for individual cadres and institutionally, as were the new demands of mass meetings and other political work. Following the CPA, initial reports suggest that extortion has decreased but it is too early to judge this trend (p.6) (International Crisis Group 2006, *Nepal's Peace Agreement: Making it Work*, Asia Report no.126, 15 December http://www.crisisgroup.org/library/documents/asia/south_asia/126_nepals_peace_agreement_making_it_work.pdf – Accessed 20 December 2006 – Attachment 12).

4. What is the current situation with regard to the Maoists and the government in terms of opinions as to whether the current situation appears to be a significant and lasting change to Nepalese politics?

As is noted above, the ICG is of the opinion that the security situation remains tenuous.

Although the April people's movement produced a dramatic transfer of power, many of the underlying aspects of the political landscape remained unchanged. The king has been chastened, losing much of his dignity and many of his powers. The collapse of palace prestige is notable but it does not mean the country will inevitably become a republic or that the palace can be ruled out as a future political player. The army has a new name and a new commander but despite some cooling of relations with the palace and a new law making it more democratically accountable, it remains largely autonomous and suspicious of the peace process. The mainstream parties and Maoists have hardly altered their political cultures, however much the former have promised to tackle their chronic shortcomings and the latter to reject violence and embrace political pluralism. The most palpable shift has been in the public mood. Opinion polls confirm a solid sense of optimism about Nepal's future, and popular expectations have kept pressure on the SPA and Maoists to deliver a settlement (p.1) (International Crisis Group 2006, *Nepal's Peace Agreement: Making it Work*, Asia Report no.126, 15 December http://www.crisisgroup.org/library/documents/asia/south_asia/126_nepals_peace_agreement__making_it_work.pdf – Accessed 20 December 2006 – Attachment 12).

The ICG is concerned, in particular, by the fact that the cantonment process concentrates, in the main, on the disarmament and monitoring of the ranks of the Maoists regulars of the People's Liberation Army (PLA) but leaves the irregular forces of the Maoist militias relatively unchecked. The ICG is also concerned by the general militancy of the Maoists and the potential for unrest should Maoist forces become disaffected with their treatment and/or the peace process.

The accord effectively recognises the Maoist PLA as a parallel army and initialises plans for its merger into a new national army. In return the Maoists are to give up their hold on the countryside, dissolving their parallel administrations and allowing the state to resume its role as the sole guarantor of law and order. This may happen on paper but the Maoists' ethnic and regional liberation fronts and village-based militias (now also active in urban areas) may take the place of the "people's governments". The peace accord has not defined or limited their role (p.13).

...The Maoist militias are distinct from their main, highly centralised, military force, the People's Liberation Army (PLA). Command of the militias is in the hands of local party

committees; another difference is that their recruits, who function as a rudimentary police force, do not move around the country and generally serve in their own home areas. They are poorly armed and generally without uniform but as a sizeable force (the Maoists claim 100,000) across the country, they are in many ways the most active Maoist presence at village level (p.5, n.25).

...The Maoists had in effect started the cantonment process immediately after the April movement, largely because the ceasefire rendered the PLA the least important of their wings. Preparing for cantonment was a relatively cost-free way to signal goodwill and distract attention from the lingering issue of their separate local militias while starting to argue that the government should contribute to the force's upkeep. Since the agreement was signed, they have set up a committee to manage the cantonment process; reports indicate that Maoist fighters assembled quickly in the designated areas, although their first task is to create their own shelters as little infrastructure is in place (p.25).

...the main question will be what the PLA does inside the cantonments, how it is provided for and how disaffection can be avoided if the process slows. Practical difficulties have already been suggested by a reported outbreak of illness affecting 100 fighters in one camp. Maoist commanders complained the camp lacked basic infrastructure, including a water supply, and that the initial government funds covered only two weeks' expenses. If CA elections are delayed, there will be far greater problems during the monsoon, with attendant risk of illness. Even if elections go ahead on time, dismantling the camps can only take place when the future of their occupants has been decided (pp.25-26).

...The longer-term challenge in demilitarising the Maoists is that armed action is an integral part of their political culture and strategy. Even if they can conform to normal democratic behaviour, it will be hard to make a permanent change in their worldview – especially in a way that does not prompt splits or serious indiscipline (p.26).

...In the short term, the Maoists will likely retain the capacity to intimidate even if they abide by the arms management deal. They are still an organised force with a known capacity for violence. That their frontline fighters are temporarily in camps does not mean that people will be free from fear. If their command structure and country-wide discipline remain intact they can be a formidable force even if armed only with sticks and knives (p.26) (International Crisis Group 2006, *Nepal's Peace Agreement: Making it Work*, Asia Report no.126, 15 December

http://www.crisisgroup.org/library/documents/asia/south_asia/126_nepals_peace_agreement_making_it_work.pdf – Accessed 20 December 2006 – Attachment 12).

On 11 November 2006, Dhruva Adhikary provided an overview of the developing situation in *The Asia Times*. Adhikary's overview reports that the generally upbeat reception given to the agreement of the 8 November 2006 is tempered by doubts: “[w]hile the Maoist leadership fears sabotage from conservative and reactionary elements, the alliance leaders are skeptical about the sincerity and honesty on the part of Maoists.” For his own part, Adhikary sees the military as a less significant player in the current conjuncture; noting that there is “a new military law that has removed traditional linkages with, and loyalty to, King Gyanendra” and that “the November 8 deal specifically stipulates that the army has to follow strictly the orders issued by the cabinet”. Adhikary's report goes on to intimate that the future of the peace is in the hands of the Maoists and that the course that the Maoists will take is made difficult to discern by the mixed signals which the organisation's various leaders have been giving about their intentions, and by the benefits which the Maoists have already won. The Maoists have, for instance, been allocated a significant number of seats in the soon to be constituted interim parliament; giving the former rebels a significant interest in the constitutional process. On the other hand “three top Maoist leaders have publicly said they

would not join the interim government being formed shortly. Instead, they will look for an alternative to be able to form their 'own' government that will allow them to implement their progressive and revolutionary agenda". Some pertinent extracts follow in detail:

Both Koirala and Maoist leader Pushpa Kamal Dahal (aka Prachanda) said Nepal was about to enter a new era. Men and women closely working with them during the weeks and months of arduous negotiations, too, consider that the outcome did constitute a step, if not a leap, forward.

The international community closely watching developments in Nepal also appeared convinced that the peace process was gaining momentum and that it should be maintained.

...Prachanda and his comrades-in-arms had reasons to be exhilarated. The foremost among them is the fact that their party carried weight that is equivalent to that of the seven parties combined.

...The other gain Maoists have made is in the form of a government undertaking to reciprocate the rebel offer to separate combatants from weapons and place them under United Nations supervision. According to agreement, the Nepalese army has to demobilize an equal number of its soldiers until elections to a constitutional assembly are held by next June.

In normal circumstances, the state army would have objected to such an arrangement, but this is not likely to happen now in the context of a new military law that has removed traditional linkages with, and loyalty to, King Gyanendra. Besides, the November 8 deal specifically stipulates that the army has to follow strictly the orders issued by the cabinet. This cabinet, expected to be formed by December 1, will include representatives from the Maoist party as well.

...Prachanda's deputy, Baburam Bhattarai, conceded in a seminar a few weeks ago that Maoists have realized that contemporary trends and events in and around Nepal would not permit them to grab power through the insurgency they were leading. In other words, the latest Maoist commitments are real. They don't want to return to their hideouts in the jungles.

...When Prime Minister Koirala stood before the incumbent parliament on Thursday to explain the importance of landmark deal, he made an appeal to the Maoists to abide by the agreement "in letters and spirit". He said he wanted them to change their conduct and behavior. Koirala, who faced considerable international pressure during negotiations with the rebels, was addressing the concerns of Nepal's friends and well-wishers abroad.

It was reflected, for instance, in the statement the British government issued through Foreign and Commonwealth Minister Kim Howells with respect to the rule of law, "without which any peace agreement will be inherently fragile". In other words, the Maoist leadership must work to ensure the end of the phase of anarchy through extortion, abductions, and beating and killing innocent people.

Prachanda canceled a public meeting scheduled for Friday in the wake of widespread complaints from the residents of Kathmandu Valley that they were forced to agree to feed and provide accommodation to thousands of people who were brought into the valley to attend the meeting to be addressed by the top Maoist leader.

...Apprehensions that Maoists might use the latest peace deal to advance their agenda in a subtle manner are based on the failed deals of the past. Each of the agreements reached since August 2001 has been made redundant by Maoists. There is, therefore, no guarantee that the rebel leadership will not use this latest opportunity only as tactical move.

Knowledgeable sources on security matters claim that top Maoist leaders have told members of their “core group” that what they were doing was in essence a change of strategy alone. It is in this context that three top Maoist leaders have publicly said they would not join the interim government being formed shortly. Instead, they will look for an alternative to be able to form their “own” government that will allow them to implement their progressive and revolutionary agenda (Adhikary, D. 2006, ‘Nepal’s experiment with Maoism’, *Asia Times* online website, 11 November http://www.atimes.com/atimes/South_Asia/HK11Df01.html – Accessed 29 November 2006 – Attachment 5).

In a subsequent article, published on 5 December 2006, Adhikary appears to be all the more convinced that the monarchy is a spent force and that the real danger to a future democratic Nepal is Prachanda’s Maoists. Noting that the US, India and China have all signalled their willingness to accept a democratic dismissal of the King, Adhikary argues that this, along with the changed governance of Nepal’s military, makes a military coup unlikely. Adhikary is disturbed by the failure of Maoist forces to curb their ongoing abuses and by the aggressive signals being issued by the Maoist leadership. Some pertinent extracts follow:

Left-leaning politicians [have] read King Gyanendra’s words as a signal of his planned move to mobilize rightwing parties and elements – with “moral” support from Hindu nationalists in India – to stage a comeback.

Even if this may not be feasible in the immediate future as the state army is no longer under his command, his courtiers and supporters could still create a favorable atmosphere during the elections to the constitutional assembly, scheduled to be held by next June.

...Neither have signals coming from prominent members of the international community been particularly encouraging for the king. Initially, Washington believed that the monarchy was needed to make democratic forces stronger – in view of the threats Maoists posed on the population. That perception altered with the passage of time, especially after King Gyanendra ignored pleas to reach out to political parties.

Instead, he pushed the seven party leaders closer to the Maoists, who assured them that they would renounce the politics of violence. US envoy James F Moriarty no longer considers the monarchy indispensable for Nepal. “We have repeatedly clarified that it is for the Nepali people to decide the fate of the monarchy,” Moriarty told an audience in Pokhara, a tourist spot in the west, on Friday.

The Indian position is not markedly different from that of the American’s. The latest Indian stand was made public also on Friday by a visiting Indian diplomat at a press conference. What Shiv Shankar Mukharjee, foreign secretary, said also indicated that New Delhi would support the decision of the people of Nepal. This position clearly entails a shift in India’s previous stand that the constitutional monarchy and multiparty democracy were the twin pillars required to provide stability to Nepal.

...Officially, the Chinese have always said that they respect and accept the verdict of the people of Nepal. The peace accord of November 21 has left little room for King Gyanendra to make any maneuver to salvage the throne. It further reduced his role and envisaged nationalizing the property he owned as Nepal’s head of the state. According to the plan, the very first meeting of the Constituent Assembly, expected by next June, would take a formal decision on the monarchy.

...Those who fear a ruthless communist rule by Maoists are already looking into a dark future. Despite the peace accord and pledges to engage in competitive politics, Maoists have yet to match their words with deeds. Their guerrillas in the countryside have not shown signs

that they are abiding by the directives issued by the central command or are heeding the calls and appeals of the United Nations, which has been entrusted with the responsibility of confining combatants and their weapons to designated camps and stores.

The Maoist leaders has not yet offered a clear and unconditional apology to the people for the deaths and destruction they inflicted since the time they launched their “people’s war” 10 years ago. And their “revolutionary” messages churned out through public platforms have left plenty of room to be skeptical about their ultimate goals. A speech by top Maoist leader Pushpa Kamal Dahal, aka Prachanda, delivered to an audience in New Delhi, is one more example to prove the point.

Addressing a Hindustan Times leadership summit on November 18, Prachanda described parliamentary democracy as “farcical” as it was based merely on formality and elections. In other words, his views in New Delhi did not tally with his promises in Kathmandu that the Maoists would soon transform themselves into a political party and involve themselves in peaceful political processes.

...there is no dearth of people who are appalled at the manner in which Koirala and other leaders of the alliance have yielded to the pressures unleashed by Maoists.

According to them, the Maoists have had several of their demands fulfilled without having to make any matching contribution. Armed Maoist cadres across the country continue to terrorize people by resorting to extortion, abduction and intimidation.

...By adopting contradictory principles and sending conflicting signals in the intervening months, Maoists have provided a basis for suspicion about their intentions.” They have only changed gears,” a high-ranking officer of the Nepal Army told Asia Times Online. He said it was unfortunate that the politicians in power did not understand their strategy and got carried away by their hollow promises.

Senior army officers believe that the Maoists have succeeded in browbeating rival leaders belonging to the Seven Party Alliance; the next Maoist target is to weaken the army, which is currently commanded and mobilized by the civilian government. Commanders of the army do not appear happy with their civilian masters, who did not find it necessary to share the contents of the peace draft before it was signed into an accord on November 21.

...Ostensibly, there is no immediate threat of an army takeover in Nepal, which has not happened in recent history. Still, the Maoist leadership does not appear fully confident about the situation. Had that not been the case, top Maoist leaders, including Prachanda, would not change his shelter every day. If a visitor has seen Prachanda (or his deputy Baburam Bhattarai) coming out of a tourist hotel today he or she is likely to find him at a relative’s home the following day. Armed security personnel drawn from their People’s Liberation Army are seen escorting their comrades round the clock (Adhikary, D. 2006, ‘Nepal’s royal road to disaster’, *Asia Times Online* website, 5 December http://www.atimes.com/atimes/South_Asia/HL05Df03.html – Accessed 5 December 2006 – Attachment 7).

In his most recent analysis of the situation, published on 6 January 2007, Adhikary notes that the political initiative appears to be with the Maoists, who are less divided than rival groups and who remain willing to mobilise forces in support of their aims while the forces of the state remain either confined to barracks or repelled by Maoist cadres. Some relevant extracts follow:

...despite the pact – and several other confidence-building measures – Nepal’s population of about 25 million is not securely free from Maoist intimidation and extortion.

For example, cantonments have been set up in various places to house combatants, and the government has already released money for their upkeep, but Maoist groups continue to collect “taxes” from a number of sources, ranging from bus drivers working in national highways in Terai (flatland in the south) to schoolteachers in remote hill districts. Senior Maoist leaders have given interviews to media defending the continuation of their tax collections. This practice will continue until the party joins the government, Baburam Bhattarai recently told a radio interviewer.

Violations of the agreement continue to take place across the country. Understandings and agreements reached at the central level, between the Maoist leadership and leaders of seven political parties in power, are being visibly ignored by the Maoist cadres at district and village/town levels. Hundreds of thousands of internally displaced persons have, for instance, not been allowed to return to villages where they had homes and farmlands. Their properties have been forcibly seized by Maoist workers.

To make matters worse, the Maoist leadership resisted government decisions to re-establish hundreds of police stations uprooted by rebels during the insurgency. Civilian officials assigned to run village and town councils as secretaries are hesitant to return to their work stations, fearing Maoist attacks.

The coalition government led by Prime Minister Girija Prasad Koirala contends that police presence and resumption of routine work by village secretaries would help restore an atmosphere conducive for elections to the constituent assembly, but Maoist leaders tend to look at the government initiatives as a ploy to stop them joining the interim government per the provisions of peace accord. On Wednesday, top Maoist leader Pushpa Kamal Dahal (aka Prachanda) issued a statement abandoning his earlier stand on police posts and village secretaries.

...A shared view on the current draft [interim constitution] is that it is more of a political deal than a legal document with constitutional legitimacy. From the standpoint of ethnic and regional groups, even this political deal is incomplete because it fails to insert commitments made for ethnic autonomy as well as a federal structure within Nepal. The more striking – and disturbing – point is that the dissatisfied and dissenting voices include those expressed by notable partners in the coalition itself.

One of the two factions of a pro-India regional party, for instance, went to the extent of giving a call for a general strike on December 25 in southern districts bordering the Indian states of Bihar and Uttar Pradesh. Ensuing clashes reported on that day from some places led to a major confrontation in the far-western town of Nepalgunj, engaging native speakers and residents with hill origins.

The Koirala-led government has one minister from the party, Nepal Sadbhavana (Anandi Devi), which gave the strike call to register its dissatisfaction with the draft (on the ground that it does not have provision for regional autonomy), but he has not volunteered to take moral responsibility and quit the post. Nor has Koirala dismissed him from the government.

Police units deployed in the Nepalgunj area did not dare go into action when the violence erupted, leading to one death and scores of injuries. And central authorities in Kathmandu said they were unable to mobilize the Nepalese army because the peace accord between the government and Maoist rebels forbids deployment of soldiers from the army barracks.

There is a widespread fear that in the absence of an effective security apparatus, violence might spread to other areas of the country as the number of ethnic/regional groups continue to issue threats to take to the streets. One lurking fear is that the pro-monarchist group, now working covertly, might try to fish in the troubled waters. Law and order have already been a

serious challenge, with reported cases of theft, thuggery and rape on the rise throughout the country (Adhikary, D. 2007, 'Nepal: Little peace for the peacekeepers', *Asia Times Online* website, 7 January http://www.atimes.com/atimes/South_Asia/IA06Df03.html – Accessed 10 January 2007 – Attachment 28).

The Independent's Justin Huggler has reported that a number of disturbing signs have attended the many recent positive events in the Nepal peace process. On 9 November 2006, at a time when much of the press was focused on the positive nature of the peace deal of 8 November, Huggler reported that: "many Nepalis still fear the Maoists' real aim is still to seize power"; that "[i]n Kathmandu yesterday, hundreds took to the streets in angry protests against heavy-handed behaviour by the Maoists, who had ordered every household in the city to open its doors to Maoist fighters arriving from the countryside for a victory rally"; and that the "[g]uerrillas have been mounting their own vigilante police patrols in Kathmandu during the peace talks". Commenting on the terms of the peace deal under which "Maoist fighters... will stay in 28 special camps, where their weapons will be monitored by the United Nations", Huggler observed that: "it remains to be seen how long they will be prepared to live in the camps". Overall, Huggler's reporting gives the impression that the competing interests at work in Nepal – the Maoists; the Koirala led government; the King; and the security forces – are headed towards further confrontation. On 21 November 2006, Huggler reported that "[m]uch of the army, which guards the palace, remains fiercely loyal to King Gyanendra and bitterly disappointed with the way events have turned out" (Huggler, J. 2006, 'Peace hopes rise in Nepal as Maoists agree historic deal', *The Independent*, 9 November <http://news.independent.co.uk/world/asia/article1962695.ece> – Accessed 29 November 2006 – Attachment 2; Huggler, J. 2006, 'King of Nepal faces "punishment" over killing of protesters', *The Independent*, 21 November <http://news.independent.co.uk/world/asia/article2001492.ece> – Accessed 29 November 2006 – Attachment 1).

On 23 November 2006 *The Economist* expressed the opinion that, for the time being, the "peace remains a truce" and that "implementation of the deal remains daunting". The report notes the euphoria which has attended the signing of the twin peace accords of 8 and 21 November 2006 and the latter's declaration that the war is at an end. Nonetheless, the report notes that peace process has been jeopardised by a poorly implemented disarmament program and the aggressive recruitment activities of the Maoist forces. The relevant extracts follow:

This week thousands of rebel guerrillas arrived at seven designated "cantonments" around the country as part of a disarmament process agreed on November 8th. According to the twin accords, their weapons are to be stored in locked armouries. Maoist leaders will keep the keys but a United Nations team will install monitoring equipment. An equal number of army personnel and weapons will be similarly confined.

These arrangements rely largely on trust, but Ian Martin, head of an embryonic UN monitoring team in Kathmandu, believes they can work. Maybe so, but when rebels reached the cantonment site at Dasharathpur in south-west Nepal this week there were no toilets, much less an armoury, and not a UN official in sight. The rebels propped their guns against trees as they set about clearing scrub and tidying their new home.

...However, the biggest problems with the ceasefire so far are all the rebels' own fault. This month they have staged a systematic recruitment drive, persuading and coercing thousands of schoolchildren into their army, in order to swell numbers in the camps. In other ways, too, cadres still act like thugs. The agreements call for the rebels to join an interim government on December 1st, but rule that out until their fighters have stopped misbehaving and are out of

the way in UN-supervised camps. Until that happens, peace remains a truce ('The peace prize' 2006, *The Economist*, 23 November http://www.economist.com/world/asia/displaystory.cfm?story_id=E1_RPTJVQV – Accessed 29 November 2006 – Attachment 4).

In a report published on 5 December 2006 by *The Christian Science Monitor*, Georgia Southern University's Dr Dharma Adhikari has expressed the view that "after two failed peace deals, in 2001 and 2003, this [2006] accord offers genuine prospects of peace". Even so, Adhikari's article goes on to express reservations about these prospects and to note that: "[d]espite the accord, [Maoist] excesses, in the form of abductions, extortions, recruiting, and forced labor, continue". Some pertinent extracts follow:

The news last month from Kathmandu, Nepal's capital, came as a rare and surprising bout of joy. The country's prime minister and the leader of an insurgent Maoist group signed an agreement to end the bloody 11-year civil war that has killed 13,000 people, displaced up to 200,000 more, and caused untold human suffering.

The joy is justified because, after two failed peace deals, in 2001 and 2003, this accord offers genuine prospects of peace for the nearly 30 million people who live in the impoverished, Himalayan country.

...The historic deal enjoins the government and the Maoists to lock up their arms under UN supervision. That should help create an environment for a free and fair election to the Constituent Assembly (CA), slated for June 2007.

...In recent months, Prachanda (which means "the fierce one") has dropped calls for a communist republic, settling instead for a competitive, multiparty democracy. He has admitted that a purely Maoist utopia is now geopolitically impossible. By all indications, he is going mainstream.

...Behind the overture and joy, however, is a more-complex message. Nepal's challenge now is to manage an insurgent democracy radicalized by the ultraleft. Democratic peace is far from won.

Monitoring arms and elections will not be easy. There is no guarantee that the Maoists will report all their weapons. Despite the accord, their excesses, in the form of abductions, extortions, recruiting, and forced labor, continue (Adhikari, D. 2006, 'Joy and caution in Nepal's peace deal', *Christian Science Monitor* website, 5 December <http://www.csmonitor.com/2006/1205/p09s01-coop.html> – Accessed 5 December 2006 – Attachment 6).

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