

CONFLICT PREVENTION INITIATIVE

Setting Priorities for Preventive Action in Nepal
Final Report of the Web Conference

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SETTING PRIORITIES FOR PREVENTIVE ACTION IN NEPAL
FINAL REPORT OF THE CONFLICT PREVENTION INITIATIVE WEB CONFERENCE

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I. INTRODUCTION

The Conflict Prevention Initiative of the Harvard Program on Humanitarian Policy and Conflict Research convened an online conference on setting the priorities for preventive action in Nepal from 25 January to 1 February 2001. Eighty respected scholars, NGO activists and officials were selected from Nepal and around the world to join this important forum. The participants were carefully chosen to represent a wide variety of different perspectives on the sources of the current insecurity.

The objective of the conference was to provide a closed forum for the exchange of information and analysis on the sources of social, political and economic insecurity in Nepal as well as to deliberate on the most effective strategies for conflict prevention in the region.

This conference was the first to develop the use of online conferencing to facilitate exchange between scholars and practitioners from around the world on conflict prevention strategies. This provided an opportunity to bring together a diverse group of individuals, many of whom would be unable to meet in a more traditional forum.

This report presents a succinct summary of the main issues and findings of the online discussion, including recommended policies for organizations involved in the promotion of human security in Nepal. It summarizes over 140 contributions by over 80 participants, many of them from Nepal. The contributions were not censored and represent a vast array of political opinions regarding the sources of instability in Nepal. The role of the Program was to present the various perspectives and distill innovative recommendations from the discussion, and not to determine the value of these observations or to judge their appropriateness. **Consequently, the report reflects the views of the participants and not necessarily those of the Harvard Program.**

The report is divided into three sections. The first section outlines the historical background of the unrest. The second provides a discussion of the most significant factors contributing to the current instability. An analysis of a wide range of measures that may contribute to increased stability in Nepal forms the final section.

II. BACKGROUND

Democratic changes swept through Nepal in 1990, bringing high hopes to many in a country plagued by some of the lowest standards of living in the world.¹ Yet nearly ten years later, daunting challenges remain.

The “People’s War”, an armed uprising by Maoist insurgents, was launched on 12 February 1996 under the command of Pushpa Kamal Dahal, or “Comrade Prachanda” as he is widely known. The Maoists have found considerable support among those dissatisfied with the corruption and lack of development under parliamentary democracy. The ultimate goal of the Maoist party is to overthrow the government and establish a people’s democratic republic in the creation of a socialist society.

Since the onset of violence, more than 1,600 people – primarily police, suspected insurgents, informants and innocent civilians - have been killed. The conflict has intensified since the spring of 1998, with almost daily violent incidents in some areas of the country. The influence of the Maoists is strongest in the economically and socially deprived north and west². But violence has now spread to well over half of Nepal’s 75 provinces. Today around 1.5 million of Nepal’s 24 million citizens are said to live in areas under Maoist control, and the insurgents have set up parallel government structures in many villages.

¹ See the Human Development Report reference to Nepal 144 - 174 HDR 2000, available at <http://www.undp.org/hdro/HDR2000.html>.

² An administrative map of Nepal can be found at http://www.reliefWeb.int/mapc/asi_sth/cnt/npl/npl_ad1.html.

Maoists are reported to have mustered considerable sympathy among students and in December 2000 were successful in enforcing a nationwide school strike, closing nearly 40,000 schools and affecting more than five million students.

The Nepali government is under considerable pressure due to limited resources and fragmentation within political parties, making effective governance difficult. The government has found itself frequently unable to devise effective strategies to contain the violence. The government has viewed the uprising primarily from a security perspective and employed often ill-equipped and poorly trained police forces in counter-insurgency measures. The majority of deaths over the last five years have been the result of direct clashes between the police and the insurgents. Human rights groups, including Amnesty International, have reported an escalation in human rights abuses since 1996, listing among them extra-judicial executions, “disappearances,” torture, arbitrary arrests and detention. In these reports, the Maoists insurgents have also been accused of human rights abuses, including raping local women, and killing or kidnapping civilians.

The first political dialogue between the Maoist insurgents and the government of Nepal was held in October 2000 at a secret location in Kathmandu. Both sides have declared their willingness to hold further talks, but it remains unclear whether such talks will ever materialize.

In the absence of successful negotiations, many believe the situation can only worsen and that the resolution of the conflict will depend on the ability of one of the two sides to achieve a significant victory. The necessary strategies and opportunities for a substantive political dialogue are necessary before the parties can be expected to seek a peace settlement for which neither is currently prepared.

III. FACTORS CONTRIBUTING TO INSTABILITY IN NEPAL

The participants in to the Web conference engaged in a lively and extended debate on the causes of the current instability in Nepal. The following factors, identified by the participants as the most significant, have increased the level of dissatisfaction and resentment among the Nepali people. This resentment has contributed to the success of the Maoist movement in capturing support for their activities. These factors should not be considered in isolation, but as an interrelated stimulus for mounting unrest.

A. Political and legal factors

1. Frustrated democratic expectations

The 1990 revolution brought a new Constitution to the Nepali people along with revived hopes and expectations for a democratic polity with equal access to power for all, freedom of expression and the right to form political parties. The revolution established a constitutional monarchy and enlarged the sphere of political life in Nepal. Although relatively free and open elections have since been held on a regular basis, these changes failed to fulfill all of the democratic expectations of some Nepali citizens. The new political leaders, many of them from the urban Brahman elite, continued to reinforce traditional hierarchies in political, economic and social organizations, and failed to change fundamentally the power structure of a society that many considered discriminatory. The majority of the population was thus excluded from benefiting from the new constitutional system and remained marginalized in political and economic terms. The optimism of 1990 and the frustration that followed created inevitable resentment.

2. Inequitable political representation

Although the 1990 Constitution guaranteed equal treatment before the law of the different ethnicities and castes in Nepal, the document defined Nepal as a Hindu state. This designation is a powerful symbolic issue in Nepal as it is supported by the high-ranking Bahun and Chetri castes, to which all other castes were legally held to be socially inferior before 1951. The clause has thus drawn much resentment from

those who feel excluded from the process of governance on the basis of caste or ethnicity. In addition, ethnic minorities have continued to be underrepresented in politics, the legal profession and the civil service.

3. *Corruption and loss of credibility*

Some of the participants argued that the ruling elites in Nepal have shown themselves unable as yet to develop and implement coherent strategies for addressing the needs of the Nepali people, and to overcome corruption among their ranks. For example, a significant number of politicians of all ideological affiliations are suspected to be profiting from South Asian smuggling. These suspicions have led to a significant loss of credibility of many of the democratic institutions in Nepal in the eyes of the citizens. In comparison, many have been impressed by the comparative order with which the Maoists have been able to provide public services in the areas under their control. The contrast has won the Maoists many supporters.

4. *Government inability to address human insecurity*

The violence in Nepal has claimed the lives of more than 1,600 people since it began in 1996, among them Maoist guerrillas, police officers, alleged police informers and innocent civilians. Many have reported police involvement in cases of extra-judicial killings and the disappearance of individuals in their custody. The police have also been accused of concerted repression and discrimination against peasants and ethnic minorities, whom they consider to be Maoist supporters. The Maoists have also conducted violent attacks against police officers and suspected informants. The combination of an inability to contain and address Maoist violence and the tendency of the police to violate human rights has done little to improve the standing of the authorities among the citizens.

B. *Social and ethnic factors*

1. *Historical roots of social inequality*

Many consider social and ethnic inequality to be the main cause of the current crisis in Nepal; however, many participants argue that the unrest cannot be characterized simply as an ethnic conflict. It must be remembered that, until the onset of the current instability, the various ethnicities and castes lived together in near harmony. Recently, the complex social and ethnic structure of Nepali society has combined with economic and political factors to create growing inter-group resentment. The Maoists have accused the government of buttressing social and ethnic hierarchies, which has given them the opportunity to present themselves as defenders of those discriminated against by the state. This fact is reflected in a high level of support for the Maoists in the lower castes and the more disadvantaged ethnic groups.

2. *Ethnic desire for autonomy*

Ethnic minority groups have also been drawn to the Maoist cause by promises of autonomy. Though they are not separatists, the Maoists have used this promise to rally ethnic activists to their ranks. Some observers have expressed concern that this encouragement of secessionist ethnic movements to seek autonomy may result in increased demands for the fragmentation of the territorial unit of Nepal along ethnic lines – a result which would be unlikely to please the Maoist insurgents.

3. *Women and youth*

Although some scholars maintain that the Maoist movement is as patriarchal as other structures in Nepal, the movement has made a particular appeal to women. For example, a demand for property rights for women was among the 40 Point Demands presented by the Maoists to the government as a prerequisite

for negotiations.³ Women now constitute a third of the Maoist movement in some of the most affected districts. In addition, some scholars have argued that literacy programs funded by Western donors in the remote districts of Nepal have unintentionally provided fertile ground for recruitment for the Maoist insurgents who offer one of the few ways for educated Nepali women to work for social change in rural Nepal.⁴

Nepali youth is also well represented in the Maoist ranks. Increased education coupled with a lack of employment opportunities have caused acute frustration among rural Nepali youth, leading them to seek self-expression in the movement.

C. Economic factors

1. Rural poverty

Participants argue that successive governments have failed to address the entrenched poverty of Nepal's rural population. A semi-feudal economy, based on subsistence agriculture with low productivity levels, has kept the rural districts in a state of underdevelopment. The urban political elite has neglected political realities at the rural level, providing the poor with no tangible redress for their frustrations. The Maoists have presented themselves as focusing on the needs of the "people of the hills" and thus hold considerable appeal for these Nepali citizens.

2. Lack of confidence in financial institutions

Economic and financial institutions have also been dogged by the same charges of corruption as political actors. The ensuing lack of confidence in financial institutions and the corresponding lack of private sector investment in Nepal have done little to improve Nepal's economic outlook both in the short and long term. The dismal state of the economy has reduced the possibilities for employment and has spurred the emigration of some of the most talented of Nepal's citizens.

D. Regional factors

1. Nepal and India

The shadow of India haunts the politics and economy of Nepal. A number of Nepali politicians and Maoist leaders received an Indian education, and many Nepalis are deeply influenced by Indian politics and culture. Yet, India's economic presence is even more significant. Indian employment opportunities lure a large number of Nepalis to India as seasonal migrant workers. While most of this migration is voluntary, the trafficking of women and children across the Indian border remains a significant problem. Indian dominance has drawn considerable resentment among the population of its smaller and less powerful neighbor. Anti-India sentiment frequently forms part of nationalist political platforms and has occasionally erupted into violent protests on the streets of Nepal.

2. Nepal – the 'battleground' of its neighbors' interests

Many Nepalis fear their country has become a proxy battlefield for India and Pakistan, who have each established intelligence services in Nepal. Reports have also linked smuggling networks in Bombay with the Pakistani intelligence service and various Nepali groups. These factors have prompted the Maoists to include the closing of the border with India among their main demands – a platform that has proved popular among many Nepalis.

³ The Maoists 40 Point Demands can be found at <http://nepalresearch.com/politics/background/maodem.htm>.

⁴ See "Empowerment with a Twist" by Rita Machanda, *The Hindu*, 21 November 1999 available at http://preventconflict.org/conference/nepal_conference_keynotes3.html.

E. International factors

1. Perceived outside interference

Many Nepalis believe that international actors have exacerbated the conflict in Nepal. The main international actors perceived to have a significant role in the dynamics of the conflict are development and donor agencies, which are fairly prominent in Nepal. The participants made no mention of the work of the United Nations. Some consider that the work of international donors in Nepal has contributed to the success of the Maoist movement by raising the expectations of rural people for the development of their region. However, development projects are often perceived as benefiting only a small number of people, leaving the majority with a heightened sense of deprivation and inequality. Other Nepalis are suspicious of the conditionality of aid, and suspect that international organizations direct development money to their own advantage. Many resent the impact of perceived economic and political imperialism by western actors of all stripes.

IV. RECOMMENDATIONS FOR PREVENTIVE ACTION IN NEPAL

The participants identified a number of recommendations to address the sources of human insecurity in Nepal and to contain the conflict, ranging from ways to de-escalate the violence, to long-term efforts to combat the causes of instability. Many Nepali and Western participants considered that solutions should come from within Nepal, and not be imposed by external actors. All were concerned that any effort must be concerted and holistic, addressing in a strategic manner all of the major sources of instability.

The two recurring themes in the deliberation were the need to engage the government, the political parties and the Maoist insurgents in a dialogue on the sources of insecurity in Nepal and the possibility of launching a referendum on key political issues. These suggestions, however, were far from being clearly defined.

The sections below discuss the recommendations of the participants in some detail, ending with clearly stated policy recommendations.

A. Political and legal measures

1. Dialogue among political actors

The most common suggestion from the participants was a call for a substantive dialogue between the disputing parties. This is considered particularly urgent as an escalation of violence may divert attention from key political, economic and social issues that require attention. Yet there are many differences of opinion about the feasibility of such an exercise and the likelihood of a successful outcome.

Both the government and the Maoists have declared themselves open to the possibility of dialogue, although there is considerable disagreement about how a negotiation would proceed. Some suspect the sincerity of this enthusiasm, however, considering calls for ‘dialogue’ a political slogan to which the main actors periodically pay lip service. The government may be less willing to negotiate with Maoist groups, considering them terrorists who should not be officially recognized or given publicity for their platform. This unwillingness may be their reason for not abiding by the demands presented by the Maoists as prerequisites for dialogue.

Although there are high hopes for positive outcomes from dialogue, many fear that long-term results are unlikely. Potentially, dialogue could bring about agreement on key issues such as the control of corruption and the commencement of a discussion on the development of concrete strategies to address fundamental economic, social and ethnic problems, in particular some of the Maoists’ complaints

regarding the range of injustices suffered by women, minorities and the lower castes. Dialogue could also result in agreement to abide by Common Article 3 of the Geneva Conventions, ending attacks on civilians. However, some participants argued that many of the Maoists' demands cannot be settled by dialogue and, for this reason, violence is likely to outlast even a successful negotiation. For example, the government could not agree to abolish the monarchy, one of the Maoists' 40 Point Demands.⁵ Some are also concerned that any agreements reached would not be implemented in good faith by the two parties.

□ *Recommendations*

Efforts must be made to develop an atmosphere of trust and to prepare an agenda for dialogue that all parties could accept. The negotiators should focus on major points of governance and those issues that could be easily agreed by all parties. Those chosen to represent their parties must be devolved sufficient authority to allow flexibility in the negotiations. Expectations should not be set too high and a clear strategy is required. There may be a role for third-party negotiators but outsiders must be wary of interfering too directly with the modalities of the dialogue. It will also be necessary to set the groundwork for the rehabilitation of the insurgents into the mainstream of national life. One of the issues to be discussed could be a referendum on the form of government in Nepal.

2. *Referendum on the form of government*

Many of the participants were enthusiastic in their call for a popular referendum on the form of government in Nepal. Some base their proposal on the precedent of the 1951 proclamation by King Tribhuvan, promising the election of a Constituent Assembly in which the people could draft their own constitution – a promise that was never fulfilled. Proponents argue that this may prove the most democratic path out of the present legitimacy quandaries. A referendum would rely on the will of the people, rather than on formal and legalistic requirements. Some observers believe that once the people have come to a decision, the Maoists would have fewer grounds to garner support for their cause. According to some, a referendum would prove a speedier resolution than lengthy negotiations and would only require the political will of National Congress leaders and the King. A referendum could also address issues that fall outside the power of the conflicting parties and so would have no place at the negotiating table. An example would be altering the role of the monarchy.

However, the subject matter of a referendum and the process for holding one remain unclear. Some think that the modalities of a referendum would be complicated and would entail lengthy prior negotiations during which the parties are unlikely to agree. A few participants were concerned that an interim government would be needed, requiring the Nepali Congress to share power with the Maoists, an arrangement they are unlikely to support.

In addition, a referendum may put into question the entire existing legal and political framework, resulting in the creation of a new constitution – the sixth for Nepal in 50 years. A referendum is now unconstitutional. It may also be unpopular among Nepalis, rekindling memories of the contentious 1981 referendum, which upheld the undemocratic panchayat system. Some suspect that the ruling authorities would use the referendum as a trump card in their struggle against the Maoists while others believe it would be succumbing to the Maoists' demands. Many observers also believe that holding a referendum would be to skirt the main issues. The problem in their eyes is not the form of government but its misapplication by the current regime.

□ *Recommendations*

If efforts to resolve the unrest within the current constitutional framework fail, a referendum on the form of government could be considered. Such a decision should not be taken lightly. Before any

⁵ See note 3 above.

steps are taken, agreements will be needed between all parties to agree on the precise options presented to the people. A referendum could be considered as part of a negotiation process.

3. *Constitutional reform – role of the monarchy*

Although many have been impressed with the rule of the present monarch, King Birendra, some participants have questioned the necessity of maintaining a monarchy in Nepal. Ending the kingship is one of the Maoists' central demands. Many participants believe the institution is inconsistent with true democracy in Nepal and that change is inevitable in the future. The monarchy is also suspected of undermining democratic institutions by forming an alternative locus of power.

Removing the king would entail significant constitutional reform in Nepal, which may be undesirable in the current state of instability. Some fear that the abolition of the monarchy would be catastrophic, removing one of the few national institutions in Nepal still untarnished by accusations of corruption. It is not clear this action would improve the likelihood of peace.

□ *Recommendations*

Major reform of the constitutional monarchy should not be considered as a strategy for preventive action in Nepal in the short term, as the king is one of the few stabilizing forces in the country. In the long term, however, some participants believe that such a move may be contemplated to allow the strengthening of democratic institutions.

4. *Government treatment of minorities*

Existing laws that govern the treatment of minorities are not always implemented, and discriminatory treatment of minorities at the local level has mobilized considerable support for the Maoists. A government policy more carefully devised to avoid caste, religious and ethnic discrimination would decrease inequalities and attract people to the mainstream who may otherwise be swayed by more radical factions. Some have been careful to note that government actions on behalf of ethnic minorities will not appease all the claims of the more radical groups and the Maoists.

□ *Recommendations*

The implementation of existing laws governing equal treatment of minority groups must be improved immediately. Where there are gaps in existing mechanisms, new laws should be drafted to ensure equitable and fair treatment to all Nepalis and avoid the frustrations that have led to violence in the past.

5. *Constitutional reform –ensuring the legal protection of ethnic minorities*

According to many participants, political instability in Nepal is rooted in the plight of the ethnic minorities, and some advocate constitutional change to provide formal clauses of legal equality. The clause in the Nepali Constitution that describes Nepal as a “Hindu” state has become notorious among those hoping for a multi-ethnic, multi-religious Nepal. Despite the Constitution’s designation of Nepal as multi-ethnic and multi-lingual, some are concerned that it remains too silent on the equality of all minorities. The most important of these concerns could be answered by minor amendments to the present framework – designating the state as “multi-religious” would be a prime candidate.

As the Constitution already contains the necessary provisions, some believe that the protection of minorities must be addressed in terms of the implementation of relevant laws and the representation of minority people within the government.

Some hold that the majority-rule electoral system, i.e. 'winner take all', inherited from the West, is incompatible with a multi-ethnic Nepal. Accordingly, they believe that it is only through proportional representation that small and disadvantaged groups have the opportunity to air their grievances. Yet, others have responded this may prove a recipe for further instability, as proportional representation will bring the need for the formation of unstable coalitions among the political parties.

A fairly undisputed means to improve the situation of minority groups is through increased representation in the central government and other loci of power. Many agree that the declared multi-ethnic state of Nepal must have a multi-ethnic government body. Without increased representation, mainstream Nepali society will be unable to draw loyalty from these groups, and they will continue to be attracted to the Maoists. Methods must also be found to improve the representation of women, the landless and the illiterate. All these disadvantaged groups must be given a chance to participate in the political process and exercise real power. One participant suggested transforming the Upper House of government to ensure representation of minority groups in the government.

The Maoists have drawn support from ethnic minorities with promises of autonomy. However, the right even to limited autonomy would require a national consensus that is unlikely to be achieved in the present climate. Some participants have argued that this program is highly problematic. The recognition of a right to self-determination could lead to the eventual fragmentation of the territorial unity of Nepal and potentially to civil war. A solution could instead lie in promoting the participation of minorities in the existing government and ensuring that the centers of power recognize their claims.

□ *Recommendations*

Amendments to the Constitution to make Nepal a multi-religious state could be considered in the medium term. In the short run it would be more useful to stress the implementation of existing provisions for the protection and equality of ethnic minorities. Comparative analyses of national laws for the protection of minorities in various countries could provide interesting inputs into the political debate in Nepal. Although improving the representation of minorities is essential to a flourishing of democracy in Nepal, establishing proportional representation may not be the most effective means to accomplish this in the short or medium term.

Discussions should begin on strategies to improve the representation of ethnic minorities, women and other underprivileged groups within the government system. The illiterate and landless should be given particular attention. The establishment of a legislative body representing ethnic minorities, for example in a new Upper House, could offer an interesting alternative to proportional representation. Similar institutions in other countries could inspire Nepali political parties in addressing the representation of minority groups.

Self-rule among ethnic minorities should not be directly encouraged. Instead, efforts should be made to begin a dialogue on the legitimate grievances of ethnic minorities and seek the increased representation of minorities in positions of power.

6. *Improve the legitimacy and reputation of politicians*

The falling reputation of politicians in Nepal forms a crisis in the legitimacy of the democratic institutions in the eyes of many observers. Politics is not generally viewed as an honorable profession and politicians are only expected to look after their own interests. The need to root out political corruption is seen as a prerequisite for all other positive changes within Nepal. The Maoists have benefited greatly from their comparatively untainted image and could become an increasingly strong force unless the government finds ways to improve its record. Many believe that those in power are ready to address this issue but have not as yet identified the concrete measures necessary to combat corruption. If these measures are

adopted unilaterally by the government outside the context of a dialogue, much of the attraction of radical groups will be removed.

Some advocate a role for the King in anti-corruption measures, but such a move would be unconstitutional and may prove unpopular in a climate where the abolition of the monarchy is being considered in some quarters.

□ *Recommendations*

The government should adopt more sophisticated campaign finance laws to improve transparency and accountability, formulate new laws to punish corrupt officials severely, and apply these and existing anti-corruption laws with the appropriate zeal. Civil society in its turn must be adamant in its opposition to all forms of governmental corruption. Measures to address corruption should be discussed in professional circles in Nepal, such as the Nepal Bar Association and the Nepali Chamber of Commerce.

7. *Empowering local government*

Many participants believe that the core of social instability in Nepal lies in the inability of government to improve the living conditions of rural populations. The capacity of the Maoists to provide services effectively at the local level has made it imperative that the government act immediately to decentralize power. This issue could be addressed by allowing local government institutions to function with greater autonomy. The empowering of local institutions may solve problems that are normally articulated as “ethnic” but stem from poor relations between the central government and communities.

□ *Recommendations*

The state should be restructured to give local communities more control over administration and the distribution of resources at the local level by increasing the powers and decision-making functions of local government. Donors and other international actors could have a role in working to increase the capacity of local institutions.

8. *Preserve peace and security in a lawful manner*

There is vociferous disagreement over the role of state security institutions in combating the insurgency. Some participants feel that without an armed response, there is no way to achieve security in Nepal. The need for security is considered as a prerequisite for continuing development initiatives and devising long-term strategies for the development of the country. Those who advocate a more forceful military response believe this is necessary to protect the human rights of the citizens of Nepal, and should fully comply with human rights standards.

Any use of armed forces would require wide agreement among political parties. Some participants believe consensus remains unlikely, given the lack of political will. In addition, the government is not in direct control of the armed security forces, and the Royal Nepal Army appears reluctant to engage in counter-guerrilla warfare against the Maoists whom many perceive as a political entity. Some fear as well that arming the police would only provide the Maoists with the opportunity to seize more effective weaponry. To some, undertaking a security action against the Maoists is tantamount to declaring war on a competing political party. And there is no guarantee that security measures would prove successful. Many believe that the Maoists would be prompted to escalate the violence and would have the advantage in guerrilla warfare, due to their popular support.

Undertaking security actions is perceived by many as an informal declaration of civil war, a suspension of democracy and a diversion from the problems at hand. A significant majority believes that law and order cannot be maintained by force, and political solutions in accordance with the rule of law must be sought.

Many participants believe an important part of strengthening and improving the image of the democratic institutions in Nepal is the re-education of the police. Observers have reported that the police are able to take arbitrary actions with impunity, with existing laws governing their behavior applied inconsistently if at all. In addition, there are complaints against police brutality, torture and extra-judiciary executions. This evolution has resulted in significant resentment against the police – a dangerous development if clashes develop between the authorities and a guerrilla group with significant popular support.

□ *Recommendations*

Efforts should be made to restore security short of the use of force. The latter should only be considered if concerted efforts to negotiate fail and the independence of Nepal is threatened. Any security actions must be carried out in full compliance with the Geneva Conventions and in support of the human rights of the civilian population.

Police officers should be trained in humanitarian principles and human rights law, and mechanisms must be set up to ensure compliance. Dissemination of these legal principles by human rights and humanitarian law agencies should be encouraged.

9. *Educational reform and addressing illiteracy*

Government inability to provide quality education, particularly to rural children, is highlighted by the comparative success of the Maoists. Yet Maoist-run schools are reported to be used as recruitment centers for political activists and cannot be regarded as appropriate by many Nepalis. For the state education system to improve, it must address the needs of the disadvantaged and the 70% of the population that remains illiterate.

□ *Recommendations*

To address illiteracy, incentives could be provided to the literate unemployed to remain in the local area as teachers. Local schools should focus on skills that are useful to the community. Increased use of local languages and a larger role for parents in the development of curricula could be envisaged where appropriate.

10. *Respect for human rights and international humanitarian law*

All participants agree that the Maoists should be treated in accordance with human rights standards, whether or not they hold themselves to these same principles. While primary responsibility lies with the government, the Maoists must also uphold the rule of law if they are to be considered a legitimate political force.

A series of agreements to respect human rights, the Geneva Conventions and national law is urgently needed either within or outside a framework of negotiations. Unilateral or bilateral declarations to denounce the practice of arbitrary arrest, torture, disappearance, rape and killing should be encouraged from both parties. Even though the Maoists maintain their exemption from laws they wish to overturn, they must abide by Common Article 3 of the Geneva Conventions.⁶ INHURED, a human rights group in

⁶ Common Article 3 to the Geneva Conventions reads: “In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

Nepal, has prepared a working draft of a potential agreement between the parties that could be considered as a starting point for negotiations.

□ *Recommendations*

Civil society groups and international actors have a role in pressuring the government and the Maoists to agree to conform to international humanitarian standards and applicable national laws as the first step towards dialogue.

B. Economic measures

1. Long-term economic planning

In the long term, economic planning is required to counter chronic underdevelopment and discourage people from resorting to violence and extremist ideologies to air their grievances. The primary thrust must be to diversify the primarily agrarian economy and further develop a manufacturing base. In addition, some have proposed efforts to map the socio-economic conditions in Maoist areas to predict potentially unstable regions.

□ *Recommendations*

Efforts should commence to analyze the socio-economic conditions in deprived areas of Nepal and prepare a long-term plan for development of those regions that are in danger of future instability.

2. Focus on regions and local control

Many believe that the problems raised by the Maoists can only be solved through the economic development of rural Nepal. Hunger in the regions breeds support for extreme activities among rural people. Current development efforts have been hampered by the weakness of development bureaucracies, and the gap between government rhetoric and performance has frustrated many villagers. The success of the Maoists in mobilizing local people to construct roads, electric generators and bridges has convinced many that decentralized decision-making could improve the effectiveness of economic development programs. Decisions would then fall to the local people, who are most affected by these programs, and so could better allocate the limited resources available for development. Strategies should be sought for the

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1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.
To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
 - a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - b) taking of hostages;
 - c) outrages upon personal dignity, in particular humiliating and degrading treatment;
 - d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
 2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavor to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.”

economic development of the regions in accordance with principles of gender equality and respect for local ecology.

□ *Recommendations*

The government, development agencies and civil society groups should devise strategies to decentralize decision-making on development issues and increase the capacity of local infrastructures to address the immediate needs of the local people. The communities should also become involved in monitoring and evaluating development projects in their area. Efforts should be made to initiate programs to encourage self-employment in deprived areas, which should be managed by local institutions.

3. *Taxation based on the ability to pay*

Some people are worried that local communities currently pay taxes to sustain the Maoists but have been unwilling to comply with the government tax code. The nonpayment of state taxes, if unchecked, will soon seriously handicap the government. Some have suggested that this unwillingness may stem from perceived corruption in the tax system and a lack of sensitivity to their ability to pay. Those in areas under Maoist control, who continue to pay government taxes, face the tremendous financial burden of double taxation.

□ *Recommendations*

The government should consider revising tax codes to be more responsive to the ability of Nepali citizens to pay and find strategies to reduce corruption in the tax system.

C. *Role of regional and international actors*

1. *International arena and economic planning*

The ineffectiveness of border controls in combating illegal trade and protecting the Nepali economy has contributed to the conflict. Some have remarked that the liberalization of the Nepali economy, encouraged by international and bilateral lending and development agencies, makes it difficult for the government to develop a coherent national economic strategy.

Indian economic policies have considerable impact on Nepal's weaker economy. Examples include the imposition of labor conditions on Nepalese products and the flooding of Nepalese markets with Indian products. Illegal trade further removes control of the economy from political actors in Nepal.

□ *Recommendations*

The regulation of Nepal's borders should be improved to combat smuggling. A common understanding on economic and environmental issues should be developed with India. International actors and donors may have a role in supporting Nepal in the policing of borders.

2. *The role of international actors in Nepali politics*

Many consider the activities of donors and other foreign actors essential to the development of Nepal, so long as they act to support the capacity of the government and civil society and do not compete with local institutions. Their role in those districts partially affected by the current unrest is particularly encouraged, and some hold that urgent development activities should not be put on hold during the current instability. Foreign actors should avoid potential dependency created by economic aid and must make all efforts to encourage local participation in their activities.

International donors should be wary of becoming embroiled in Nepali politics, where suspicions of external influence are rife. They may have a role, however, in supporting measures for improving governance in the regions, and pressing the government to promote democracy.

A lack of communication between donors and local people may result in development agencies acting in competition with, rather than in support of, local institutions. The misuse of development funds through institutional corruption or to prop up ineffective institutions is, however, also noted.

□ *Recommendations*

International agencies should maintain political neutrality and focus on supporting development agendas and good governance. Development activities should continue wherever possible during the current unrest. These activities should be carried out in an atmosphere of transparency and accountability.

The formation of focus groups could be considered. Members of local communities, local government and donors would assemble to discuss development strategies and ensure aid acts to support the building of local capacities.

3. *Mediation and experience sharing*

Some propose that international actors should facilitate a dialogue between the government and the Maoists, but others have been wary of international interference in Nepali affairs. There is considerable enthusiasm for an international role in sharing experience from other countries in crisis.

□ *Recommendations*

International actors should offer support to Nepal in planning negotiations with the Maoists. They must remain unbiased and await internal efforts before becoming directly involved in mediation.

An international colloquium of decision-makers from Nepal and other countries with similar problems could be convened. This forum would provide the opportunity to share advice and experience on effective measures to de-escalate the violence and contain the current crisis.

APPENDICES

Appendix A – List of Participants

Dr. Meena Acharya	Mr. Andrew Hall	Hon. Sushil Pyakurel
Dr. Laura M Ahearn	Dr. Susan Hangen	Dr. Barnett Rubin
Mr. Atul Aneja	Mr. Ian Harper	Dr. Andrew Russell
Ms. Amrita Banskota	Dr. Rachel Hinton	Dr. Mohan Man Sainju
Dr. Andrea Bartoli	Mr. Rick Hooper	Dr. Anne de Sales
Dr. Ajay Darshan Behera	Dr. Michael Hutt	Mr. Karan Sawhny
Dr. Krishna B. Bhattachai	Ms. Sharada Jnawali	Prof. David Seddon
Ms. Kabita Bhattarai	Mr. Henning Karcher	Dr. Sukdev Shah
Mr. Derek Boothby	Mr. Mukunda Kattel	Prof. Gregory Sharkey
Mr. Suba Chandran	Mr. Rabindra Khanal	Hon. Prof Kapil Shrestha
Mr. Gopal Siwatoki Chintan	Mr. Gore Bahadur Khapangi	Ms. Neeru Shrestha
Dr. Mary Des Chene	Dr. Karl-Heinz Kraemer	Dr. Chandra Sriram
Mr. Daman Nath Dhungana	Prof. Mahendra P. Lama	Prof. Surya Subedi
Mr. Kanak Mani Dixit	Dr. Jennifer Leaning	Mr. Parshuram Tamang
Dr. Michael Doyle	Mr. Keith Leslie	Mr. Christopher Tarnowski
Ms. Debi Duncan	Ms. Rita Machanda	Mr. Deepak Thapa
Mr. Nigel Fisher	Dr. Andrew Mack	Dr. Ganga Bahadur Thapa
Dr. Shepard Forman	Dr. Pancha N. Maharjan	Prof. Shanta Thapaliya
Dr. Tatsuro Fujikura	Ms. Ingrid Massage	Dr. Chitra Krishna Tiwari
Ms. Shobha Gautam	Dr. Chris McDonough	Mr. Padma Ratna Tuladhar
Dr. David Gellner	Mr. Dan O'Dell	Mr. Hari Uprety
Mr. Jonathan Goodhand	Dr. Pratyoush Onta	Dr. Kishor Uprety
Ms. Ruchira Gupta	Dr. Devendra Raj Panday	Ms. Maja van der Velden
Prof. Ganesh Man Gurung	Dr. Judith Pettigrew	Ms. Melaia Vatucawaqa
Dr. Harka Gurung	Mr. Victor Poliakov	Dr. John Whelpton
Dr. Dipak Gyawali	Mr. David Pollock	Ms. Frances Winter
Dr. Krishna Hachhethu	Mr. David Pollock	
Mr. Anton Hagen	Mr. Sindhu Nath Pyakurel	

Appendix B – Terms of Reference

The Program on Humanitarian Policy and Conflict Research is a new research and policy program based at the Harvard School of Public Health in Cambridge, MA. The Program is engaged in research and advisory services on humanitarian operations and the protection of civilians in conflict areas. The Program advises organizations such as the United Nations, governments and non-governmental actors and focuses on the protection of vulnerable groups, conflict prevention, strategic planning for human security, and the role of information technology in emergency response.

A key project of the Program is the Conflict Prevention Initiative website interface on conflict prevention and crisis management developed in partnership with the UN Executive Office of the Secretary General and the UN Department of Political Affairs. This website provides an interactive virtual platform for UN policy makers to gain access to information and academic resources, integrated linking systems, and on-line discussions forums.

The website also supports a new online conferencing facility. Every three months, the Conflict Prevention Initiative team chooses a topic or country, and convenes a group of academics and practitioners from all around the world to join an exchange on that issue. The conference takes place on the internet, with background documents provided by the Initiative, and written comments published from the participants. The topic chosen for January 2001 is “Setting Priorities for Preventive Action in Nepal”.

Aims

The Harvard Program on Humanitarian Policy and Conflict Research will convene a web-based conference on the situation in Nepal from 24 January to 1 February 2001. The aims of the conference are to:

- Exchange information and analysis on the sources of human insecurity and possible strategies for preventive action in Nepal.
- Increase understanding of the sources of social, political and economic insecurity and the linkages between them.
- Develop further the use of online conferencing to facilitate the exchange of information and analysis between scholars and practitioners from around the world working on these issues.

The conference will be hosted in a password-protected section of the Conflict Prevention Initiative website (www.preventconflict.org) developed and maintained by the Harvard program site from 24 January to 1 February 2001.

Background

Since its establishment in 1949, the Communist Party of Nepal has had a history of factionalism and, over the years, has split into several groups. In 1990 four radical Maoist groups formed the Unity Center which subsequently allied itself with other factions under the title of United People's Front Nepal (UPFN). In February 1996, some breakaway Maoist elements launched a “people’s war” aimed at establishing a people’s republic in this mountain kingdom. The insurgency started in the remote hills of western Nepal and is now active in many of the country’s 75 districts. Some 1500 people have lost their lives since the beginning of this uprising, killed either by the Maoists or by the police. Violent clashes between the police forces and the Maoists have now become a frequent occurrence in several parts of Nepal.

The instability in Nepal is multifaceted, comprising a complex mix of economic, political and social causes. Integration of these factors into a common understanding of the sources of insecurity has not yet been accomplished. Such an understanding is a prerequisite to the development of strategies to prevent

and manage a conflict situation, especially when the sources of instability are imbedded in the current social, political and economic conditions of the Nepali society.

The Web conference will attempt to address all these aspects in an effort to understand the relationship between them and contribute to the promotion of the development of integrated strategies. It is hoped that the conference will also go further, and begin a discussion of possible priorities for future preventive action.

The conference will provide an opportunity for individuals from different backgrounds and perspectives in Nepal, and elsewhere in the world, to convene in an equal manner, using new information technologies. The conference will be conducted in English, although Nepali speakers will be able to submit comments in Nepali which will be translated before posting. As such, it also represents the first use of a web-based conference to contribute to the conflict prevention efforts of academics and practitioners around the world.

Implementation

The conference will be hosted on the Conflict Prevention Initiative website of the Program on Humanitarian Policy and Conflict Research at Harvard University. The Program will support the conference by coordinating and editing inputs from experts from around the world and by providing, on the website at www.preventconflict.org, links to a diverse array of background documents and academic articles on the history and sources of instability.

After consulting with key partners and a number of actors active in the field, the Program at Harvard will select around 50 participants at the local, regional and international levels from the academic and policy communities to take part in the event. Members of the Harvard team will be posted in Kathmandu, London and New York for two weeks prior to the conference, in order to interview potential participants, offer training and bolster participation in the online conference. Only the participants chosen through this process will be able to submit their comments for publication on the conference website.

The participants will retain the option of remaining anonymous. Each participant will be allocated a unique user name and a password. At the beginning of the conference, the Harvard Program will select a few articles of particular interest to serve as a common departure point for the conference and to spark debate on the issues.

The conference will proceed with the participants submitting their comments by email to the Harvard team who will translate and edit them for reasons of clarity or length before posting them on the website. The Program will moderate the discussion and may choose to divide the conference into a number of subsections as it proceeds. To the extent possible this will be done without compromising the multidisciplinary aspect of the conference.

At the end of the conference, a conference report, including a list of the participants, will be produced by the Harvard Program and translated into Nepali, which will be widely distributed among organizations working in this area. It is hoped that this document will be a useful input into the policy process and provide the basis of a dialogue on conflict prevention strategies in Nepal.