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## **“Strengthening Parliaments in Conflict and Post-conflict Situations: Nepalese Experience”**

### **Country Profile and Political System:**

The Kingdom of Nepal, unified by King Prithivi Narayan Shah came into existence in the year 1769 AD. King Prithivi Narayan hailed from Gorkha the district that lies presently to the west of capital Kathmandu. The credit of founding present-day Nepal goes to King Prithivi Narayan for without his effort that united different principalities that existed then, the modern Nepal that we see today would have never existed. It is a country with multi-cultural society with 28 million people covering an area of approximately 147,181 Square Kms. For development and administrative purpose the country is divided into five development regions and seventy-five district. The economy of the country is agro-based though in recent times the shift is towards industrialization. The annual per capita income stands at about US\$ 250, one of the lowest in the world. Topographically the country is divided in three geographical regions; the Himalayas or Mountainous region, the Hilly region and the Terai region. The country is renowned for its natural beauty, tourism destination, the country of Mount Everest or Sagarmatha and birth place of Lord Gautam Buddha the Messiah of Peace.

On the political front, Nepal was ruled for 104 years by the autocratic Ranas followed by a short experience with democracy and thirty years of Partyless Panchayat System. Democracy was restored in the year 1990 through the people's popular movement. The present political system comprises of constitutional monarchy, multi-party democracy and Parliamentary system. The country at the moment is passing through a very critical phase with Maoist violence wrecking havoc within the once so peaceful Nepalese society. To put an end to the ongoing violence and the senseless killings, His Majesty the King on February 1<sup>st</sup> 2005 took control of the governance in the country. His Majesty has time and again reiterated his commitment for multi-party democracy and a three years time to resolve the crisis. The political parties are in disagreement with His Majesty's move and have opted to stage agitation demanding the restoration of the House of Representatives that was dissolved on May 22<sup>nd</sup> 2002.

### **Form of Government:**

Nepal, in 1990, made a tryst with its destiny by adopting a new constitution. This constitution embraced new values and new institutions such as constitutional monarchy, multi-party democracy, Parliamentary system, independence of judiciary and rule of law. The promulgation of this constitution marked the beginning of new era wherein the responsibility to govern and administer the country passed on to party based elected government. The focus of the new system obviously was the elected Parliament, which not only passed laws and budgets but also created and controlled the government of the day.

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The Constitution of the Kingdom of Nepal 1990 for the first time acknowledged the fact that the sovereignty lies with the people of Nepal that is exercised by the Parliament elected through national general election.

### **Judiciary:**

The constitution has created a strong and independent three tier judiciary to maintain check and balance on other constitutional organs with seventy-five District Courts for seventy-five districts in Nepal. As a first level of appeal there exists 16 Appellate Courts. Each Appellate Court supervises a group of District Courts. The Supreme Court at the apex is the final court of justice, the last Appellate Court and the court of record with the power to punish for contempt of any court under its jurisdiction.

Apart from these regular courts, constitution also enables Parliament to create special courts to look into special class of cases. These courts may only be created by legislation. Presently there exists special court, administrative court and labor court to look in to special class of cases. There is a military court to look into offences under Military Act and a Revenue Tribunal to hear appeal against the decisions of the tax authorities.

The constitution also has made provision for creation of Election Court to look into matters relating to election disputes however they are not standing court. They are constituted as and when election dispute arises. The regular courts, namely Supreme Court, Appellate Courts and District Courts are general jurisdiction courts with a power to look into both civil and criminal cases.

The constitution has sought to keep the judiciary totally independent from the political wings of the government. For this purpose, the constitution has introduced the concept of judicial appointments on the recommendation of the Constitutional Council. This Council has been given the power to appoint the Chief Justice of the Supreme Court whereas the Judicial Council headed by the Chief Justice appoints other judges. This is a unique trend in the development of constitutional law in Parliamentary democracies.

### **Parliament:**

Nepal has a bi-cameral Parliament that consists of His Majesty, the House of Representatives and the National Assembly. The House of Representatives is created through general election held every five years. It consists of 205 members directly elected by the people from 205 constituencies of the seventy-five districts. The National Assembly consists of 60 members of which 15 are elected by five electoral colleges constituted in five regions of Nepal, 10 are nominated by His Majesty and the remaining 35 are elected by the members of the House of Representatives on the basis of proportional representation through single transferable vote. The House of Representatives is a powerful chamber, it decides on the continuity of any government and has a decisive role in financial and non-financial bills. The National Assembly on the other hand is basically a revising body. It also

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acts as an alternative to the House of Representatives for the purpose of emergency extension.

The House of Representatives is presided over by the Speaker and in his or her absence the Deputy Speaker. The Speaker and Deputy Speaker are elected by the House and may be removed by the House itself. Likewise the National Assembly is chaired by the Chairman of the National Assembly and in his or her absence the Vice Chairman. The joint sitting of the Parliament is presided over by the Speaker of the House of Representatives. Speaker and Deputy Speaker normally continue to hold their office until the filing of nominations for election to the House of Representatives. The position of the Speaker of the House is very significant in the constitutional scheme of Nepal. He conducts the House, chairs the joint sittings, sanctions the members for indiscipline, mediates conflicts in the House, manages the Parliament secretariat, performs ceremonial roles, is a member of the Constitutional Council and Raj Parishad (King's Council).

The constitution and law of Nepal recognise the autonomy of Parliament. In recognition to this fact, the constitution has accorded certain privileges to the Parliament like full freedom of speech in both houses, exclusive right of the House to regulate its internal business, members freedom from arrest on civil charges during parliamentary sessions, rights of the Parliament to decide on matters of contempt for the breach of its privileges etc. In the same line of thought, the Parliament secretariat has recently been made autonomous of the executive control through a separate Act. The Act provides that the Secretariat be managed by a management committee headed by the Speaker. The secretariat staffs are recruited under the Act as a separate service. This has ensured the autonomy and continuity of experienced staff in the management of Parliamentary affairs. The constitution provides a special treatment to the Secretary General of the Parliament and the two Secretaries of both the Houses. The King appoints the Secretary General in consultation with the Speaker and the Chairman and the Secretaries of the House on the recommendation of the respective presiding officers. Their terms of office, salary and other benefits is determined by a separate Act.

### **Parliamentary Sessions:**

The session of the Parliament has to be summoned within one month after the elections to the House of Representatives are held. Thereafter each year the summer or the budget session commences with the Royal Address from His Majesty to the joint sitting of the Parliament. His Majesty through this Royal Address presents the programs and policies of His Majesty's Government to the Parliament. The constitution requires that two regular sessions be held in a year, commonly known as the summer session and winter session. It is also required by the constitution that there should not be a gap of more than six months between two sessions in a year. His Majesty summons the Parliamentary sessions on the recommendation of the elected government, which is normally decided in consultation with the presiding officers of both the Houses. The summer session lasts longer than the winter session as this session deliberates on the policy and programs of the government and also the allocation of the budget. The constitution also provides for a separate session of the House of Representatives, also known as the Special Session that may be summoned by His

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Majesty on the representation of at least 25 percent of the total members of the House of Representatives.

### **Electoral System:**

The people through general election directly elect the members to the House of Representatives whereas the members of the National Assembly, as mentioned earlier, are indirectly elected or are nominated by His Majesty. For the election to the House of Representatives every citizen of 18 years of age and above are entitled to vote. The candidates are elected on the basis of first past the post system. In order to ensure free and fair election in Nepal the constitution has created an independent Election Commission. The Election Commission is constitutionally responsible to conduct, control and monitor the elections nevertheless it depends heavily on His Majesty's Government for all kinds of support including finance, security and staff.

There has been no major complaint against impartiality of the Election Commission. It has so far successfully conducted the general and local level elections despite the odd situations the country is passing through. The elections held so far remain unchallenged in terms of its legitimacy and overall impartiality.

Three general elections have been held in Nepal after the restoration of democracy, the first general election was held on May 12<sup>th</sup> 1991, the second on November 15<sup>th</sup> 1994 and the third general election was held in two phases viz., on the 3<sup>rd</sup> and 17<sup>th</sup> May 1999 respectively.

In this first general election held on Sunday the 12<sup>th</sup> of May, over 11 million people of Nepal went to polls to elect 205 members of House of Representatives. This was the biggest democratic exercise ever conducted at the people's level in the History of Nepal. The election gave clear majority to Nepali Congress Party and the Nepal Communist Party (United Marxist Leninist) emerged as the main opposition party.

The Second General Election, mid term election, was held on November 15<sup>th</sup> 1994 after about three and half years of the first general election i.e., nearly 18 months ahead of the due date. It was necessitated by the early dissolution of the House of Representatives on the recommendation of the then Prime Minister Girija Prasad Koirala. This election produced a hung Parliament with the Nepal Communist Party (United Marxist Leninist) winning the largest number of seats. An effort to form a coalition government did not work hence a minority government of the NCP (UML) with Manmohan Adhikari as the Prime Minister was sworn in. During this period, many different coalition governments were formed. The House of Representatives was dissolved on January 15<sup>th</sup> 1999 on the recommendation of the coalition government led by the then Prime Minister Girija Prasad Koirala.

The third general election was held in two phases on 3<sup>rd</sup> and 17<sup>th</sup> May 1999 respectively. This election again was held before the completion of the full term of the second Parliament. This time the election was held after 4 years 5 months and 21 days of second

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general election, nearly 6 months 9 days ahead of the due date. This election was conducted at a time when conflict situation had spread throughout the country. The election result went in favor of Nepali Congress Party with the Nepal Communist Party (UML) emerging as the second largest party.

In the year 2002, the third House of Representatives was once again dissolved on the recommendation of Prime Minister Sher Bahadur Deuba, the then leader of the Nepali Congress Party. He was supposed to hold the mid-term general election within six months of dissolution of the House of Representatives but however preferred to recommend to the King to extend the election date by another eleven months on the excuse of deteriorating law and order situation.

His Majesty rejected the request and instead dismissed the government. The successive governments formed under Article 127 of the constitution have also been unable to hold the general election due to political standoff among the constitutional forces and the continuing armed conflict situation.

In evaluating the overall performance of the Parliament, it may not be wrong to submit that there was a mixed performance of every successive government. Though achievements were made in education, media, gender-equity, HRD sectors, the Parliament was unable to fulfill the expectations and aspirations of the general mass. During the second Parliament horse trading and making and unmaking of the governments were the order of the day. The accountability of the leaders towards their constituency and the country was at the lowest. Dissident and defections became a major feature in national politics. In this process, there were splits in major national political parties. People's faith in elected government had never been so low in the history of multi-party democracy. The image of the members and the Parliament was badly tarnished in this period.

### **Parliamentary Committees:**

There are different kinds of Parliamentary committees like, the Business Advisory Committee (to advise the Speaker on the conduct of the business of the Parliament), Subject committees (to act on behalf of the full house on the matters referred by the House), Special committees (created by the House of Representatives and the National Assembly as and when needed for specific purposes), and the Joint Parliamentary Committees (to look into matters of specific common interests or to resolve disputes between the two House). These committees provide a forum for dissent management and consensus building. Many issues, which do not get resolved in the full house, are often resolved in the committee meetings. The composition of each committee reflects the party strength represented in the House.

The subject committees are created by the House Rules and in respect to the House of Representatives there are nine such subject committees like on Finance, Public Accounts, Foreign Relation and Human Rights, Natural resources and means, Environment Protection, Population and Social Welfare, State Affairs, Development, and Law-Justice

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and Parliamentary Affairs. These subject committees are created by the House of Representatives and its role is basically to evaluate the policies and programs of the concerned ministry, monitor its performance, check the estimates of the ministry, review the implementation of the assurances given by the Ministry to the House, give directions as required and deliberate the bills sent by the House.

Public Accounts Committee is one of the most important committee for it looks in to matters relating to financial administration. For this reason, it has been the practice that the opposition party member leads this Committee. Its function consists of monitoring of application of resources and misuse of public funds and property.

### **Dissolution of the House of Representatives:**

There have been three successful and two unsuccessful dissolutions of the House of Representatives in Nepal. Following the restoration of multi-party democracy not a single House of Representatives could complete its full tenure. The first dissolution of the House took place after about three and half years of the first general election held. The situation for dissolution of Parliament arose due to inner party conflicts within the ruling Nepali Congress Party. The motion of thanks of the then government was defeated in the House of Representatives in reaction to this outcome, the then Prime Minister Girija Prasad Koirala recommended to His Majesty for the dissolution of the House. The general election was to be held in November some 18 months ahead of its due date. The decision of the government to dissolve the House was challenged in the Supreme Court on the ground that it was malafide. The court upheld the dissolution.

After the second general election, Mr. Manmohan Adhikari of Nepal Communist Party (UML) formed the minority government. This government could not govern for long as the Nepali Congress party filed a petition with His Majesty the King for summoning a special session of the House of Representatives to discuss the no confidence motion against the government. Prime Minister Mr. Manmohan Adhikari however preferred to recommend for dissolution of the House rather than resign or face the no confidence motion. The dissolution was once again challenged in the Supreme Court, which declared the dissolution decision as null and void. The House of Representatives was revived and it continued for almost four and half years until it was dissolved on 15<sup>th</sup> January 1999 on the recommendation of the then Prime Minister Girija Prasad Koirala. However, prior to this dissolution, one more attempt to dissolve the House was made by the then Prime Minister Surya Bahadur Thapa. In this case, His Majesty initiated consultations with political leaders and experts on the dissolution recommendation received. Meantime, the Nepal Communist Party (UML) submitted a petition to the King to summon a special session of the Parliament. His Majesty referred the matter to the Supreme Court in accordance with Article 88(5) of the constitution for advisory opinion. The reference was whether His Majesty can ignore the request for summoning the special session of the House or not and accept the recommendation for dissolution. The court in its advisory opinion held that His Majesty was under an obligation to give priority to the petition for special session and ignore the recommendation for dissolution, the recommendation accordingly was ignored and the House continued.

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The second dissolution (fourth recommendation) of the House of Representatives came nearly six months before the due date for expiry of the five-year tenure of the House. On January 15<sup>th</sup> 1999 the House was dissolved and the general election called by His Majesty on the recommendation of the coalition government led by the then Prime Minister Girija Prasad Koirala. This decision for dissolution was not challenged in the court of law.

The third successful dissolution (fifth recommendation) of the Parliament came in May 22, 2002. In this case, a dispute arose within the ruling Nepali Congress Party on extension of the emergency. The Prime Minister had already called the 22<sup>nd</sup> session of the Parliament and registered the proposal to extend emergency at the Parliament secretariat. The Nepali Congress Party issued an order to the Prime Minister that he withdraw the proposal but Prime Minister Deuba disagreeing with the Party decision recommended the same day for dissolution of the House. Dissolution was challenged in the court of law but the Supreme Court unanimously upheld the decision in favour of dissolution. Since then the country has been unable to hold the election of the House of Representatives and the Local Level Bodies.

### **Evolution of the Maoists, their Demands and Peace Efforts:**

The Maoist armed violence began in 1996 which then was a low intensity rural campaign aimed at replacing the present political system with a "People's Republic". However, to better comprehend its evolution the communist movement initiated in Nepal needs to be studied. The communist movement initiated by Pushpa Lal, one of the communist leaders, in the year 1949 then failed to promote a unified communist party. It was fragmented in to different splinter groups. Following the 3<sup>rd</sup> Convention in the year 1968, Pushpa Lal made a vain attempt to keep the communist forces united to prevent further fragmentation, through restructuring of the communist party. However, expressing serious differences to such action, the 4<sup>th</sup> Convention was held in the year 1974 under the leadership of Mohan Bikram Singh, another communist leader. The emergence of Maoist thought might be traced back to this 4<sup>th</sup> Convention, which has had the country face one of the most violent conflicts ever, experienced in her political history. To this date the conflict has claimed above 12,000 lives and billions rupees worth of damage to personal property and public belongings.

The Maoists existed and operated underground during the erstwhile Panchayat regime but the movement then was of low profile in nature. It may be because the political parties then were legally prohibited. The politburo of Nepal Communist Party (Masal) in the year 1988 under the leadership of Mohan Bikram Singh made an attempt to launch an armed struggle. In line with this decision "Sector Incident" was caused the same year in which police posts within the Kathmandu Valley were attacked but this lead to serious differences within the party leadership. The reason for such differences was that the secrecy of the incident had been leaked and the party suffered immense loss. As a consequence the then leaders were demoted in the party hierarchy and Pushpa Kamal

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Dahal (Prachanda) in the year 1989 became the Secretary General and opted for a lawful struggle but later on is observed to have pursued the policy of people's war.

Meanwhile, three communist parties to include the one headed by Prachanda in the year 1990 forged an alliance that participated in the general election held the year after i.e., 1991. The alliance secured 9 seats in the general election held and became the third largest party represented in the House of Representatives. The alliance in the year 1991 held the Unity Convention that adopted the "Armed People's War Policy" proposed by Prachanda through majority vote. The alliance also participated in the Local Level Elections held in the year 1992 but failed to secure expected seats. Following which the Prachanda group insisted on pursuing the policy adopted by the Unity Convention. This led to the split of the alliance into two groups. Meanwhile, the party led by Prachanda had already acquired the membership of Revolutionary Internationalist Movement (RIM) and in the year 1995 the party was named Nepal Communist Party (Maoist).

The NCP (Maoist) initiated armed struggle from 13<sup>th</sup> of February 1996. Prior to initiating armed struggle, the Maoists on 4<sup>th</sup> of February 1996 put forth forty-point demand (Refer Annex-I for the forty point demand) with the then government headed by Prime Minister Sher Bahadur Deuba. It is surprising to note that the Maoist started the armed struggle prior to the expiry of deadline set by them.

On 30<sup>th</sup> August 2001 ceasefire was announced and negotiations between the government and the Maoists was initiated but the Maoists unilaterally withdrew from the talks in 23<sup>rd</sup> November 2001 on the ground that the government refused Maoists demand for a constituent assembly to determine the country's political future. This was followed by a wave of attacks on security forces and public installations, provoking the Deuba government to officially declare the Maoists as "terrorists" and a state of emergency on 26<sup>th</sup> November 2001. The state of emergency imposed was ratified by the Parliament in February 2002. The Maoist violence continued until the second ceasefire on 30th January 2003. But again the Maoists unilaterally withdrew from the talks again citing reasons that the government was not sensitive to the Maoist demands and also because some of their militants were killed by the security forces. Since then there has been no more peace talks and the violence and destruction goes unabated.

### **The Factors Fueling the Conflict:**

Since the initiation of armed struggle in the name of "People's War" the disorder and violence has been escalating. The law and order situation has been deteriorating day by day. Though the chances of the Maoists winning over the State is a far away dream they no doubt are a force that possesses the capability to dictate the agenda of the country. What then are the factors that brought the country to this perilous situation? It is alleged that the government was not serious in addressing the demands put forth by the Maoists but then the latter also cannot be said to be stern about their own demands. Initiation of armed struggle by the Maoists in the name of People's War prior to the expiration of deadline set by themselves gives credence to the above statement. The Maoists have not to this day clarified why they took up armed struggle prior to the expiry of the deadline

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nor has anyone raised question on this matter. The demands raised seem to have gained importance only after issue of negotiation cropped up.

People who so enthusiastically participated in the movement for the restoration of democracy in 1990 had high hopes under the democratic system. Regardless of their social or economic status or profession or age, the country as a whole was agitated against the then Partyless Panchayat system. However the expectations and aspirations of the people were dashed because of inept political leadership, inter and intra party feud, weak and corrupt governments, poor governance, exclusionary practices, unemployment, poverty, social and gender discrimination etc. The government was either unable or delivered very little to the impoverished rural areas where poverty has been exacerbated by ethnic and social tensions. The Maoists were quick to exploit this situation taking advantage of open and democratic system to preach their philosophy against the democratic system itself.

After the restoration of the democratic system, the political parties at the local level instead of creating leadership and party organization according to the will of the local people looked for immediate benefits. As a result, the local leaders of the erstwhile Panchayat system gained party membership of the democratic parties much to the disliking of the local mass. Such incidents also contributed to the spread of Maoist ideology and activities. Though the views on contributory factors concerning the conflict amongst the Nepali intelligentsia is not unanimous but majority subscribe to the view that weak leadership, poor governance, corruption, poverty, unemployment, favoritism, social exclusion, inequitable allocation of resources etc., under the democratic system are the prime reasons for the flaring up of the present conflict. Some other factors that contributed to the fueling of the conflict may be stated as;

- The activities during the hung Parliament after the second general election and the making and unmaking of the governments generated much political instability and public resentment.
- The political leadership was not as sensitive as they should have been to the feelings of the general people especially those from the remote and far-flung areas of the country. The people of these areas felt neglected by the government and the political parties. No comprehensive effort was made to include the neglected areas in the main development stream.
- The political parties and the governments formed from time to time failed to agree on long term plans and strategies to tackle the Maoist issue so as to coerce them to give up violence.
- The activities and the programs launched by various governments did not reach the general people as expected and this adversely affected the people's belief on democratic governments.
- The political parties, in the election period, engaged themselves in giving competitive assurances that they knew were difficult to fulfill.
- Inefficiency, incompetence and corruption in bureaucracy and other institutions that is suppose to serve the people operated with impunity and the

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various governments paid little or no attention in rectifying this situation which disappointed the general public.

- The judicial system of Nepal did not upgrade its rudimentary system to cope with the changed context.
- The governments instead of addressing the problems of the people were more inclined towards resolving them through administrative measures, which in fact had an adverse impact on the minds of the people, and Maoists were smart to take advantage of the situation.
- Split in the Unity Centre resulted in competition between the splinter forces to show as which of them was more revolutionary and act accordingly.
- The Maoists lacked the confidence in winning the will of the people through the exercise of democratic rights, democratic election, their vision, stand and strategies. They believed that everything could be achieved only through People's War.
- The brutal suppression by the government of the activists and the local representatives of the then United People's Front who had participated in the general and the local elections forced them to follow a different path.
- Failure of the political parties and the government to give serious thought to the demands put forth by the Maoists, failure to foresee the consequences and to de-recognize issues as problem.
- The governments after the restoration of democracy were unable to address the basic problems that existed in the Nepali society.

### **Consequences of the Conflict:**

The escalating violence has hurt the national economy, devastated tourism, industries and obstructed developmental works. The persisting violence has put under doubt the ability of Nepal to contend in a highly competitive global market. To date more than 12,000 people have lost their lives with thousands being displaced. The frequent closures of the highways, schools and other related institutions by the Maoists have brought the country to a standstill. The indiscriminate killings, tortures, abductions and demands for ransom, food and shelter by the Maoists have put the local populace under constant threat and fear from both the warring parties to the conflict. In brief, the confidence of the people in general is at its lowest ebb. The consequences of the conflict have been social, economical, physical, psychological and emotional. Some of the major consequences of the conflict are as follows;

- The violent activities launched by the Maoists have derailed the democratic process in the country. One of the major causes for the dissolution of the House of Representatives and the reason why the election could not be held as scheduled can very well be attributed to the Maoist violence. The election for the local bodies have not been held for the same reason.
- The presence of State machinery in the rural parts of the country is negligible and is confined to district headquarters. The security forces with a responsibility to

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- provide peace and security to the local people are worried about their own security.
- The government has been unable to provide security in most of the remote district areas as a result offices providing services to the local population have shifted to more secure areas like the district headquarters. This has grossly affected the social delivery services to the local people.
  - Indiscriminate killings of civilians and non-armed people are frequent.
  - Hundreds of people including women and children have been disabled or maimed because of violence.
  - Women, youths and children are the worst sufferers of the conflict.
  - Economy and resources diverted to the maintenance of security and purchase of armaments.
  - The on going conflict has displaced thousands of people forcing them either to migrate to a third country or to safer place within the country. Citizens have become refugee within their own country.
  - People who have dared to live in the Maoist affected areas live under constant fear of abduction and torture and are forced to surrender to the Maoist demand. The emotional and psychological trauma suffered by the victims is inestimable, as no study so far has been undertaken to assess the damage done. Such trauma is going to have a long lasting affect on the healthy development of the victim thereby creating immeasurable loss to the nation in terms of competent human resources.
  - Destruction of physical infrastructures like building, roads, bridges, water supply line, telephone towers etc., is widespread. In this process the Maoists have not even spared hospitals, schools and other structures related to service delivery to the people.
  - The civil servants including other professional staffs like health workers, teachers, technical assistances are reluctant to serve in the Maoist prone areas thereby depriving the local people of the services provided by them.
  - Developmental works have come to a standstill. The budget allocated are not released even the released budget is not spend.
  - The conflict has attracted the attention of the International Community and the southern neighbor of Nepal viz., India is worried that the Maoist movement is bound to have a spill over effective in India. However, the role played by India has been an issue of hot debate in Nepal.
  - The conflict has adversely affected the business houses and thereby the economy of the country. The tourism business has been the hard hit sector by the conflict.
  - Provisions and norms of international conventions on warfare, prisoners of war, human rights etc. are very often violated with non-civilians and public properties being frequent targets of the Maoists.
  - Violation of human rights from the warring parties is rampant. This has caused the United Nation's Commission on Human Rights to establish the Office of High Commissioner of Human Rights to promote and protect human rights in the country and also facilitate the implementation of human rights commitments undertaken by His Majesty's Government of Nepal. The office has been established recently through the Memorandum of Understanding duly signed by

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the Foreign Minister of Nepal and the UN High Commissioner for Human Rights on April of this year.

### **Views of the Political Parties on Maoist Conflict:**

The political parties, as mentioned earlier, though concerned with the Maoist violence did not have a unanimous view about resolving the problem nor did they agree to a common strategy to resolve it. At the beginning, some political parties thought that the issue was a terrorist one and should be resolved through armed action whereas others thought that the problem was political hence needed to be resolved through political negotiations. At the initial stage of the Maoist violence the political parties sought to play the Maoist issue for their own interest against each other. Nevertheless, at the moment it seems most of the political parties have agreed that the problem is political hence needs to be settled through political process. The views of the political parties in brief may be stated as follows;

### **The Nepali Congress Party:**

The Nepali Congress Party during the Prime Ministership of Mr. Krishna Prasad Bhattarai in the year 2000 formed a “ High Level Maoist Problem Resolution Advisory Committee” under the convenorship of former Prime Minister Mr. Sher Bahadur Deuba. The major findings of the Committee are as follows;

- The Maoist problem is not the problem of failure of democracy. The problem is the creation of shortcomings and weaknesses observed in the operation of State affairs and management and the political instability generated by the change of governments from time to time, social discrimination, unemployment, financial deprivation etc.
- The resolution of Maoist violent problem should be initiated through dialogue with the Nepal Communist Party (Maoist). However, this is only an immediate means to political resolution.
- The main reason for the origin of Maoist problem is the social and economic structure of Nepal. Unless the social and economic structure is transformed various groups in different names and objectives shall be engaged in such activities.
- Large segment of the population has lagged behind in view of development for reasons of economic social structure, ethnic cultural background and geographical complexity. The people dependent on agriculture living in the villages are not organized. They do not receive justice but the small-organized selfish group listens to their grievances promptly.
- General people do not have easy access to justice.
- The conduct of the main opposition including other major parties in strengthening democracy has not been observed helpful as expected.
- The process of dialogue for the peaceful resolution of problem must be initiated seriously.

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**The Nepal Communist Party (UML):**

The study team constituted by the Nepal Communist Party (UML) on “Violence and Terror created by the Maoist and the State” presented its report to the Party Central Committee in August 2001. Mr. Jhala Nath Khanal, former Minister, headed the Study Team. The major recommendations of the study team are as follows;

- Expedite political and philosophical struggle against ultra leftist manipulation.
- Extend the organization of Nepal Communist Party (UML) in areas of Maoist influence.
- Launch political campaign for resolution of the problem by exposing the wrong politics of violent struggle, individual killings and terrorist acts of the Maoists.
- Revoke cases against persons who in the course of suppressing Maoists were not directly involved in action and immediately release such person.
- Keep making efforts with the concerned party for the political resolution of the problem.
- Provide social security in the areas of various income generation, poverty eradication, enhancing employment, education, health by making economic reform in accordance with the concept of people oriented development of the rural areas.
- Build national consensus amongst the political parties in the Parliament for resolution of Maoist problem.

**National Democratic Party (RPP):**

This party also believes that Maoist problem is a revolt against the present system and is a political problem hence it must be resolved through political dialogue.

**Nepal Sadbhavana Party:**

This party believes that Maoist problem arose because of economic and social reasons and resolution of this problem must be sought through political dialogue and deliberations.

**Different Communist Political Parties:**

The different communist political parties are also of the opinion that the problem is a political one and must be resolved through political dialogue.

**Role of the Political Parties and Actions, if any, by Parliament for Conflict Resolution:**

- The various political parties represented in the Parliament did not take the Maoist problem seriously. They viewed the Maoist problem differently.
- In the beginning of the Maoist movement none of the political parties in the Parliament gave a serious thought about it.
- The political parties represented in the Parliament then were obsessed by their own petty interest. They were more interested in the making and unmaking of the government.

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- The political parties played the Maoist problem against each other, the Nepali Congress Party was content that the Maoist movement weakened the political strength of the main opposition Nepal Communist Party (UML), as mostly it was the latter's political activists who had joined the Maoist party. The Nepal Communist Party (UML) on the other hand was pleased that the Maoist were attacking the Congress activists giving the UML to spread their political influence at the grassroots. This naïve thinking on the part of both major political parties invited the present catastrophe.
- The major political parties could not agree on the nature and definition of the Maoist problem not to talk of the strategy to tackle even after the problem went out of proportions.
- The political parties in government sought to suppress the problem by mobilizing the police force less realizing that they were not trained for that purpose.
- The government launched security operations in areas of Maoist influence and their sympathizers but was manipulated by some people as a vendetta against the Maoists, certain communist groups and their followers. This affected the spread of Maoists and their followers to other rural parts of the country. The district administration harassed the local populace by framing false charges against them. The result as expected was disastrous; people unwillingly joined the Maoist movement for reasons of oppression by the police force and civil administration.
- The opposition political parties in the Parliament were unanimous in voicing their resentment on oppressive measures adopted by the government. Yet, when different political parties were in the government in different coalitions at different period all felt that the existing laws were either inadequate or ineffectual in containing the violent activities of the Maoists. They also applied the same methods as resorted to by the previous governments i.e., the mobilization of State security mechanisms to contain Maoists movement.
- The Parliament could not take any concrete step, decision or action vis a vis the Maoist problem.

#### **Conflict Situation: Present Scenario:**

- The political parties and the Parliament have an important role to play in the process of resolving the current problem but when they existed they did little to address the problem. But with the dissolution of the House of Representatives the Parliament remains inactive. The political parties instead of seeking to resolve the conflict are on agitation against the Royal move of February 1, 2005.
- It must not be ignored that Monarchy as an institution in Nepal is a force that needs to be recognized and hence retains the influence to play an important role in the resolution of the problem.
- The existing situation is a bit complex with the major political parties launching an agitation against the move initiated by His Majesty on October 4<sup>th</sup> 2002 and February 1<sup>st</sup> 2005. This has further aggravated the problem and added new dimension to the conflict i.e., confrontation between the Parliamentary constitutional forces.

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- The Maoists are not the only party in the conflict but the political parties have also entered into confrontation with the present establishment.
- The political parties have forged a seven party alliance and are demanding the reinstatement of the House to resolve the Maoist conflict through election of the constituent assembly.
- The political parties now think that the problem is political in nature and it should not and cannot be resolved militarily. Negotiation and agreement are the best approach to resolve the conflict and this may only be affected with the reinstatement of the House of Representatives.
- His Majesty the King since assuming full authority on February 1, 2005 has commanded that he will settle the issue for good within three years.
- The Maoists have not de-accelerated violence and killings of civilians, in fact, few days back i.e., on the June 6<sup>th</sup> 2005, in one of the most barbaric acts that is hard to condemn in civilized words, they ambushed a public bus that killed 35 innocent civilians and injured many more. They have claimed the attack and regretted that it was a serious mistake.

### **Proposed Course of Action to Conflict Resolution:**

#### **a) On Measures to initiate Negotiations:**

- Forge an alliance between the constitutional forces to include His Majesty to facilitate the environment for negotiations.
- Conceptual clarity on the Maoist problem.
- Work out strategy to address the problem.
- Initiate Confidence Building Measures to open negotiations for amicable resolution of the problem.
- Work out modalities for the negotiations.
- Set no pre-conditions for negotiations.
- Declare and affirm commitment to the Cease-Fire.
- Agree to a Code of Conduct for negotiations and adhere to it.

#### **b) Between the Parties during Peace Talks, the Ceasefire Period and thereafter:**

- To cease all forms of hostilities, military movements and military actions throughout the territory of the Kingdom of Nepal and abroad.
- To refrain from making unwanted arrest except in accordance with the national law like, criminal activities/offenses, killings, forced fundraising, undue coercion, abduction of individuals or groups, torture, maiming, beating in any form or kind or exerting forceful demands.
- To withdraw and quarter all military forces as agreed upon between the Parties under the supervision of the Observers and the Mediators.
- To abide by all relevant national and international legal instruments on Armed Conflict.
- To agree to strictly abide by applicable rules of national and international humanitarian law, including unimpeded access for humanitarian assistance to the civilian population in need.

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- To agree to setting up of Verification and Monitoring mechanisms for the movements of the Government troops and security personnel to maintain regular peace and security in the country.
- To allow without any restriction whatsoever, the free movement and circulation of people and goods related to humanitarian aspect and daily use of local populace.
- To allow the freedom to gather and assemble without arms so as to hold meetings to preach one's political ideology.
- To allow peaceful congregations.
- To release all civilians and military prisoners detained or withheld as a consequence of the conflict, under the supervision of the United Nations, ICRC, Amnesty International and the Mediators.
- The Communist Party Nepal (Maoist) to handover all armaments in their possession to the neutral party with the list of arms in their possession for custody and storage. The neutral party may be the United Nations, International Committee for the Red Cross and the Amnesty International.
- The Parties to refrain from replenishing their armory and also refrain from obtaining any form of direct or indirect military assistance or any other support inconsistent with the peace process from any State.
- To disarm civilians with arms.
- To take all necessary measures to ensure the security and the safety of the personnel involved in humanitarian relief operations and the peace process.
- To put an end with immediate effect to all war like activities that may be detrimental to peace process.
- To refrain from recruiting school children and minors in warfare activities.
- The Parties during the peace talk to refrain from talking to the Media on the issues discussed or decided unless agreed upon by all the Parties. The Parties through mutual consent to decide when to hold regular press conference or meet the press to inform the people of the peace talk progress.
- The Parties to share information of mutual interest.
- TO exercise all power with utmost sincerity to bring about an amicable resolution to the peace talks to reach an enduring and sustainable peace throughout the Kingdom of Nepal.

c) **Agenda for the Peace Talks between the Parties to the Conflict:** It is advisable that the issues for the Peace Talks be initiated from less contentious matters and they may be classified as:

- (1) Humanitarian
- (2) Social
- (3) Economic
- (4) Political
- (5) Military

**(i) Humanitarian Issues:**

- Agree to supply and distribute with immediate effect adequate food, medicines and other basic commodities to the Conflict affected areas.

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- Agree to supply with immediate effect adequate medicines, other relief materials and mobilize health personnel and other professionals to the Conflict affected areas.
- Agree to rehabilitate with immediate effect the victims affected by or during the course of Conflict.
- Agree to provide with immediate effect the medical treatment to the victims of the Conflict.
- Agree to reconstruct with immediate effect the health posts, educational institutions, offices related to humanitarian and relief operation, and infrastructures damaged or destroyed during the course of Conflict,
- Agree to make short and long-term arrangements for drinking water, electricity, communication system and roads to the rural parts of the country,
- Agree to the constant monitoring and supervision of the humanitarian and relief operations launched.

**(ii) Social Issues:**

- Agree to discuss and decide the means and ways of putting an end to social discrimination.
- Agree to initiate with immediate effect the programs to protect and uplift the interest of the deprived and the disadvantaged section of the community.
- Agree to discuss and decide means and ways of putting an end to all forms of caste exploitation.
- Agree to make necessary arrangements to impart free education up to higher secondary level in one's own mother tongue.
- Agree to make appropriate arrangements for the settlement of landless. Agree to discuss the legal instruments to be enacted for equitable distribution of land and protection of the land tenancy rights.
- Agree to provide interest free loans to poor farmers and small-scale industrialists.
- Agree to make necessary arrangements to take care of the destitute, disabled, elders and children.
- Agree to initiate and formulate gender upliftment policies and programs.

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**(iii) Economic Issues:**

- Agree to discuss and formulate financial policy for a self-reliant national economy.
- Appeal to the International Community to extend necessary economic, material, technical and other necessary support for the reconstruction and development works.
- Agree to initiate special programs for improving the income generating capacities of the rural poor in Conflict affected areas.
- Agree to guarantee employment for all with unemployment benefits to the unemployed. Agree to create honorable employment opportunities for Nepali within Nepal.
- Agree to launch with immediate effect the debt relief programs for the rural poor and landless agricultural workers.

**(iv) Political Issues:**

- Agree to discuss and decide on the relevant provisions to be formulated, incorporated and amended in the Constitution of the Kingdom of Nepal and other legal arrangements.
- Agree to discuss and decide on the ways and means to control and regulate the open border between Nepal and India.
- Agree to discuss ways and means to make the local level bodies fully autonomous and resourceful.
- Agree to the establishing of a Neutral Investigating Tribunal or Committee to investigate and penalize the offenders committing excesses during the course of Conflict and award adequate compensation to the victims of the Conflict.
- Agree to the formation of an Interim-Government comprising of all the Political Parties for implementing the issues decided and agreed and also for conducting the general election for the House of Representatives and the local level bodies,
- Agree to the monitoring of the electoral process by International Observers to ensure the fairness and impartiality of the process.

**(v) Military Issues:**

- Agree to strictly abide by the Code of Conduct on Cease-Fire and all relevant national and International instruments.

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- Agree to strongly refrain from conducting any form or kind of military movements and/or activities detrimental to the process of peace talks,
- Agree to release all civilians and military prisoners detained or withheld as a consequence of the conflict under the supervision of the United Nations, ICRC, Amnesty International and the Mediators.
- Agree to the withdrawal, quartering, demilitarization and disengagement of the Communist Party Nepal (Maoist) military forces.
- Agree that the Communist Party Nepal (Maoist) provide the list of weapons and ammunitions in their possession and handover to the United Nations, the ICRC, the Amnesty International and the Mediators for custody and storage.
- Agree to disarm all civilians and to refrain from replenishing their armory and also refrain from obtaining any form of direct or indirect military assistance or any other support inconsistent with the peace process from any State.
- Agree to verification and monitoring of the movements of the Government armed forces.
- Agree to furnish the name list of militants and activists for their rehabilitation.

### **Possible Change in the Parliamentary Structure and Processes for Conflict Resolution:**

The formation of the Parliament, presently, is based on the representation of the political parties considered to be exclusionary and not beneficial to the interests of the Disadvantaged Groups (DAGs). Making the system inclusive shall certainly assist in addressing one of the major issues raised by the Maoists. The need that the political parties should pay special attention to wider participation of the people by trying to accommodate ethnic communities, women, people from various classes, religion, people speaking distinct language as their mother tongue and regions while nominating candidates for the elections are also some of the issues that need consideration.

Discussion is also being undertaken on the necessity, role and structure of the National Assembly. Some people feel that uni-cameral system is good for Nepal whereas, others reason that the National Assembly or the Upper House in the Nepalese context needs restructured so as to make it a body of ethnic, religious and cultural representation. They argue that such restructuring shall enable the Parliament to initiate the resolution of the conflict launched by the Maoists. This house also should have experts as its members from various disciplines useful to the Parliament. It is also argued that there should not be overall structural change of the Parliament but only to seek proper and inclusive representation. If necessary, proportional representation system of election may be introduced but it needs extensive discussions. Some argue that if the House of

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Representatives could be made to represent all segments of society then the other House may not be required.

Political leaders, professionals and academics are also discussing the constitutional provisions on dissolution of the House of Representatives and period elections are to be held. The constitution of the country does not anticipate the absence of Parliament beyond the period of six months and the present situation has made everybody realize this constitutional difficulty. Hence, opinion is being built that the constitution must be amended to include a provision so that the earlier House may automatically be revived in such situations until such time the elections are held.

Debate is also on about the constitutional amendment on the role of Monarch and that of the political parties. Some people seem concerned with the present political developments whereas others feel that the political parties must not be left unrestrained in the interest of the people and the country. This is a very delicate issue that poses long-term effect on the future of the country and has to be agreed upon between the different forces including the King in a cordial and conducive environment.

It is an agreed fact that exclusion is detrimental to the process of democracy and Parliament being the highest representative institution of the people it has to be made inclusive. Such an arrangement shall make the ethnic communities, women, backward and disadvantaged classes feel that the country belongs to them also and that their representation in the governance is constitutionally secured.

### **Role of Parliament in Post Conflict Situation:**

- In the post conflict situation the Parliament should play role to create conducive atmosphere for evolving the general consensus to work for sustainable development, maintaining peace and on resolving issues of national importance.
- The Parliament also needs to work for evolving a culture to work for necessary policies, directives, consensus, laws and joint-actions. The Parliament is needed to work for building confidence among the people that it can provide a forum to debate contentious issues and assist in the process of dialogue through peaceful means.
- Parliament should not remain only as forum of raising the concern, expectations and wishes of the people but rather it should be a place for taking decisions and actions for economic development of the country and the benefit of the people. Parliament should be a place to reflect people's sovereignty and supremacy; it should refrain from serving petty interest of the political parties.
- Parliament must work at introducing social, economic and political reforms in the country.
- Parliament must learn from its earlier mistakes and focus on resolving and dealing with issues that concern the people at large like social, economic, ethnic, gender etc. Pluralistic approach in religious and cultural matters must be introduced.
- Parliament must evolve a policy to attain national interests and goals through consensus.

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- Parliament can be instrumental in monitoring, supervising the implementation process of the agendas agreed upon by the parties to the conflict.

### **The Role of International Community in Conflict Resolution:**

The role of the International Community shall be vital in all the process i.e., during Peace Making, Peace Building and Peace Keeping.

- The international institutions like the United Nations, ICRC, the Amnesty International etc., may play an important role in building an environment to bring the warring parties to ceasefire and the peace talks.
- They may participate in the peace talks as observers and also use their good offices so as to pressurize the parties concerned in case of deadlock in the talk process.
- The International Community may also be actively engaged in monitoring the peace settlement agreed upon by the parties.
- They may also maintain close contact with the Parties to promote their full compliance with all aspects of the peace settlement and a high level of cooperation between them and the organizations and agencies participating in those aspects.
- The International Community may also coordinate the activities of the Parties and the entities involved to ensure the efficient implementation of the peace settlement.
- The assistance of International Community shall be particularly important on humanitarian and relief operations, rehabilitation, reconstruction and development of the country and in other technical matters.
- Role of the International Community in decommissioning and monitoring the Code of Conduct agreed upon for the negotiations, ceasefire and post conflict situations are equally important.
- Assistance from the International Community focused on issues that consolidate democracy and institutionalizes it is also important. The assistance should also focus on orienting citizens on the required norms and values of democracy as without people becoming aware of democratic norms and values the chances of settling disputes in a country like Nepal are very slim.
- Reconciliation and restoration of democratic process.
- Assistance to consolidate democracy, protection and promotion of human rights.
- International cooperation and assistance in managing peace, stability, sustainable development, development of Human Capital (Resource) and the consolidation of democratic governance.
- Support to strengthen Parliament and institutionalize its process.
- Assistance to address factors that causes conflict and its management. Assistance and support of the United Nations and other friendly countries shall be highly effective and useful.

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### **Conclusion:**

Democracy, long expected in the country was restored in the year 1990 through the people's movement. Though it was an arduous battle but success was attained with hardly any bloodshed. The then King, His Majesty Birendra was quick to understand the evolving situation, the democratic wave that was sweeping different continents of the world and accept the people's will. People were jubilant to have attained democracy expecting that they had a bright future and that their days of hardships were over. The provisions of the constitution framed by the interim government under the Premiership of Krishna Prasad Bhattarai gave impetus to the aspiration of the people. The first general election was held under the new constitution on the 12<sup>th</sup> of May 1991. People took part in the election with much fanfare not realizing what fate held for them in the near future. The joyous moment was short lived as political parties started bickering over petty issues thoroughly ignoring the plight of the general mass. The Nepali Congress the ruling party plagued by inner dissent caused the early dissolution of the first House of Representatives. The second general election gave a mixed result as no political party gained majority to form the government. The struggle for power therefore was more intense in the second term of the House. The governments formed were weak during this period and the Maoists taking advantage of the situation in the year 1996 declared to take up armed struggle in the name of People's War.

The then governments mired in their own dirty game of power struggle failed to take the Maoist issue seriously. The political parties represented in the Parliament could not agree to a common vision and strategy to deal with the Maoist problem. In fact at the beginning, the Maoist issue became one of their cards in the game of power play. The government at the initial stage sought to suppress the problem through sheer force. They forgot that the use of force was not the right means to contain the violence for lasting peace. But instead of addressing the root causes of the problem including social inclusion in the overall development process and improved service delivery, the governments formed from time to time applied the same tactics of the use of force. The police force trained to maintain peace and security was all of a sudden required to face violent Maoist guerilla warfare. The outcome was inevitable; hundreds of policemen were killed in Maoists attacks. The government suffered a serious blow and the police posts from the rural areas were withdrawn to safer places. This kind of arrangement gave more playing space to the Maoists, which they exploited to gain strength and spread their network. The challenge became more formidable and presently the country is at the brink of collapse with the Maoists dictating the national agenda.

His Majesty the King assessing the gravity of the situation, on 1st February 2005 took full control of governance for a period of three years in the country. The King has reiterated his commitment to constitutional Monarchy and multi-party democracy. But the political parties feel that the Royal move has added another dimension to the existing problem i.e. confrontation between the King and the political parties. The political parties are critical to the King's move but they themselves are yet to agree upon the modalities to address and settle the problem. Although recently the seven agitating parties have come up with the demand for the revival of the House of Representatives, but the effect of this

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demand is yet to be assessed. The conflict has taken its toll with more than 12,000 killed to this date and billions worth of property damaged. The country's economy is in ruins, violation of human rights is rampant and people have become refugee within their own country. The conflict in Nepal has essentially been a battle for control of governance. People live in constant fear and threat not knowing what is going to happen next. The conflict has become tripartite with the three forces facing three diverse directions. Nepal has become a center of international attraction for violence, abuse of human rights, innocent and extra-judicial killings.

The Maoists have on their part failed to establish themselves as a credible and trust worthy force. The decisions made by Maoists central level leaders are not implemented at the working level. Attempts at making peace were made twice i.e., in August 30, 2001 and January 30, 2003 but both the attempts failed as Maoists unilaterally withdrew from the negotiations. At the early stages they demanded for a round table conference, formation of interim government and constituent assembly election as pre-conditions to the resolution of the problem. They have been, from the very beginning, against the existing form of parliamentary democracy at the same time demanding a dialogue with the King. Though, their social, economic and most of the political demands are agreeable to the political parties but in recent times it's not clear what their demands are.

Many people still think that the earlier demands set by the Maoists are no doubt political but their actions are not. The people argue that the Maoists speak of empowerment, liberation and upliftment of the DAGs but they are the ones who are suffering because of the Maoists movement. It is hard to acknowledge as how the Maoists perceive their movement to succeed by oppressing the people/community on whose sympathy they rely. The Maoists must make their stand clear to seek an early peaceful resolution by giving up their behavior of double standard. Today's politics cannot be dictated by violent means but for sustainability the will of the people must be respected.

The only way out from this quagmire is a negotiated settlement as the warring parties are all aware that they face a no win situation. Dialogue is the only way out and there should be no delay in this. Everyone is aware that today's world is for democracy and human rights, which no power can deny – adamancy can be costly. Nepal needs both democracy and constitutional monarchy for the overall development of the nation. Transforming socio-economic structures and initiating inclusive process may only work in a peaceful environment. Though it's very difficult to predict the political dynamics of the country - people presently are in want for peace to prevail. Let's hope the warring parties shall sooner come to realize the will of general mass – for this is what democracy means. Country like Nepal would, to smoothly operate democracy and see an end to the Maoist problem shall no doubt require a helping hand from the International Community and friendly nations.

**ANNEX-I**

**Unofficial Translation of the Forty Point Demand of Nepal Communist  
Party (Maoist)  
Submitted to the then  
Prime Minister Sher Bahadur Deuba on 2052 Magh 21**

1. Repeal all the discriminatory Treaties including the Treaty of 1950 between Nepal and India.
2. The Integrated Mahakali Treaty of 2052 Magh 15 signed between the government of Nepal and India must be repealed immediately for it is detrimental and dangerous to the interest of the nation.
3. The open border between Nepal and India must be controlled and regulated. The use of Indian license plates within the territory of Nepal must be stopped immediately.
4. The Gurkha recruitment center must be cancelled and arrangements must be made for the honorable employment of the Nepali within Nepal.
5. Preference must be given to Nepali workers in different sectors, provided foreign workers are to be employed, in special circumstances, practice of issuing work permit must be initiated.
6. The hegemony of sole foreign capital in the Nepali industrial, trade and financial sector must be put to an end.
7. The custom policy must be framed and implemented so as to develop a self-reliant national economy.
8. The imperialist and expansionist cultural pollution encroachment must be put to an end. The import and circulation and distribution of obscene Hindi movies and publications within the country must be prohibited.
9. The encroachment of imperialist expansionism within the country in the name of NGOs, INGOs must be put to an end.
10. For the establishment of Republican system the representatives elected by the people must draft a new Constitution.
11. All special privileges of the King and the Royal family must end.
12. The army, police, administration must fully be under the control of the people.
13. Suppressive laws including the security Act must be repealed.
14. All the inmates falsely implicated for reasons of politics from districts of Rukum, Rolpa, Jajarkot, Gorkha, Kavre, Sindhupalchok, Sindhuli, Dhanusha and Ramechap must be released immediately. And all the false cases must be revoked.
15. The armed police operation launched in different parts of the county and the suppression and State terror must end.

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16. Non partisan investigation of those made to disappear from the custody in different times like Dilip Chaudhary, Bhuvan Thapa Magar, Pravakar Subedi etc., must be launched and the culprit must be severely punished. The victim must be awarded appropriate compensation.
17. Those killed during the peoples' movement must be declared martyrs. The families of the martyrs and those hurt and made disabled must be given appropriate compensation and the murderers must be severely punished.
18. Nepal must be declared a secular State.
19. The male exploitative domination upon women must end. Girl child must have equal inheritance rights over property like that of a boy child.
20. All forms of caste exploitation and scourge must end. Arrangements for autonomous system of governance must be made in areas dominated by ethnic population.
21. Discrimination against *Dalits* must end and the tradition of untouchability must be fully stopped.
22. Equal opportunity and facility must be given to people speaking different dialects. Arrangements must also be made so as to receive education up to higher secondary level in one's own mother tongue.
23. Freedom of expression and publication must be fully guaranteed. The government owned media must be made fully autonomous.
24. Academic freedom of the intellectuals, writers, actors and those working in the area of culture must be fully guaranteed.
25. The regional discrimination of the hill and terai must end. Regional autonomy must be given to backward Ilakas (areas). Balance between village and city must be maintained.
26. The local bodies must be given full authority and resources.
27. Land must belong to the tiller. The lands of big landlords must be confiscated and distributed to the landless.
28. The property of the capitalist must be confiscated and nationalized. The capital lying in an unproductive state must be invested in industrialization.
29. All must be guaranteed employment. Unless employed arrangements must be made for unemployment benefits.
30. Minimum wage must be determined and strictly implemented for labors working industry and agriculture sectors.
31. Appropriate arrangements must be made for the settlement of landless. Eviction of the landless without making an alternate arrangement for their settlement must be stopped immediately.
32. The poor farmers must be made fully loan free. The loan taken by the framers from the Agriculture Development Bank must be waived. Arrangements for loan for the small industrialists must be made.

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33. Fertilizer and seeds must be made cheap and easily available. The farmers must receive appropriate value for their products and arrangements for market must be made.
34. Arrangements must be made to provide relief to those affected by flood or drought.
35. Arrangements for free health services and education must be made. The rampant commercialization of education must be stopped.
36. Inflation must be controlled. Wages must be increased according to inflation. Goods of daily needs must be made easily available and at a cheaper rate.
37. Arrangements for drinking water, roads must be made from village to village.
38. Cottage and small industry must be given special benefits and protection.
39. End must be brought to corruption, black marketing, smuggling, bribery and commission.
40. Arrangements must be made to take care of the destitute, disabled, elders and children.