



Situation Update X

Summit II: No Power to the People?

October 13, 2006

The much-awaited Second Summit on Peace Talks initiated on October 8, 2006 between SPA¹/GoN² and Communist Party of Nepal (Maoist). The First Summit, held on June 16, 2006, ended with signing of the 8-pt Agreement. The GoN has forwarded a 14-pt proposal for the Summit II at the beginning of October whereas the CPN (Maoist) placed 9-pt proposal on September 29, 2006.

14-pt Proposal of GoN	Issue	9-pt Proposal of CPN (Maoist)
<p># 9</p> <ul style="list-style-type: none"> The CA elections shall be completed by May/June 2007 Mixed election systems shall be adopted, e.g. 205 members directly from incumbent election constituency and 205 from proportionate vote received by each individual party list of candidates The lists shall ensure to comprise women, <i>dalits</i>, <i>Janajatis</i> (ethnic groups) and national important figures The election process shall be monitored by UN The election commission shall be formed by mid-October 2006 	Structure of CA ³ and Election Process	<p># 4</p> <ul style="list-style-type: none"> Proportional Representative System Based List of proportional representations on disadvantaged ethnic groups, regions, Madhesis, dalits, etc Nomination of fixed number of marginalized castes and experts for their representations Age for franchise shall be 16 years and above Total number of representatives shall be decided mutually
<p># 6</p> <ul style="list-style-type: none"> Formation consisting of 301 members inclusive of (i) members of reinstated HoR⁴, (ii) Elected members of NA⁵, (iii) Maoist representatives, (iv) other political leaders, (v) civil society representatives The membership of the party members violating discipline in the Interim HoR shall be rethought and replaced The incumbent Parliament shall be dismissed after the promulgation of the Interim Constitution by November 1 The Interim Parliament shall meet on the very day of dismissal of incumbent HoR 	Interim Legislature	<p># 3</p> <ul style="list-style-type: none"> Formation consisting of SPA 45%, Maoists 35%, and civil society (in consensus of both the actors) 20% Total number of members to be decided mutually Defunct the incumbent HoR and NA after its formation
<p># 7</p> <ul style="list-style-type: none"> The distribution of Portfolio of Ministries and other State mechanisms to be done mutually with Maoists The basic purpose is to conduct free and fair CA elections ensuring plural democracy and human rights The Interim Government shall develop its Code of Conduct and Action Plan The interim Government shall be formed by mid-November 2006 	Interim Executive	<p># 3</p> <ul style="list-style-type: none"> To be formed in proportion to the Interim Legislature The distribution of Portfolio of Ministries and other State mechanisms to be done on the same proportion
<p># 3</p> <ul style="list-style-type: none"> The King devoid of all state powers The Future of Monarchy to be decided by Referendum along with CA elections The other issues related to Monarchy shall be as per the Laws of the Land 	Monarchy	<p># 1</p> <ul style="list-style-type: none"> Suspend the Monarchy during Interim Period The King devoid of all state powers Nationalization of property belonging to Royal Family The Fate of Monarchy to be decided by

1 SPA: Seven Party Alliance
 2 GoN: The Government of Nepal
 3 CA: Constituent Assembly
 4 HoR: House of Representatives
 5 NA: National Assembly

<p># 4</p> <ul style="list-style-type: none"> ▪ PLA to be confined with weapons into seven designated cantonments before October 27 ▪ Certification and monitoring of PLA done by UN ▪ Ration for PLA after confining into Cantonments to be provided by GoN ▪ End forced recruitment, procession of Armed Forces and extortions by PLA ▪ Secured storage of PLA weapons by and its monitoring shall be done by UN, but allow to keep minimum weapons for security of the Camps ▪ Appropriate mechanism developed for managing arms and ammunitions and army through tripartite consensus - GoN, Maoists and UN by October 27 ▪ Nepal Army confined into its barracks ensuring non-use of its weapons against/for any side before October 27 to be monitored by UN ▪ The UN to initiate monitoring by November 1, 2006 ▪ The adjustment of combatants and arms of Maoists shall be done according to UN calendar <p># 6</p> <ul style="list-style-type: none"> ▪ Arms management shall be concluded before October 27 	<p>Arms and Combatants Management</p>	<p>Referendum along with CA elections</p> <p># 2</p> <ul style="list-style-type: none"> ▪ Both the Nepal Army and PLA⁶ to be gradually confined in barracks and cantonments ▪ Monitoring to be done by UN
<p># 4</p> <ul style="list-style-type: none"> ▪ Continuation of the security being provided by Nepal Army to borders, natural reserves, banks, airports, telecommunication, electricity, central secretariat and VIPs <p># 9</p> <ul style="list-style-type: none"> ▪ Strengthen the Civil Police and Armed Police through training and resources for CA elections 	<p>Internal Security</p>	<p># 2</p> <ul style="list-style-type: none"> ▪ A High Level Military Commission to be formed for Internal Security and to Control, Care and Mobilization of both the Armies ▪ Joint Security Mechanism of Civil Police and Maoist Militia to be formed to Internal Security and CA election Management ▪ Abolish Armed Police Force
<p># 4</p> <ul style="list-style-type: none"> ▪ Reform to Nepal Army following State's Values and Guiding Principles 	<p>Restructuration of Army</p>	<p># 2</p> <ul style="list-style-type: none"> ▪ Democratization of the Nepal Army to be performed as per consensus of both sides ▪ A New Democratic National Army to be formed combining both the Armies after CA elections
<p># 6</p> <ul style="list-style-type: none"> ▪ Repel all the People's Courts formed by Maoists at all levels by October 27 <p># 10</p> <ul style="list-style-type: none"> ▪ Impeachment shall be done to Supreme Court Judges and Officials of Constitutional Bodies on charges of misbehave, lack of capability and lack of honesty ▪ Judicial Council shall appoint and/or take necessary actions to other Judges 	<p>Interim Judiciary</p>	<p># 3</p> <ul style="list-style-type: none"> ▪ All the Judges of all Courts shall be re-appointed ▪ People's Courts at local levels shall be continued ▪ A Constitutional Court shall be formed to constitutional debates
<p># 6</p> <ul style="list-style-type: none"> ▪ Repel all the People's Governments at all levels by October 27 <p># 14</p> <ul style="list-style-type: none"> ▪ All-party consensus to manage local bodies 	<p>Decentralization</p>	<p># 3</p> <ul style="list-style-type: none"> ▪ Interim Local Bodies shall be formed at Autonomous Regions, Districts, Municipalities and Villages following mutual consensus ▪ Repel the Peoples' Governments after formation of Joint Interim Local Bodies
<p># 11</p> <ul style="list-style-type: none"> ▪ Inclusive, democratic and forward looking Restructuration of State through federalism ending caste, language, gender, culture, religion, region and class based discriminations ▪ The CA shall finalize the above task 	<p>Restructuration of State</p>	<p># 5</p> <ul style="list-style-type: none"> ▪ Right to Self-determination and Autonomy of Disadvantaged groups, nationalities and region along with Federal Structure of Government
<p># 8</p> <ul style="list-style-type: none"> ▪ All people born in Nepal prior to Popular Movement I (1990) shall be provided citizenship 	<p>Citizenship</p>	<p># 5</p> <ul style="list-style-type: none"> ▪ A Citizenship Commission shall be formed to distribute citizenships to the deprived, particularly the Madhesis, before CA elections ▪ The citizenships shall be distributed on the recommendation of All-sided Committee at

<p># 7</p> <ul style="list-style-type: none"> ▪ The Interim Government shall develop Minimum Common Program for Socio-economic change ▪ Formulate and implement land reform policy by ending all types of feudal land ownership and providing land to the tillers ▪ Adoption of economic policy to protect national industries ▪ Implement Socio-economic reform program to <i>Sukumbasi</i> (Landless) and <i>Bipanna</i> (Disadvantaged) communities ▪ Control corruption 	<p>Socio-economic Transformation</p>	<p>the local level</p> <p># 6</p> <ul style="list-style-type: none"> ▪ Land to the tillers by ending all types of feudal ownership, and land and labor relationship ▪ Adoption of economic policy to protect and promote national industries, trade and resources ▪ Guarantee of natural fundamental rights to all citizens on education, health, habitat and employment ▪ Immediately manage special Socio-economic security to <i>Sukumbasi</i>, <i>Kamaiya</i> and <i>Haruwa-Charuwa</i> (Bonded labor), and Impoverished Classes ▪ A High Level Property Investigation Commission shall be formed to investigate earnings through illicit and unauthorized manner and nationalize such properties
<p># 7</p> <ul style="list-style-type: none"> ▪ Foreign policy in favor of the national interest 	<p>International Relations</p>	<p># 7</p> <ul style="list-style-type: none"> ▪ Sign new treaties and agreements by repelling all unequal past ones ▪ Control and manage the open borders with India ▪ Treaties and agreements related to national resources and security shall be ratified by two-thirds majority of the Interim Legislature
<p># 1</p> <ul style="list-style-type: none"> ▪ Publicly declare annulling of all the cases of allegations by Maoists to political activists and citizens ▪ A High Level Investigation Commission shall be formed to investigate and publicize the whereabouts of the individuals disappeared by both the actors ▪ Create conducive environment for the conflict-induced displacements to return back home ▪ Return all confiscated land, house and properties by Maoists <p># 7</p> <ul style="list-style-type: none"> ▪ Relief support to the armed conflict affected population <p># 12</p> <ul style="list-style-type: none"> ▪ Relief and rehabilitation to the families of deceased and disabled due to armed conflict ▪ Rehabilitation of Conflict-induced displacements, and Relief to public and private property and Reconstruction of development infrastructures destroyed during armed conflict ▪ Relief to families of the disappeared based on the Investigation Committee's Report 	<p>Conflict affected Management</p>	<p># 8</p> <ul style="list-style-type: none"> ▪ Appropriate compensations shall be provided to Martyr's families of People's War and Popular Movement ▪ Whereabouts of the individuals disappeared during the People's War shall be investigated and publicized and the affected families shall be compensated and perpetrators shall be punished ▪ Management for Treatment, Reinstatement and appropriate compensation to the injured and disabled during the armed conflict ▪ Rehabilitation of the conflict-induced displacement
<p># 2</p> <ul style="list-style-type: none"> ▪ The Draft Interim Constitution shall be completed based on political agreements <p># 6</p> <ul style="list-style-type: none"> ▪ Only after concluding Arms management, the Interim Constitution shall be completed and submitted to the incumbent HoR ▪ Interim Constitution shall be announced immediately after initiation of UN Arms monitoring 	<p>Interim Constitution</p>	<p># 9</p> <ul style="list-style-type: none"> ▪ Interim Constitution shall be ratified and proclaimed by the Interim Legislature
<p># 1</p> <ul style="list-style-type: none"> ▪ All the past mutual agreements, understandings and code of conduct to be implemented honestly, completely and strongly 	<p>Actions/Monitoring of Agreements</p>	<p># 9</p> <ul style="list-style-type: none"> ▪ A High Level Monitoring Committee shall be formed to Monitor the Agreements signed by both actors
<p># 5</p> <ul style="list-style-type: none"> ▪ Agreements on Cease Fire, Human Rights and Compliance to Humanitarian Law shall be signed between both the actors by the middle of October ▪ A detailed Peace Accord shall be signed before October 27, 2006 	<p>Peace Accord</p>	

# 13	Establish a High Level Truth and Reconciliation Commission on mutual consensus to investigate truth, crimes against humanity and grave perpetrators of human rights during armed conflict	Truth, Justice and Reconciliation
# 14	Establish all-party and all-sided Peace Council at the local levels to effectuate peace process, and build/strengthen harmony, unity and reconciliation	

Diagnosis/Prognosis

It is evident from the study of the above two documents that there are several points of contradictions whereas a few on concurrence. Maoists have prominently raised the issue of Democratic Republic eliminating Monarchy, while the SPA is divided; Prime Minister Girija Prasad Koirala, President of Nepali Congress, wants to safeguard it through Ceremonial Monarchy, rest of the SPA are almost ready for Democratic Republic. The GoN, to tone down Maoists voice, strikingly jacks up separation of PLA from their arms.

Some points in the Maoist's proposal are critical, for instance continuation to People's Courts at local level. In many cases, these courts have passed verdicts based on political and individual prejudices, which are provocative in the rural areas. Similarly, the issue of compensation to martyrs' families is also on public debate. (Who are the martyrs? Only those killed by the State? What about those killed by Maoists?) There still are a couple of weeks to see the results of whereabouts of the people abducted by Maoists, as announced by Maoist Supremo Prachanda.

The proposal of GoN tries to *Jagir Khuwauno* (let enjoy on public funds) the incumbent parliamentarians, which is itself ridiculous. Nepali people still recall that the parliamentarians were excessively involved in money and muscle game in

NEPAL: A Transcend Perspective by Prof. Johan Galtung*			
Diagnosis: This conflict molecule combines 11 conflict atoms in a structural violence leading to major direct violence			
SNo	Fault line	Issue	Possible Remedy
1	Humans/Nature	Depletion/pollution	Appropriate technology
2	Gender	Repression of women	Appropriate representation
3	Generation	Young people	Appropriate representation
4	Class: Political HMG, King	Parliamentary democracy	Constitutional monarchy
5	Class: Military RNA	Parliament	Control of army
6	Class: Economic misery, inequality	Massive uplift from below	Land reform, temple land reform strong cooperative, public and private Sectors
7	Class: Culture	Marginalization	Massive literacy Campaign sharing of culture
8	Class: Social	Dalits	Appropriate representation economic/cultural measures
9	Nationalities	Dominant culture	Mother tongue education unitary state devolution/soft federalism
10	Territories	Misery, inequality	Massive uplift from below
11	Others/Nepal	Intervention	Reconfirm Panchshila

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the past. The parliament has been viewed by the Nepali people as 'a platform for gossip of elites and/or neo-rich'. The proposal to ratify and proclaim the Interim Constitution by the incumbent Parliament without inclusion of Maoists is absurd. Many issues are repeated and unsystematic. Some issues that are to be placed in

Election Manifesto of political party have been put in it. The roles of several SPA Supremos have been visualized as *Pindh binako lota* (Bottomless pitcher) and *Kholo tare pachhi lauro birsane* (Forgetting the stick after crossing a river).

The Second Summit between SPA/GoN and Maoists met thrice in five days (October 8, 10 and 12, 2006). In total, the formal time spent was 19 (nine, eight and two respectively) hours. The talks held on Oct 12 was significant in many ways; the sit-in at the PM's quarters by cadres of Maoists with their sister-organizations, SPA activists, civil society including NGOs and families of victims by Maoists holding placards and banners, and shouting slogans was extremely large than in the past. The main slogans were:

“Republic in state-power within the weekend”; “Complete the talks soon”; “Stop foreign intervention”; “Moriarty, Leave Nepal”; “Down with Monarchy”; “Guarantee reservation through proportionate representation”; “Nationalize Late King Birendra's Property”, etc. There were tussles also between families of victims of Maoists and Maoist cadres. The families of victims of Maoists displayed shocking photos of their kith and kin killed by Maoists.

Comment on Situation Update IX by US Ambassador to Nepal HE James F Moriarty on Sept. 21, 2006

You have totally mis-characterized what I said during my trip. I want the Maoists to come into the political mainstream, but that will require their abandoning violence. You seem to want to ignore Maoist actions that put the peace process at risk. Are you not aware of the extortion, intimidation, kidnapping, and murder that the Maoists are committing on a regular basis? Do not those actions constitute a threat to peace? Can you have peace while one party feels like it has a license to commit any sort of violence it desires?

Prior to the formal meeting on Oct 12, there was a secret meeting between Girija Prasad Koirala and Prachanda in the morning and then a second informal meeting together with Supremos of CPN-UML⁷ and NC-D⁸. Both the SPA/GoN and

⁷ CPN-UML: The Communist Party of Nepal (Unified Marxist-Leninist)

⁸ NC-D: Nepali Congress-Democratic

Maoists have commented that the meeting was successful. The most prominent decision according to Maoist leader Dr. Babu Ram Bhattraai was “The consensus on GoN moving one step ahead and the Maoists one step back.” Prachanda said, “The talks has qualitatively moved forward, closer to consensus, but not yet reached common understanding.” Chief negotiator of Maoists, Krishna Bahadur Mahara said, “Deciding in haste now would lead to regret in future”. GoN Chief negotiator and Minister for Home Affairs Krishna Prasad Sitaula said, “The meeting was extremely positive, it reached where it had to for conclusion.” The public are concerned about what happened during secret talks. The important part is that no conclusions were reached on the future/fate of Monarchy, republic, arms management, interim constitution, interim parliament, and so on. The next round of talks has been scheduled on October 15, 2006.

Prognosis 1 – Referendum: Both the sides agree on the fate of monarchy through referendum and Maoists in turn agree to separate PLA from their weapons and unilaterally be ready to lock up their arms under UN supervision. In order not to repeat historical mistakes, the referendum on fate of monarchy simultaneously with CA elections could be remedy for the impasse.

Prognosis 2 – Ceremonial Role of Monarchy: Maoists agree to Ceremonial Monarchy up to CA elections and its future decided by CA as proposed by Girija Prasad Koirala, in turn the PLA remain in their cantonments with their weapons. This would open the door for the CA members to fall into money and muscle game. There is a high possibility of revolt within Maoists, if the leadership accepts this option.

Prognosis 3 – Absolute Monarchy: The consensus between SPA/GoN and Maoists leads to antagonistic situation of Monarchy versus Republican. In such a circumstance the conformists, feudal and conventional forces including both the NCs fall into the lap of Monarchy, whereas the rest unto Democratic Republic agenda of Maoists. Royalist forces are spreading rumors of this alternative.

Prognosis 4 – Urban Revolt: If the gaps between SPA/GoN and Maoists are not bridged rather intensified, the Maoists as Prachanda has repeatedly warned go for urban revolt. There is an arduous pressure over the Maoist leaders by cadres for urban rebellion, because they are less convinced for the success of the summit. This may lead to “October Revolution” or urban warfare.

Talks is an event of give and take to each other with trust. If one is to take, one should be ready to loose something – it is scientific and natural. Talks is not *Mero goruko barai takka* (Whatever I say goes). The core issue is to *whom to* entrust the State power – to the masters of Nepali people or representatives of the people? Power to the People is in reality the people’s representatives in state power.

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