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Questions
1. Where is Nuwakot in Nepal?
2. Please provide a brief outline of the structure and beliefs of the Communist Party of Nepal (UML) and the Maoists, particularly how they differ.
3. Are Maoists required to become a member of the UML?
4. Please provide any information on whether the Maoists recruit members from lower castes.
5. Please provide an update on the current situation in relation to army activity against the Maoists.

RESPONSE

1. Where is Nuwakot in Nepal?

Nuwakot is a Hill district in the Central region of Nepal, northwest of Kathmandu. There is also a village named Nuwakot in this district. A map from the United Nations Development Program (UNDP) Nepal website, showing the districts in Nepal, is included as Attachment 1. A map of the Nuwakot district is also included as Attachment 2 ('Nepal Regions – Map' (undated), UNDP Nepal website http://www.undp.org.np/regions/map.php – Accessed 24 January 2008 – Attachment 1; Office for the Coordination of Humanitarian Affairs 2006, 'Nepal: Nuwakot District Map', UNDP website, 15 June http://www.un.org.np/maps/district-maps/central/Nuwakot.pdf – Accessed 21 February 2008 – Attachment 2; 'Nuwakot Development Programme' (undated), Different Travel website http://www.different-travel.com/projects.php?mod=project_details&submod=Previous_Projects&Project_ID=27 – Accessed 21 February 2008 – Attachment3).

For information on Maoist activity and influence in Nuwakot, see *Research Response NPL30318*, dated 10 July 2006 (RRT Country Research 2006, *Research Response NPL30318*, 10 July – Attachment 4).

2. Please provide a brief outline of the structure and beliefs of the Communist Party of Nepal (UML) and the Maoists, particularly how they differ.

The Communist Party of Nepal (Unified Marxist-Leninist) (CPN-UML) is described in the available information as a "moderate left party", although it shares many of the same overall objectives as the Communist Party of Nepal (Maoist) (CPN-M). Both parties sought a "total transformation of the Nepali society"; however, according to Jan Sharma, the CPN-UML rejected "the concepts of one-party dictatorship in favor of plural and competitive democratic system". Although the Maoists were previously opposed to pluralistic politics, the International Crisis Group (ICG) notes that their stated strategies and tactics have changed in recognition of the flaws in their original plan. They have entered mainstream politics and, like the CPN-UML did in the early 1990s, have accepted "multiparty democracy" as a way to achieve their goals. With elections now scheduled for 10 April 2008, there has been recent speculation of an electoral alliance between the two parties. Media articles report that there is a degree of internal debate within the CPN-UML regarding the benefits of such an alliance, with some CPN-UML leaders expressing concern about the Maoists alleged continued use of violence and intimidation to achieve their political aims (for information on the two parties since the CPN-M joined mainstream politics, see: Sharma, J. 2007, 'Political Parties, Civil Society, and Electoral System in Nepal', paper presented at the National Seminar on Issues and Challenges of Electoral Reforms in Nepal (7-8 July), FES-Nepal website http://www.fesnepal.org/reports/2007/seminar_reports/Cets_papers/paper_JanSharma.pdf – Accessed 21 February 2008 – Attachment 5, Gellner, D. 2007, 'Democracy in Nepal: four models' in 'Experiments With Democracy', *India Seminar Magazine*, no. 576, August http://www.india-seminar.com/2007/576/576_david_n_gellner.htm – Accessed 21 February 2008 – Attachment 6; for background information on the communist movement in Nepal, see: Curtis, T. 2004, 'Nepal' in *Revolutionary and Dissident Movements of the World*, ed. B. Szajkowski, 4th edn, John Harper, London – Attachment 7; for recent media speculation regarding the election, see: 'Nepal: Communist party UML in a dilemma' 2008, *Telegraph Nepal*, 20 February http://telegraphnepal.com/news_det.php?news_id=2930&PHPSESSID=499066bb368ebc8dc17ae15271c588e0 – Accessed 21 February 2008 – Attachment 8, 'Nepal: Maoists accused of fomenting political crisis' 2008, ReliefWeb, source: *IRIN*, 19 February http://www.reliefweb.int/rw/rwb.nsf/db900sid/LRON-7BYJ4D?OpenDocument&rc=3&cc=npl – Accessed 21 February 2008 – Attachment 9; for information on the structure and ideology of the CPN-UML, see: 'Organisational Structure' (undated), Communist Party of Nepal (Unified Marxist-Leninist) website http://www.cpnuml.org/about/organisational_structure.htm – Accessed 21 February 2008 – Attachment 10, 'Ideology and People's Movement' (undated), Communist Party of Nepal (Unified Marxist-Leninist) website http://www.cpnuml.org/about/ideology_people.htm – Accessed 21 February 2008 – Attachment 11; for background information on Maoists aims and structure, see: International Crisis Group 2007, *Nepal's Maoists: Purists or Pragmatists?*, 18 May – Attachment 12, International Crisis Group 2005, *Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report no.104, 27 October – Attachment 13).

This response provides information on: CPN-UML and CPN-M in the current political situation; background of the CPN-UML and the Maoists; organisational structure and ideology of the CPN-UML; aims and structure of the Maoists; information found on the "Valley Special Organizing Committee".

Current Situation

Currently the CPN-UML are part of the Six Party Alliance (SPA) which together with the CPN-M make up the interim government. The CPN-UML, the CPN-M and the Nepali Congress (NC) are the main parties. Despite a degree of long-term enmity between the CPN-UML and the Maoists, recent CPN-UML support has been instrumental in the adoption of a number of Maoist key demands; including the declaration of a republic and changes to the proportional electoral system. Nevertheless, CPN-UML and other SPA parties' distrust of the former rebels remains high (UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/5, 3 January http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=478735702 – Accessed 17 January 2008 – Attachment 14; International Crisis Group 2007, 'Nepal: Peace Postponed', 18 December – Attachment 15; 'Nepal: Communist party UML in a dilemma' 2008, *Telegraph Nepal*, 20 February http://telegraphnepal.com/news_det.php?news_id=2930&PHPSESSID=499066bb368ebc8dc17ae15271c588e0 – Accessed 21 February 2008 – Attachment 8).

In 2005, ICG stated:

> The UML has more reason…to be hesitant about working towards an alliance with the Maoists, whom even its pro-republican, second-generation leaders oppose. Overall, though the party presents an appearance of unity, it has its share of dissidence and factional rivalry. However, should the party ally with the Maoists, it is less likely to split than other parties because of its greater internal discipline and the stranglehold that the dominant faction has (International Crisis Group 2005, *Nepal's New Alliance: The Mainstream Parties and the Maoists*, 28 November, p. 6 – Attachment 16).

There has been recent media speculation of an election alliance between the CPN-M and CPN-UML. In a July 2007 paper Jan Sharma writes that "the situation today is such that no political party would be in a position to do anything if the CPN-M and CPN-UML unify." However, Sharma notes that "unity between them is next to impossible", because they are "rival forces". Sharma further reports that "CPN-UML's Madhav Kumar Nepal has ruled out unity because of policy differences, international situation and ground realities" (Sharma, J. 2007, 'Political Parties, Civil Society, and Electoral System in Nepal', paper presented at the National Seminar on Issues and Challenges of Electoral Reforms in Nepal (7-8 July), FES-Nepal website http://www.fesnepal.org/reports/2007/seminar_reports/Cets_papers/paper_JanSharma.pdf – Accessed 21 February 2008 – Attachment 5).

On 19 February 2008, an article in *Nepal News* reported that the CPN-UML has decided not to forge an electoral alliance with the Maoists at a national level, although there may be some alliances at a local level. The article states that "this decision by the UML has come at a time when there were reports of possible UML-Maoist electoral alliance to ensure maximum victory for communist parties". Another 19 February 2008 article in *IRIN*, OCHA's humanitarian news service, states that the head of CPN-UML has accused the Maoists of "intimidating other political parties, assaulting and abducting politicians and preventing them from peacefully campaigning in the elections" ('UML not to forge electoral alliance in Kathmandu' 2008, *Nepalnews.com*, 19 February http://www.nepalnews.com.np/archive/2008/feb/feb19/news02.php – Accessed 21 February 2008 – Attachment 17; 'Nepal: Maoists accused of fomenting political crisis' 2008,

ReliefWeb, source: *IRIN*, 19 February http://www.reliefweb.int/rw/rwb.nsf/db900sid/LRON-7BYJ4D?OpenDocument&rc=3&cc=npl – Accessed 21 February 2008 – Attachment 9).

However, the internal debate does not appear to be over. An article dated 20 February 2008 in *The Telegraph Nepal* reports that there remains a section within the CPN-UML leadership who believe that an alliance with the Maoists would be beneficial to the party ('Nepal: Communist party UML in a dilemma' 2008, *Telegraph Nepal*, 20 February http://telegraphnepal.com/news_det.php?news_id=2930&PHPSESSID=499066bb368ebc8dc17ae15271c588e0 – Accessed 21 February 2008 – Attachment 8).

Background

The available information indicates that the main differences between the Maoists and the CPN-UML were of means rather than overall objectives. According to ICG, the goal of a "new people's democracy" (*naulo janbad*) was shared by almost all of Nepal's communist factions at the start of the 1990s. David Gellner states that the moderate leftist CPN-UML chose to participate in a "parliamentary road to communism" with the adoption of the idea of "multiparty people's democracy" (*bahudaliya janbad*) in 1993. The Maoists, however, hardened their opposition to the multiparty system and took up armed struggle to overthrow the monarchy and establish a communist republic, launching the "People's War" in 1996. According to Tim Curtis in *Revolutionary and Dissident Movements of the World*, "the trigger for the 'People's War' was the conclusion in February 1996 by an NCP [Nepali Congress Party]-led coalition government…of a treaty with India on the shared use of the waters of the Mahakali River basin for irrigation, domestic consumption and hydro-electric power. Most leftist parties regarded the terms of the treaty as highly disadvantageous to Nepal, organizing protest demonstrations and general strikes. The treaty was eventually ratified by Nepal and India in June 1997" (International Crisis Group 2005, *Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report no.104, 27 October – Attachment 13; Gellner, D. 2007, 'Democracy in Nepal: four models' in 'Experiments With Democracy', *Seminar Magazine*, no. 576, August http://www.india-seminar.com/2007/576/576_david_n_gellner.htm – Accessed 21 February 2008 – Attachment 6; Curtis, T. 2004, 'Nepal' in *Revolutionary and Dissident Movements of the World*, ed. B. Szajkowski, 4th edn, John Harper, London – Attachment 7).

Sources report that a number of CPN-UML cadres defected to the Maoists during this time, after becoming disillusioned by the party's failure to live up to its leftist image. ICG states that "by 2001, 21 of the Maoists' 25 parallel district governments were in formerly UML political territory." According to Curtis, disagreement over the water-sharing treaty also caused a split within the CPN-UML in March 1998, when 46 of the party's deputies defected to form the Communist Party of Nepal (Marxist-Leninist) (CPN-ML). The breakaway faction reunited with CPN-UML in February 2002 (International Crisis Group 2005, *Nepal's New Alliance: The Mainstream Parties and the Maoists*, 28 November – Attachment 16; Curtis, T. 2004, 'Nepal' in *Revolutionary and Dissident Movements of the World*, ed. B. Szajkowski, 4th edn, John Harper, London – Attachment 7).

David Gellner provides the following background:

> Undoubtedly, the biggest event of the last twelve years in Nepal is the rise of the Maoists.[7] The Communist Party of Nepal (Maoist) was formed out of one fraction of a kaleidoscope of leftist parties at the beginning of the1990s, many of whom while sharing a broadly Maoist ideology differed over ideological questions such as who the 'principal enemy' was, and in particular whether the time was ripe for launching a 'People's War'. Out of the complex

history of leftist factionalism, one group, the UML or Unified Marxist-Leninists, originally based in the east of the country, had already in the 1980s begun to move away from Maoism, and emerged as the main parliamentary opposition after 1990. For nine months in 1994-5, they even formed a minority government, until they were brought down by Congress manoeuvring. Without abandoning their fundamentally Marxist outlook, they had moved away from the idea of the dictatorship of the proletariat and towards a kind of parliamentary road to communism, expressed in the adoption of Madan Bhandari's concept of 'multiparty democracy' (*bahudaliya janbad*) in 1993.

By contrast, the group which chose the People's War route, was based primarily in the two western districts of Rolpa and Rukum, with a history that can be traced back to experiments with communism in nearby Sallyan in the 1950s. The Kham Magar village of Thabang, known as the Maoists' capital, had a reputation as a stronghold of communism already in 1980 when almost the entire village abstained in the referendum on whether to continue with the Panchayat system.

The CPN(M) launched its war on 12 February 1996, with attacks on police stations in the districts of Rolpa, Rukum, and Sindhuli, and on a agricultural development bank in Gorkha district. Thanks to division, vacillation and lack of interest at the centre, plus the fact that the geography of Nepal – steep hills, jungle cover, an open border and access to the markets of India – is most conducive for guerilla warfare, the Maoists were able to establish their bases and expand throughout the hills of Nepal very rapidly. Their own organization – based on classical, Leninist lines – was also a major factor in their success. It was a relatively simple matter to expel small and underarmed police from rural areas, set up alternative governmental structures, and attract the cadres of the UML into their movement (Gellner, D. 2007, 'Democracy in Nepal: four models' in 'Experiments With Democracy', *Seminar Magazine*, no. 576, August http://www.india-seminar.com/2007/576/576_david_n_gellner.htm – Accessed 21 February 2008 – Attachment 6).

CPN-UML organisational structure

The following information on the organisational structure of the CPN-UML was found on the party's website:

The Party has well net nation-wide organizational set-up. The Party follows the principles of democratic centralism while maintaining the rights and duties of the Party members. Every Party member has the right to elect and to be elected in the different periodical elections organized at different levels of the Party. The National Congress is the highest body convened in every five years, which elects the Central Committee, Central Advisory Committee, Central Discipline Inspection Committee and Central Auditing Committee. The National Congress also approves or adopts the Party program, polices and plans. Democratically elected delegates from various committees participate in the Congress as representatives. The Central Committee, which has now 35 members and 9 alternate members, functions guided by the mandate of the Congress. The Standing Committee elected by the Central Committee, which has now 11 members, looks after the immediate affairs on behalf of the Central Committee. The Chairman is a unifying respected position and the General Secretary functions as the executive leaders of the Party.

National Council is an another central body below the National Congress, which is comprised of the central level committee and department members, centrally designated fraction secretaries, district committee secretaries and limited numbers of other nominees. The Central Committee is supported by different Departments, now 15 in numbers, and a secretariat based at the Party Headquarter. The other local Party committees are divided into nine tieres and their functions and responsibilities have been defined by the Party Constitution. These local party committees are:

- Zonal or Special Coordination Committee
- District Committees
- District Councils
- Constituency Coordination Committees
- Area Committees
- Branch Committees
- Primary Committees
- Party cell
- General Assemblies

All Committees, except the Zonal and Constituency Committees due to their coordinating character, are periodically elected through their regular conferences.

Party Membership:

There are two types of Party membership, i.e. general membership and organized membership. Organized members have to fulfill more stipulated criteria than the general members do and they are organized in the committees. At present there are 73,220 organized and 4,00,000 [sic] general members of the Party ('Organisational Structure' (undated), Communist Party of Nepal (Unified Marxist-Leninist) website http://www.cpnuml.org/about/organisational_structure.htm – Accessed 21 February 2008 – Attachment 10).

CPN-UML Ideology

The following information on the ideology of the CPN-UML was found on the party's website:

The CPN (UML) is a political representative of the working and patriotic people of Nepal. The Party is firmly committed to nationalism, democracy, equality and justice and to enhance progress and prosperity of the people. The Party upholds the principles of socialism and pursues the road of People's Multi-Party Democracy which is a creative application of Marxism and Leninism in the Nepalese condition. Consolidation of democracy, strengthening people's sovereign rights, changing the socio-economic relation and acceleration of the economic development in the country are the major concerns of the Party. Periodical election and the government of the majority, pluralism, rule of law, human rights are other important elements of the People's Multi-Party Democracy. Economically self sustained society, quality education and health service, full employment and social security are also important features of the Party program aiming to achieve the welfare state. The Party fully believes in the harmony and the unity among the people of all religions, castes, communities and ethnic groups living in different geographical regions of the country. The Party works against any discrimination on the basis of race, religion, caste, ethnicity, sex and geographical region.

The Party believes that the material development of society should be closely linked with the spiritual upliftment of the people and it should be guided by the ideals of democracy and socialism. The Party adheres Marxism – Leninism as its guiding principle and socialism its goals to achieve ('Ideology and People's Movement' (undated), Communist Party of Nepal (Unified Marxist-Leninist) website http://www.cpnuml.org/about/ideology_people.htm – Accessed 21 February 2008 – Attachment 11).

Maoists

ICG's 2005 paper titled *Nepal's Maoists: Their Aims, Structure and Strategy* provides a good detailed background on the structure and beliefs of the Maoists (International Crisis Group 2005, *Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report no.104, 27 October – Attachment 13).

The report notes that, despite the Maoists' rise to prominence, "surprisingly little is known about them. This is partly because of their own secretiveness: as an underground movement the Maoists are cautious about their security and keen to control their public image" (p. 1). The report further notes that the movement's structure consists of the party, army and united front:

> The Maoists do not publicise their command structure, and they protect the identities of many people in leadership positions. The means by which they maintain a system of command and control is kept deliberately obscure, and most of their leaders remain underground. But they have definitely followed the Chinese threefold system, within which they have generally emphasised the development of the party over the army and both of these over the united front.
>
> The party has overall responsibility for all activities related to the "people's war" and for the development of policy. The army (PLA), which is under the full control of the party, is responsible for both offensive operations against the "enemy side" and defensive arrangements. Prachanda retains the top positions in both organisations, as chairman of the party and supreme commander of the PLA. The central body of the "united front" is the United People's Revolutionary Council Nepal, which the Maoists have fashioned partly as a revolutionary tool and partly as a central people's government in waiting (International Crisis Group 2005, *Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report no.104, 27 October, p. 7 – Attachment 13).

The paper provides information on the organisational structure of each of these divisions, as well as the Maoists' aims and then-strategies. The Appendixes show the structure of the Maoist movement (International Crisis Group 2005, *Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report no.104, 27 October, p. 7 – Attachment 13).

For more recent information on the changes in the Maoists' strategies and tactics after entering mainstream politics, see: International Crisis Group 2007, *Nepal's Maoists: Purists or Pragmatists?*, 18 May – Attachment 12.

Other information

No specific information on the "Valley Special Organizing Committee" was found, although it is mentioned in a January 2005 article in *eKantipur* and an August 2004 article in *The Hindustan Times*. Several documents with the "Valley Special Organizing Committee" letterhead were also found on the CPN(M) website; however, the rest of the document is in Nepali ('Pokharel blames govt for bombing' 2005, *eKantipur*, 19 January http://www.kantipuronline.com/kolnews.php?&nid=29435 – Accessed 19 February 2008 – Attachment 18; Pradhan, K. 2004, 'Nepal Maoists ban US companies', *Hindustan Times*, 28 August – Attachment 19; Untranslated document (undated), Communist Party of Nepal (Maoist) website http://cpnm.org/new/Nepali/baktabya/ktm_3103061.htm – Accessed 22 February 2008 – Attachment 20).

3. Are Maoists required to become a member of the UML?

ICG notes that it uses "the labels Communist Party of Nepal (Maoist) (CPN(M)) and 'Maoist' more or less interchangeably. Strictly speaking, the CPN(M) is the guiding force of three separate elements that make up the broader Maoist movement: the party, the army and the

united front" (International Crisis Group 2007, *Nepal's Maoists: Purists or Pragmatists?*, 18 May, p. 1 – Attachment 12).

The 2005 ICG report includes the following information on Maoist membership and support base:

> The Maoist movement could not have grown to the extent it has without mobilising a significant support base, even if it remains only a small percentage of Nepal's population. The RNA, for example, estimates that beyond their armed cadres and 14,000 political workers, the Maoists may have some 100,000 supporters. The Maoists, obviously, would claim a far greater number, and there is certainly a larger category of latent sympathisers as well as committed supporters. Retired RNA Lieutenant-General Sadip Bahadur Shah estimates 24,000 active supporters and 200,000 sympathisers.
>
> A number of surveys have indicated that while the Maoists might only win a low percentage of votes in a free and fair election, a much wider constituency agrees with their aims but not their means. Overall, there are three categories of supporters: committed "whole-timers", who have gone underground and take part in either military or political work; supporters, who provide assistance in a number of ways but are not declared Maoists and operate above ground; and sympathisers, who offer little if any practical help and may include those who are dissatisfied with Maoist violence but nevertheless back their political agenda.
>
> …Before launching their armed struggle the Maoists made a class analysis of the motivating forces on which they could hope to draw. They identified six broad classes from whom they could expect some support: the proletariat, poor peasants, middle peasants, rich peasants, petty bourgeoisie and national bourgeoisie. The latter three were expected to be only "vacillating allies", although the Maoists saw the petty bourgeoisie as playing a potentially "important auxiliary role" (International Crisis Group 2005, *Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report no.104, 27 October, pp. 14-15 – Attachment 13).

4. Please provide any information on whether the Maoists recruit members from lower castes.

According to the available information, the Maoists recruited heavily from the lower castes and women to fill the lower ranks of their army. Although the political empowerment of Dalits and women was a central tenet of the Maoist agenda, this did not translate to a leadership level. Most members of the main Maoist decision making bodies were from the upper-castes. Both the main architects of the movement, Prachanda and Bhattarai, are Brahmans (Center for Human Rights and Global Justice 2005, *The Missing Piece of the Puzzle: Caste Discrimination and the Conflict in Nepal* http://chrgj.org/docs/Missing%20Piece%20of%20the%20Puzzle.pdf – Accessed 17 January 2008 – Attachment 21; International Crisis Group 2005, *Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report no.104, 27 October – Attachment 13).

ICG states the following in relation to ethnicity and caste:

> The wide participation of otherwise excluded ethnic and caste groups is a notable feature of the Maoist movement. But participation has not translated into control at the top levels. The concentration in Rolpa and Rukum of independent-minded Magars, well aware of their historic exclusion from the Nepali state, was one of the factors that made this a suitable crucible for Maoist mobilisation. But there have been repeated accusations that young people from minority communities have been cynically manipulated by the leadership and used as

little more than cannon-fodder (International Crisis Group 2005, *Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report no.104, 27 October, p.15 – Attachment 13).

Appendix C of the ICG report lists the then-current members of the Maoist standing committee and politburo members. It may be noted that the majority of these are from the upper castes, mainly Brahmans or Chhetris (International Crisis Group 2005, *Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report no.104, 27 October, pp. 34-36 – Attachment 13).

For more information, see: Center for Human Rights and Global Justice 2005, *The Missing Piece of the Puzzle: Caste Discrimination and the Conflict in Nepal* http://chrgj.org/docs/Missing%20Piece%20of%20the%20Puzzle.pdf – Accessed 17 January 2008 – Attachment 21).

5. Please provide an update on the current situation in relation to army activity against the Maoists.

The situation in Nepal remains fluid, and there are a number of current developments in relation to the army. Although the Nepal Army (NA)[1] has remained largely confined to barracks as part of the peace agreement, recent media reports indicate that there are plans to mobilise a large part of the force for the elections, partly because of Maoist activity. Ongoing concerns remain about the continued use of violence and intimidation by CPN-M affiliated cadres in some sections of the country. Sources report that there has been a general reluctance to apprehend CPN-M affiliated cadres for fear of disrupting the peace process. Generally, sources agree that the security situation in the country is continuing to deteriorate, with bombings targeting joint political rallies held by the SPA and CPN-M. There has also been recent media speculation about the possibility of a "democratic coup" supported by the army (for recent security information, see: UN Office for the Coordination of Humanitarian Affairs 2008, OCHA Nepal Situation Overview, *Issue No. 20*, 1 January – 31 January, ReliefWeb website, http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MUMA-7BH8YW-full_report.pdf/$File/full_report.pdf – Accessed 21 February 2008 – Attachment 22; UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/5, 3 January, p. 1 http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=478735702 – Accessed 17 January 2008 – Attachment 14; for information on violence and intimidation by CPN-M cadres, as well as impunity, see: United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl – Accessed 14 December 2007 – Attachment 23; for recent reports on the mobilisation of the army, see: 'Army deployed to security duties to free police for Nepal poll' 2008, *BBC Monitoring South Asia*, source: *Kantipur*, 20 February – Attachment 24; 'Nepal army reported warning against holding election' 2008, *BBC Monitoring South Asia*, source: *Dristi*, 19 February – Attachment 25; for media speculation

[1] After the April 2006 movement, the RNA dropped the adjective "Royal" and is now simply the Nepalese Army (NA) " (International Crisis Group 2007, *Nepal's Maoists: Purists or Pragmatists?*, 18 May, p. 2 - Attachment 12).

of a coup, see: Adhikary, D. 2008, 'Nepal's polls shrouded in doubt', *Asia Times Online* website, 1 February http://www.atimes.com/atimes/South_Asia/JB01Df03.html – Accessed 14 February 2008 – Attachment 26).

Situation of the Nepal Army

In November 2006 the government and the Maoists signed the Comprehensive Peace Agreement (CPA), declaring a formal end to the 10-year insurgency. Part of the agreement involved the cantonment of Maoist People's Liberation Army (PLA) combatants and restricted the bulk of the Nepalese Army (NA) to barracks until constitutional assembly (CA) elections are held. In addition, a new military law removed the NA's traditional linkages with, and loyalty to, the king. As part of the peace accord, the United Nations Mission in Nepal (UNMIN) "was established as a special political mission with a mandate to monitor the management of arms and armed personnel of CPN(M) and the Nepal Army", as well as assisting in monitoring ceasefire arrangements (UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/5, 3 January, p. 1 http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=478735702 – Accessed 17 January 2008 – Attachment 14; Adhikary, D. 2008, 'Nepal's polls shrouded in doubt', *Asia Times Online* website, 1 February http://www.atimes.com/atimes/South_Asia/JB01Df03.html – Accessed 14 February 2008 – Attachment 26).

The ultimate goal is the merger of the two armies; however, this proposal is being met with opposition within the NA. In the meantime, the latest ICG report notes that Nepal is "an increasingly fractious nation" and states:

> The two armed forces have started to exert greater influence on the positions of the sides; neither has been defeated, and each would like to establish its own red lines. Maoist fighters have already left the cantonments in large numbers; on completion of the UN verification process, thousands of disqualified personnel will be discharged with no realistic plan for how to deal with them…
>
> …In this inherently unstable situation, Nepal risks slipping back toward renewed conflict even if no party actively seeks it. Two intact armies remain ready to fight (International Crisis Group 2007, 'Nepal: Peace Postponed', 18 December – Attachment 15).

UNMIN has recently released a statement emphasising that finding a solution to the current arrangement is a priority area deserving the urgent attention and cooperation of all sides. Nevertheless, the latest UN Office for the Coordination of Humanitarian Affairs (OCHA) Nepal situation overview reports that "the Chief of Army Staff (CoAS) and the Prime Minister indicated that they were against integrating the politically indoctrinated CPN-Maoist combatants into the Nepal Army. These comments attracted criticism from the CPN-Maoist leadership." This stance has also been reported in a number of recent media articles (Martin, I. 2008, 'UNMIN will do all it can to help Nepal hold a credible election in a free and fair atmosphere in April', ReliefWeb, source: UN Mission in Nepal, 25 January http://www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-7BAQVS?OpenDocument&cc=npl – Accessed 21 February 2008 – Attachment 27; UN Office for the Coordination of Humanitarian Affairs 2008, OCHA Nepal Situation Overview, *Issue No. 20*, 1 January – 31 January, ReliefWeb website, http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MUMA-7BH8YW-full_report.pdf/$File/full_report.pdf – Accessed 21 February 2008 – Attachment 22).

ICG also mentions that there has been talk of the possibility of a "democratic coup" supported by the army. There has been recent media speculation on this possibility (International Crisis Group 2007, 'Nepal: Peace Postponed', 18 December, p. 8 – Attachment 15; Tharoor, I. 2008, 'Rebels With a Cause', *Time International Asia*, ed. 34, vol. 171, issue 5, 11 February – Attachment 28; Adhikary, D. 2008, 'Nepal's polls shrouded in doubt', *Asia Times Online* website, 1 February http://www.atimes.com/atimes/South_Asia/JB01Df03.html – Accessed 14 February 2008 – Attachment 26).

As mentioned above, the most recent developments involve plans to mobilise the army for election security purposes ('Army deployed to security duties to free police for Nepal poll' 2008, *BBC Monitoring South Asia*, source: *Kantipur*, 20 February – Attachment 24; 'Nepal army reported warning against holding election' 2008, *BBC Monitoring South Asia*, source: *Dristi*, 19 February – Attachment 25).

Youth Communist League (YCL)

There has also been ongoing concern that the cantonment process concentrated, in the main, on the ranks of Maoist regulars in the PLA but leaves the irregular forces of Maoist militias relatively unchecked. There has been a revival of activities by the Maoist militant youth wing, known as the Young Communist League (YCL). A number of sources report that YCL cadres have been involved in extortion, abductions, intimidation, threats and murder. OCHA reports that in January 2008 the CPN-M publicly reiterated that the party had given strict instructions to the YCL to refrain from using violence. Nevertheless, allegations of YCL violence continue (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl – Accessed 14 December 2007 – Attachment 23; International Crisis Group 2007, 'Nepal: Peace Postponed', 18 December – Attachment 15; UN Office for the Coordination of Humanitarian Affairs 2008, OCHA Nepal Situation Overview, *Issue No. 20*, 1 January – 31 January, ReliefWeb website, http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MUMA-7BH8YW-full_report.pdf/$File/full_report.pdf – Accessed 21 February 2008 – Attachment 22; 'Nepal: Maoists accused of fomenting political crisis' 2008, ReliefWeb, source: *IRIN*, 19 February http://www.reliefweb.int/rw/rwb.nsf/db900sid/LRON-7BYJ4D?OpenDocument&rc=3&cc=npl – Accessed 21 February 2008 – Attachment 9).

Impunity

UN Office of the High Commissioner for Human Rights (OHCHR) reports that there is a general reluctance to apprehend CPN-M affiliated cadres. According to OHCHR this impunity extends to other major parties as well. The report states:

> Political pressures on police – including threats and intimidation to release anyone arrested who is linked with the major political parties, particularly the CPN-M, have contributed to ongoing impunity for abuses and acts of violence. There have been numerous cases where detainees linked to the CPN-M, MPRF, mainstream political parties and other organizations were arrested only to be released following negotiations often involving the Seven-Party Alliance and/or the CPN-M and/or the CDO. Such releases are sometimes accompanied by an apology from the organization concerned and a commitment not to repeat the behaviour. While such mediation may serve to reduce immediate tensions locally, it has not fundamentally changed the patterns of abuses and violence overall, and the perception that such violence can be committed with impunity (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December

http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl – Accessed 14 December 2007 – Attachment 23).

Dhruba Adhikary, in a February 2008 *Asia Times Online* article, writes that:

> The law and order situation is precarious. Media reports of killings, abductions, beatings, looting and disruptions of traffic on highways are coming to the capital from all directions and imply that state authority in outlying districts is non-existent. Some of the district-based law enforcement officials even complained that Kathmandu often sends them orders to release criminals detained on homicide charges, because they happen to be workers for one of the coalition parties (Adhikary, D. 2008, 'Nepal's polls shrouded in doubt', *Asia Times Online* website, 1 February http://www.atimes.com/atimes/South_Asia/JB01Df03.html – Accessed 14 February 2008 – Attachment 26).

Violence in the Terai

The situation in Nepal has been further complicated by the emergence of a number of diverse armed groups which have contributed to a wave of violence in the districts of the Terai. The South Asia Terrorism Portal (SATP) states that "incidents include the killing and abduction of civilians, Government employees and also Maoists, the last of which are regarded as the foremost enemies of the Madheshi movement and people". A July 2007 press release expresses OHCHR's concerns about the targeted killings of CPN-M cadres in the Terai ('Nepal Assessment 2008' (undated), South Asia Terrorism Portal website http://satp.org/satporgtp/countries/nepal/index.html – Accessed 24 January 2008 – Attachment 29; United Nations Office of the High Commissioner for Human Rights 2007, 'OHCHR concerned about killing of CPN-M cadres and other violence in the Terai', OHCHR Nepal website, 2 July http://nepal.ohchr.org/en/resources/Documents/English/pressreleases/JUL2007/2007_07_02_Terai_E.pdf – Accessed 22 February 2008 – Attachment 30).

OHCHR reports that there have been a number of situations in which authorities failed to act to prevent intimidation and violence prior to or during demonstrations. The report states:

> The most serious single such incident during this period related to the 21 March killing of 27 CPN-M cadres in Gaur…In spite of visible escalating tensions between the Madheshi People's Rights Forum (MPRF) and the CPN-M/Young Communist League (YCL) as they organised simultaneous rallies in the same place, local authorities were unable to control the situation, and several hundred APF [Armed Police Force], as well as NP [Nepal Police] who were present in the area subsequently did nothing to stop the brutal attacks on the CPN-M cadres when the crowd of MPRF supporters turned on them (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December, p. 9 http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl – Accessed 14 December 2007 – Attachment 23).

Other recent events

A number of recent bombings and threats have targeted joint political rallies held by the SPA and the Maoists. The most recent OCHA situation overview states:

> During the reporting period, indicative of deterioration in security situation, bombs and other explosive devices went off across the country. The prime targets of these explosions were the towns where the SPA leaders had planned to hold joint rallies. According to media reports over 30 IED incidents occurred in different parts of the country during the reporting period. 9 IED incidents in Birgunj of Parsa District, 3 IED incidents in Kaliaya of Bara District, 5 in

Biratnagar of Morang; 1 in Gol bazaar of Siraha and 6 in Banke district were reported. On 14 January, at least eight people were injured when a bomb went off in Kathmandu, minutes after a mass gathering of the SPA concluded (UN Office for the Coordination of Humanitarian Affairs 2008, OCHA Nepal Situation Overview, *Issue No. 20*, 1 January – 31 January, ReliefWeb website, http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MUMA-7BH8YW-full_report.pdf/$File/full_report.pdf – Accessed 21 February 2008 – Attachment 22).

Other recent articles

The following articles are a selection of the most recent reporting on events involving the army.

A 20 February 2008 article from *Kantipur* reports that the army has been deployed for security of the main public entities and sectors of the state:

> The government has entrusted the Nepal Army with the security of the main public entities and sectors of the state. These entities and sectors include the government's central secretariat at Singha Durbar, the borders, customs offices, airports, power houses, telephone towers, national parks and nature reserves and distinguished individuals.
>
> According to a high-level source in the government, the army has been mobilized for security at these entities and sectors by the Central Security Committee in order to mobilize the police and the Armed Police for the constituent assembly elections. As per the decision, the army has started deploying on security duty ('Army deployed to security duties to free police for Nepal poll' 2008, *BBC Monitoring South Asia*, source: *Kantipur*, 20 February – Attachment 24).

A 19 February 2008 report from *Radio Australia* states:

> The UN says human rights abusers from the Nepal Army may be currently serving in peacekeeping operations, despite efforts to blacklist those suspected of torture, disappearances and killings. While the UN office for human rights in Nepal has sent details of abuses to the New York peacekeeping department, human rights workers say the Nepal Army continues to protect soldiers accused of violations ('NEPAL: Army accused of protecting rights abusers' 2008, *ABC Radio Australia*, 19 February http://www.radioaustralia.net.au/connectasia/stories/s2165395.htm – Accessed 22 February 2008 – Attachment 31).

A 19 February 2008 article from *BBC Monitoring South Asia* reports that the army is "seeking a new role" and is ready to be mobilized throughout the country:

> The army, which was limited within its barracks after the signing of the peace agreement between the government and the Maoists, is seeking a new role. The prime minister has been advised to take seriously the suggestion of the army.
>
> After his visits to India and China, army chief Rukmangat Katuwal has openly expressed the concerns of the army regarding the integrity of the nation. Experts say the army's report on the security situation in the country should not be taken lightly. During his meeting with the prime minister, the army chief said the army was ready to obey the orders of the government. The government has said it will not be mobilizing the army only in the Terai districts. It has been suggested that army mobilization only in the Terai districts may trigger communal strife. The army presented its secret report to the prime minister after some ruling party leaders indicated that army should be mobilized in the troubled Terai districts for the purpose of the

> election. If the army is to be mobilized, it should be mobilized throughout the country, the army chief insisted.
>
> If the army operation in the Terai districts fail, what should be done next, the army chief asked. He urged the prime minister to think seriously because it is a national issue.
>
> The army has kept 12,000 of its troops ready in case it is requested to play a role during the election. If a decision is taken to mobilize the army for the election, the army is ready to send 50,000 troops for the purpose. The army has signalled that the activities of the Maoists have hindered the efforts to maintain security in the country. Some high-level army officers have told the prime minister that they had information on a Maoist plan to capture booths during the election ('Nepal army reported warning against holding election' 2008, *BBC Monitoring South Asia*, source: *Dristi*, 19 February – Attachment 25).

An article dated 14 February 2008 from *BBC Monitoring South Asia* reports that the Maoist leader has claimed that the proposed mobilization of the army is "part of a conspiracy to prevent the Maoists from winning majority in the polls":

> Maoist chairman Prachanda has warned that his party will lead a mass revolt if the constituent assembly [CA] polls are disrupted by any force. Addressing a mass gathering at Khula Manch, Kathmandu, organized to mark the 13th anniversary of the "people's war" on Wednesday [13 February], Prachanda said upcoming election were going to be the final round of fight with the parliamentary forces to establish the "rule of the working class". He also claimed that foreign power centres and the royal palace had started feeling jittery seeing the possibility of Maoist winning majority in the CA election.
>
> The Maoist chairman further said the recent statement of the Nepal Army generals in favour of mobilization of army during the polls was part of a conspiracy to prevent the Maoists from winning majority in the polls ('Nepal Maoist leader warns against "any force" disrupting poll' 2008, *BBC Monitoring South Asia*, 14 February, source: Nepalnews.com website, 13 February – Attachment 32).

An article dated 11 February 2008 from *Time International Asia* reports that there are fears that if political situation does not improve, the army may choose to step in:

> Nepal's Maoists once tried to topple the state. Now they are leading the Himalayan nation's political transition from monarchy to republic. But old animosities threaten the country's rebirth.
>
> … The security situation in a Nepal under cease-fire is dismal. During the civil war, both the Maoists and the Royal Nepalese Army held brutal sway over segments of the country, but now, as they wait in their camps, law and order has deteriorated. Reports filter in every week of kidnappings for ransom. Last December, a Swiss trekker was beaten up after refusing to pay money to a few rogue Maoists, a worrying sign for a country heavily reliant on the money brought in by foreign tourists. Many in Kathmandu blame the Youth Communist League (YCL), created by the Maoists less than a year ago, for much of the disorder. Red YCL banners around parts of Kathmandu urge Nepalis to report "suspicious, reactionary activity" to cell-phone numbers emblazoned on the cloth. As soon as night falls in the capital--which, as a bastion for the King's army, had been safe during all of the years of the civil war--the usually teeming streets grow deserted. "The police have no motivation at all right now," complains Kanak Dixit, editor of Himal magazine and an outspoken advocate of democracy. "There is an alarming surge in crime."

> … Continued discord only strengthens the hand of the weakened King. Though the throne has lost much of its credibility under Gyanendra, many Nepalis still look to the institution as a source of stability and unity. "You can't legislate away the emotional link of the people," says Thapa. Others, including journalist Dixit, fear further squabbling and political anarchy could lead to a more ominous "right-wing backlash ... where royalist elements in the army would step in on the pretext of stability." Further heightening tensions, Prachanda, the Maoist leader, made noises as recently as November about returning the people's war to the jungle if progress toward a republic wasn't made. "Either through [the Maoists] or through the army," warns royalist Thapa, "we are going to see some sort of authoritarian solution" (Tharoor, I. 2008, 'Rebels With a Cause', *Time International Asia*, ed. 34, vol. 171, issue 5, 11 February – Attachment 28).

An article dated 2 February 2008 from *BBC Monitoring South Asia* reports that there is a danger of a coup if the present security arrangements are not resolved soon:

> Conflict experts have said that there is a danger of a coup taking place if both the armies of the state and the Maoists are not restructured soon.
>
> "If the Nepal Army, police and the Maoist army are not brought under democratic control soon, it will be difficult to consolidate democracy", conflict expert Shiva Hari Aryal said while presenting a working paper at a talk programme held at the Nepal Bar Association International Law Committee on Friday [1 February], adding, "It is urgent that both the armies and the police be brought under democratic control. If these are not restructured there is danger of a coup".
>
> Another conflict analyst Shovakar Budhathoki said that the problem has worsened as the state has not been able to work out a special security policy and added that the briefs of both armies should be spelled out and a long term security strategy developed. He said politicization of the armed police, the Nepal Army and the civil police has made conflict resolution difficult.
>
> "Integrating the rebel army into the national structure will not itself bring the national security apparatus to its knees but integration is not the only option", Budhathoki said, "The state should provide financial and social security guarantees for the Maoist troops that could not be verified, could not meet the standards or did not want to be involved in the security sector. Otherwise there is a possibility that they will end up once again in war or take to crime for their own livelihood".
>
> International law scholar and advocate Sunil Pokharel said the 12,000 Maoist troops who were not verified should be taken care of before the constituent assembly elections, otherwise it will have consequences ('Coup danger for Nepal if army restructuring delayed – experts' 2008, *BBC Monitoring South Asia*, source: *Rajdhani*, 2 February – Attachment 33).

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