

A Global Pro Bono Law Firm

NEPAL

Negotiation Simulation

[King/Monarchy Delegation]



Nepal Political Map 1999 available at: <http://www.askasia.org/image/maps/nepal1.htm>

Prepared by

Melanie Nakagawa (melanienakagawa@yahoo.com)

Terry Hoverter (thoverter@ndi.org)

Larry Chirch (lchirch@yahoo.com)

May 7, 2004

TABLE OF CONTENTS

Introduction

History of the Conflict

Interests Involved

Monarchy/ King

The Political Parties

Maoists

Other Influential Interests

Identification of Central Issues

Restoration of Government

Reintegration of Forces and Peace Process

Constitution

Role of International Body

Appendix: Sources for Further Inquiry

Commentary on the Peace Process

Political Parties and Opposition Groups

An In-Depth Look at the Political Parties

Additional Sources Used for This Simulation

Maps of Nepal

40 Points Demand of Nepal Communist Party (Maoist)

Agenda

Delegation Instructions

NEPAL NEGOTIATION SIMULATION

INTRODUCTION

Since Nepal's civil war began in 1996, the past two years have become the bloodiest, accounting for over 5,000 of the estimated 9,000 total victims, making a successful resolution necessary to Nepal's democratic future. The measures necessary to bring about peace will include the reintegration of rebels into society and depends on the unity of the Maoists. Fragmentation of the Maoist movement could result in prolonging and instigating more anarchy in the countryside.

The purpose of this negotiation simulation is to surface key issues and potential solutions to the points of impasse which will likely arise in the peace process. It is important to note that the objective of the simulation is not to reach consensus on the precise nature of the peace process or to agree upon specific conditions for negotiations. Rather, this negotiation simulation is designed to stimulate debate, address points of conflict, and identify potential solutions. The negotiation simulation has been developed using the methodology employed by the United States Department of State's National Foreign Affairs Training Institute which runs similar negotiations to train US diplomats prior to negotiations.

This simulation exercise is not intended to be a comprehensive review of all the issues involved, nor is it intended to endorse one view over the other. The participants in the simulation naturally will have varying levels of substantive or area expertise, as well as a professional commitment to the issue. Participants are therefore encouraged to draw upon their individual experiences as they deem appropriate.

To provide the necessary information to conduct this simulation, this briefing packet contains a brief review of the history of the conflict, the principal interests of the parties and other relevant interests, a discussion of the primary issues which are likely to be discussed during the peace process, and brief negotiating instructions for the delegations. Each delegation is provided only their instructions. An Appendix is also provided which includes links and further sources of information.

The negotiation simulation has been prepared by the Public International Law & Policy Group (PILPG) in cooperation with American University and is made possible by a grant from the Carnegie Corporation of New York. PILPG is a 501(c)3 non-profit organization, which operates as a global pro bono law firm

providing free legal assistance to developing states and states in transition involved in conflicts. To facilitate the utilization of this legal assistance, PILPG also provides policy formulation advice and training on matters related to conflict resolution. To date, PILPG has advised over a dozen countries on the legal aspects of peace negotiations and constitution drafting, and over fifteen countries in Europe, Asia and Africa concerning the protection of human rights, self-determination, and the prosecution of war crimes.

HISTORY OF THE CONFLICT

In 1990 multi-party democracy replaced a Palace-dominated *panchayat* system, a form of government where elected local and district councils nominated members to a *Rastriya Panchayat*, or National Parliament. This system was dominated by the King, who retained sole authority over all governmental institutions and nominated candidates for elections, many of whom ran unopposed. Political parties were banned and there was no universal suffrage during the first two decades. This system lasted 30 years, with thousands of pro-democracy activists being jailed, exiled, tortured, and executed.

During 1990, Katmandu erupted in political protests under the banner of the "people's movement for the restoration of democracy." Supported by united leftist parties under the umbrella of the United Left Front and the Nepali Congress, as many as 100,000 people demonstrated in the streets demanding democracy and an end to the country's absolute monarchy. In the face of this crisis, King Birendra agreed to political reforms: the ban on political parties was lifted; an interim government was formed under the leadership of the movement parties; the new government was mandated to draft a new democratic constitution; and general elections for the House of Representatives were scheduled.

Nepal's transition to democracy, however, has not brought the political stability that was envisioned. Since 1991, conflicts among and within parties have made it difficult to maintain governing coalitions and have resulted in 13 prime ministers. This instability is exacerbated by continued economic hardships and the "People's War" launched in 1996 by the Communist (Maoist) Party of Nepal (CPN-Maoist). The CPN-Maoist renounced mainstream politics to initiate a military movement in 1995 when a faction of the party, led by former Member of Parliament (MP) Pushpa Kamal Dahal, was denied recognition by the Election Commission. Subsequently, the CPN-Maoist boycotted national elections and adopted a plan for the initiation of a people's war, demanding that the powers and privileges of the royal family be curtailed, declaring Nepal a secular nation, and

mandating the drafting of a new constitution through a constituent assembly. On February 13, 1996, Maoists launched attacks on police posts and local administration offices in several districts across mid-western Nepal, beginning an insurgency that has devastated the country's economy and taken the lives of over 9,000 Nepali citizens to date.

On June 1, 2001, tragedy struck Nepal with the massacre of ten members of the royal family including King Birendra and Queen Ashwarya. Birendra had been highly popular for lifting the ban on the political parties and honoring the constitution. A high-level investigative committee concluded that Crown Prince Dipendra was responsible for the killings. Gyandendra, the late King's brother, was crowned King. After the royal massacre, the Maoist insurgents heightened their terrorist activities throughout the country, killing and kidnapping hundreds of police officers. The government mobilized the army to rescue abducted police officers and an armed stand-off began.

In 2001, former Prime Minister Sher Bahadur Deuba made attempts to resolve the Maoist crisis, initiating a preliminary round of peace talks between the Maoists and the government. After the third round of these talks, the Maoists unilaterally gave up on the negotiations and resumed armed conflict around the country. Violence escalated, and the government was forced to declare a six-month state of emergency on November 26, 2001. After the first six months, Prime Minister Deuba sought approval from political party leaders to extend the state of emergency for an additional six months, but political party leaders and Deuba were unable to reach agreement. Deuba recommended dissolution of parliament to King Gyanendra, thwarting any opportunities for parliament to deliberate on the state of emergency issue. On May 22, 2002, King Gyanendra dissolved parliament and called for mid-term polls on November 13, 2002, according to a six-month deadline mandated by the constitution.

However, as the polls approached, political parties expressed concern that the state of emergency would interfere with proper campaigning and created an unsuitable environment for holding elections. At an all-party meeting held in late September 2002, political parties arrived at the conclusion that elections could not be held as scheduled for November 13, due to the security situation, and signed an agreement which recommended postponing the elections by six months. Most of Deuba's cabinet members were opposed to this all-party contract. Contrary to the agreement reached between the PM and political party leadership, on October 3, Deuba recommended that the King defer the scheduled polls by more than a year. When Deuba conveyed this recommendation to King Gyanendra, the King charged

Deuba with “incompetence” and responded by dismissing him and installing his own administration on October 4, 2002, with Prime Minister Lokendra Bahadur Chand as Prime Minister.

Political parties immediately deemed the King’s assumption of executive powers unconstitutional and labeled it a “regression” in Nepal’s movement for democracy. Since then, political parties have been organizing mass protests demanding that the King reinstate parliament or create an all-party administration. On May 30, 2003, PM Chand resigned, and though the King invited political parties to submit a name for his replacement, their recommendations were rejected and the King chose Surya Bahadur Thapa (Rastriya Prajatantra Party; National Democratic Party), a recognized royalist and five-time former prime minister. Political parties remain reticent about Thapa’s appointment and suspicious about his intentions to restore democracy.

Meanwhile, the Maoist insurgency has continued to place strain on the nation’s political stability. Though a ceasefire was declared on January 28, 2003, the ceasefire broke down seven months later on August 27, 2003. Three rounds of peace talks were held during that time, but when the government refused to meet Maoist demands for the creation of an elected constituent assembly to draft a new constitution, Maoists broke off the dialogue and returned to fighting. This ongoing political crisis, exacerbated by the inability of the King, political parties and the Maoists to work cooperatively, has been a source of deep frustration for Nepali citizens and caused many to lose confidence in the government.

Since the breakdown, the political parties remain out of government due in part to their inability to form a common platform for negotiating with the King to restore parliament. In recent months, the King has traveled the countryside promoting his agenda, stating that elections will be held sometime within the next 18 months. Meanwhile, the parties have stepped up their agitation, calling all-day *bandhs* (general strikes) that have paralyzed the capital and have led to violence. The Maoists have also called their own *bandhs*, shutting down travel and trade throughout the country. Clashes between security and Maoist forces continue in the rural areas, some of which have resulted in hundreds of casualties.

The strength of the rebels is hard to estimate, as very little is known about the group. At present it is estimated that the rebels control roughly 40 percent of Nepalese territory (see Appendix – Map of Conflict). It is estimated by the BBC that there are around 2,000 to 4,000 Maoist fighters and about 12,000 to 14,000 militia. Reports suggest that Maoists gain some support in rural areas from rural

poor, who feel that the present government has not been responsive to their needs. However, Maoists have increasingly taken to using tactics of threat and coercion to gain recruits, in some cases abducting scores of civilians, particularly students and youth, who are trained by Maoist forces. Maoists have also forced the resignation of many Village Development Committee members who were appointed by the government, demonstrating their control of local government.

Many Nepalese are demanding a new elected government, decentralized local governments, a solution to the Maoist insurgency, and land reform. The Maoists thus appeal to populist aspirations (see Appendix – Maoist 40 points), but if their revolutionary tactics are any indication of their approach to governance, there is justified concern for what might happen if this group came to power.

The future for the Nepal conflict will rest in political consensus and not in a military solution. The King and the political parties must first come together and then invite the Maoists to negotiate a settlement.

INTERESTS INVOLVED

The King/ Monarch (Royal Nepalese Army):

The King is regarded as an incarnation of the Hindu god, Vishnu. In this Hindu Kingdom, open citizen criticism of the King's tactics is significant, given the religious, political, and historical role the monarchy has played in shaping Nepal today. The current political stalemate has placed the King in direct conflict with the political parties forging a relationship no one envisioned during the crafting of Nepal's democracy 14 years ago. The Monarchy does enjoy the support of the Royal Nepalese Army, which has grown from 50,000 to over 70,000 within the past few years.

Following the Prime Minister Deuba's dissolution of local elected bodies and subsequent replacement by mostly appointed officials, the King dismissed Deuba's government and in effect, assumed executive powers. Support for the King's removal of the elected government is found within the 1990 Constitution under Article 127, his emergency constitutional powers. Article 127 declares: "Power to Remove Difficulties: If any difficulty arises in connection with the implementation of this Constitution, His Majesty may issue necessary orders to remove such difficulty and such orders shall be laid before parliament." His actions were also ruled constitutional upon review by the court.

The Parties

In order to be considered a "national" or "nationally recognized" party, a political party must receive three percent of the vote nationwide in a national election. There is no geographic distribution requirement for these votes - they can come solely from one region or even one district - as long as they meet or surpass the required three percent the party qualifies as a national party. In addition, a party must have given a minimum of five percent of their tickets (nominations) to women candidates. Of the approximately 90 political parties officially registered in Nepal, only six currently meet the requirements of a national party: the Nepali Congress Party, the Communist Party of Nepal - United Marxist-Leninist (CPN-UML or UML), Rastriya Prajatantra Party (RPP) (National Democratic Party), Nepal Sadbhawana Party (NSP) (Nepal Goodwill Party), and the People's Front Nepal (PFN).

The political parties have put pressure on the King for the revival of Parliament, which was dissolved more than a year ago, and for the formation of an all-party government. The prime minister has received criticism from his own party and from a second member of the ruling coalition—the NSP—for failing to form an all-party government.

The coalitions of five parliamentary political parties were called upon to join in to form an all-party government. But they refused, calling it "an illegitimate government," and instead initiated a street agitation. Prime Minister Chand resigned on May 30, 2003 for he could not garner the support of the parties. The five parties, including Nepali Congress-Democratic (NC-D) headed by Deuba, recommended to the King their candidate for the post of Prime Minister, secretary-general of CPN-UML Madhav Kumar Nepal.

The five political parties have escalated their protests demanding a secular state, abrogation of the King's advisory council, confinement of the royal title to King, Queen and Crown Prince, a new constitution, cessation of King's power to enact laws, operation of Royal Palace under the Ministry of Royal Palace, regular disclosure of the King's property, elevation of the position of Prime Minister from 13th to the fourth, civilian control of the army, a strong parliament, social and economic transformation, solution to Maoist insurgency, upliftment of marginalized people, decentralized governance, solution of the problem of citizenship certificates, and non-aligned and UN friendly policies.

Maoists

Members of the Maoist faction of the Communist Party of Nepal founded a coalition of left wing political groups known as the United People's Front (SJM), early in 1991. The SJM was active in parliamentary politics and became the third largest party in the House of Representatives in 1991, with nine MPs holding seats. However, by the end of 1993, the SJM, like many political parties at the time, began to splinter. Two factions formed, one led by Nirmal Lama and another led by former MP Pushpa Kamal Dahal, also known as Comrade Prachanda. Both groups approached the Election Commission for recognition, but only Lama's was recognized. Prachanda subsequently left the SJM to form the Communist Party of Nepal - Maoist (CPN-Maoist), renouncing mainstream politics to initiate a military movement. Dr. Baburam Bhattarai, former president of the SJM, joined Comrade Prachanda to lead the new party.

By 1995, the CPN-Maoist had boycotted national elections and adopted a plan for the initiation of a people's war, reiterating its commitment to Maoist ideology. On February 4, 1996, Baburam Bhattarai presented Prime Minister Deuba's government with 40 demands (see Appendix), including points such as curtailing powers and privileges of the royal family, declaring Nepal a secular nation, and mandating the drafting of a new constitution through a constituent assembly. The administration was given two weeks to take positives toward addressing the demands. On February 13, 1996, four days before the ultimatum expired, Maoists launched attacks on police posts and local administration offices in several districts across mid-western Nepal, formally beginning the insurgency.

This insurrectionist movement that formally began in 1996 has contributed to political instability through guerilla warfare tactics. In July, 2001, the former Prime Minister Sher Bahadur Deuba called upon Maoist leaders to come to talks to resolve the insurgency and a ceasefire was declared. After three rounds of talks, the Maoists suddenly broke the ceasefire and started attacking Royal Nepali army barracks. Another ceasefire, begun on January 23, 2003 broke down on August 27, 2003, after several rounds of peace talks. Immediately following the breakdown, violence resumed between Maoists and security forces, resulting in over 1,500 casualties since August and bringing the death toll to approximately 9,000 since the beginning of the conflict.

IDENTIFICATION OF CENTRAL ISSUES

Restoration of Government

Following differences over the Constituent Assembly election to draft a new constitution, the cease-fire and peace talks between the government and the Communist Party of Nepal-Maoist (CPN-Maoist) broke down. Given issues concerning security in Nepal, elections and other similar democratic exercises were postponed. The absence of these democratic measures such as an elected parliament and local bodies and a lack of a representative government have created a legitimacy vacuum. Therefore, the political parties have taken it upon themselves to address this issue.

As the political parties attempt to fill this gap, they are hindered by a political deadlock affecting their ability to mitigate and negotiate in the peace process. The backdrops for the conflict over the restoration of government are issues of corruption and the loss of governmental credibility. For example, Nepali citizens are suspicious of the government and democratic institutions. This is because many Nepali citizens suspect that many politicians were profiting from South Asian smuggling. Also, the Nepali people are unhappy with the inability of the government to contain, address, and prevent violent attacks by Maoists against police officers, suspected informants, and innocent civilians. Additionally, governmental economic inefficiencies, especially in the rural and poor population, have not helped the government's credibility. At the same time, in the areas controlled by the Maoists, these citizens receive public services.

Constitution

The 1990 revolution ushered in a new Constitution for Nepal. For the first time the Nepalese people were sovereign and the King's role was limited to that of a constitutional monarch.

This Constitution brought with it expectations of a democratic polity including equal access to power, various freedoms, in particular freedom of expression and freedom to form political parties. A constitutional monarchy was established with free and fair elections occurring regularly. However, the new political system reinforced traditional hierarchies and benefits accruing for solely the elite. Therefore, the rest of the Nepali population did not benefit from the constitutional system and remained marginalized.

Another issue is inequitable political representation. While the 1990 Constitution granted equal treatment before the law, it defined Nepal as a Hindu state. This clause has been controversial because certain castes feel excluded from the governance process.

Role for an International Body

The role for outside actors, such as an international body, in Nepal's peace process is a controversial issue due to Nepalese nationalism and pride. However, the complex set of issues involved gives merit to the idea of expanding the negotiating process beyond the monarchy and the political parties. In addition, the awkward relations among domestic political forces have attracted wider geopolitical attention and outside interests in the conflicts, such as India, the United States, the United Kingdom, China, and the United Nations. Any political proposal for Nepal's future will likely require representation of all social and political groups and their active participation in the peace process as well as in the structures of democratic governance. Outside actors could also serve a more political role, supporting the government and civil society on a local level.

The question of United Nations mediation is an issue that needs to be carefully considered by all sides. While UN mediation may be more desirable in contrast to third country mediation, UN mediation experiences from other countries should be considered. For instance, unlike the situation in Sri Lanka, the Maoists in Nepal are not fighting for a separate homeland. Lastly, Nepal's location is uniquely strategic, located between China to the North and India to the South, East and West and between China's soft under-belly-Tibet and India's heartland, the Indo-Gangetic plains, has Nepal seriously considering any third country mediation.

The United States, United Kingdom, and India have all helped the Royal Nepalese Army fight the rebels by offering various forms of assistance. While initially India was apprehensive towards the growing US influence and involvement in Nepal, recently India has been more accepting of the US.

The United States role in the Nepal conflict has mainly been in the form of financial contributions. In 2002, US aid to Nepal was \$27.5 million and in 2003 the administration requested over \$37 million allocating an additional \$12 million for military financing.

India has traditionally been Nepal's most significant foreign ally, providing military equipment and training the Royal Nepalese Army's counterinsurgency groups. This is due in part to how much India stands to suffer from the Maoist threat. India is also concerned with bringing Nepal's relations any closer to China. Nepal's instability has aggravated the security crisis in India's northeast region where the Indo-Nepal border is relatively permeable. This has allowed for Maoist collusion with insurgents from India's large Nepali population. India's economic policies are influential and significant in Nepalese markets. For instance, India floods Nepalese markets with Indian products. India's participation in a solution, however, may be seen as meddling and may become unwanted.

APPENDIX:

Commentary on Peace Process

Nepal Backgrounder: Ceasefire-Soft Landing or Strategic Pause? (April 10, 2003) The International Crisis Group, available at:

http://www.crisisweb.org/library/documents/report_archive/A400943_10042003.pdf

Nepal: Obstacles to Peace (June 17, 2003), The International Crisis Group, available at:

http://www.crisisweb.org/library/documents/report_archive/A401009_17062003.pdf

Nepal: Back to the Gun, (October 22, 2003) The International Crisis Group, available at:

http://www.crisisweb.org/library/documents/asia/nepal_back_to_the_gun.pdf

Western Nepal Conflict Assessment, from Mercy Corps (March 2003):

http://www.mercycorps.org/pdfs/nepal_report.pdf

Political Parties and Opposition Groups

Communist Party of Nepal - Unified Marxist-Leninist

<http://www.cpunml.org>

Kingdom of Nepal Parties and Organizations

<http://www.politicalresources.net/nepal.htm>

Revolutionary and Popular Movements in Nepal
<http://www.neravt.com/left/nepal.htm>

An In-Depth Look at the Political Parties (Courtesy of NDI):

A. The Nepali Congress Party (NC)

The NC was formed on April 9, 1950 in Calcutta, India, with its core base of support coming from democratic activists in exile. Since its inception, it has been the only party consistently fighting for the establishment and maintenance of democracy in Nepal through both peaceful and armed struggles. Its first proclamation was a call for the overthrow of the despotic Rana regime. Over the decades, thousands of NC activists have been jailed, tortured, exiled, killed, and their property confiscated. The core leadership of the NC today continues to be dominated by the same activists who lead the struggle in the early days. In its early years, the NC's objectives were:

- To raise the political consciousness of the people in order to overthrow the century old Rana rule and end feudalism in Nepal, and;
- To establish a democratic system of government through a constitutional monarchy.

In 1991, the first general elections were held since the restoration of democracy, and NC won 112 out of 205 seats to form a majority government. In the 1994 mid-term elections, NC placed second in the voting behind the Communists, although no party garnered a majority. Following that election, Nepal experienced a series of minority and coalition governments, two of which were led by NC. This period was marked by widespread corruption and political malpractice, from which Nepal is still reeling.

In May 1999, parliamentary elections were held again and NC attained a majority (113 of 205 seats in the House of Representatives) to form the current government. They also held 21 of the 60 seats in the National Assembly (upper house). In June 2002, following the dissolution of Parliament by then Prime Minister Deuba, the NC party split into two factions. At present, the president of NC is Girija Prasad Koirala and the new NC-D is presided over by former Prime Minister- Deuba. While the split is less philosophical than personality driven, the split has rendered the party less effective compared to its former role as the largest political party represented in Nepal.

B. Communist Party of Nepal - United Marxist-Leninist (CPN-UML, or UML)

The CPN-UML traces its roots to the establishment of the Communist Party of Nepal on April 22, 1949. Although this party is not a party of hard line communists, it still claims its guiding principles to be those of Marx and Lenin. It is currently the largest and most popular communist party in Nepal (there are at least ten parties subscribing to communist principles). There is little in the way of strident ideology coming from CPN-UML, though its consistent message is that it represents the poor, oppressed and exploited classes in Nepal (which would include virtually everyone in this very poor country.)

Despite its communist tenets, CPN-UML has played a significant role in the struggle for democracy. CPN-UML took part in the interim government after the restoration of democracy in 1990, and played a very active role while drafting the current constitution. In 1992, the party went on record for the first time in support of multiparty democracy.

UML formed a minority ruling government. This party ruled the country for nine months at that time, marking two historic firsts - the first communist government in Nepal and the first time the government was ruled by a minority party, because of its inability to form a coalition. The party is highly disciplined in terms of message and organizational structure. There are internal factions to be sure, but the party is much more focused than NC and projects an external image of relatively efficient organization.

UML appears to be one of the few parties in Nepal to understand "message" and has proved its capacity to stay on message, singularly sounding the same themes for months on end. Major commitments of the party in the last general election include full support for consolidation of a multi-party system and the promotion of democracy, human rights as the basis of a democratic society, and good governance through a "pro-people" administration to eliminate corruption. UML's tenets also include selective privatization of public institutions and local "self participatory" governance at the grass roots.

C. Rastriya Prajatantra Party (RPP) (National Democratic Party)

RPP was formed in 1990 after the restoration of democracy. RPP's historical reputation is that of the party of the old Panchayat system, and is led by those who wielded power in that system for 30 years. Although the image of RPP as a party of the Panchayat system lingers on, the party's statements and activities

reflect no desire to return to that system. Their constitution and platform clearly state their support for the multiparty system. Their leaders are wealthy and well educated and have a vast amount of collective experience in government from their glory days of yore. However, they are currently putting these skills to use in efforts to maintain democracy and appear to harbor no desire to return to Panchayat days. They have also proved quite skillful in deflecting threats to confiscate their wealth by establishing hospitals and clinics in their name in key constituencies, returning to the people, in small measure, some of what has been taken from them.

D. Nepal Sadbhawana Party (NSP) (Nepal Goodwill Party)

NSP was founded in 1983. This party was formed primarily as a regional force, representing the interests of the people of the Terai (the flatlands in the southern belt of Nepal, bordering India). The party makes no secret of its regional appeal - the constitution of the party states its main objective as working for the rights and well being of the people living in the Terai. NSP has been a partner in various coalitions of the fractious governments of 1994-99, but have never held the post of Prime Minister. Currently this party has five members in the House of Representatives and one member in the National Assembly. In the closely divided parliament, NSP wielded power with these small delegations. In April 2003, the NSP split into two factions- NSP (new) and NSP (old). While both claim to have a greater share of the membership and strength- neither faction clearly holds the upper hand politically.

E. People's Front Nepal

The PFN is a loosely aligned coalition of several small communist leaning political parties, namely the United People's Front (UPF), the National Peoples Front (NPF) and the Nepal Workers' and Peasants' Party (NWPP). While each of these parties maintain separate party registration with the National Election Commission, for purposes of creating alliances during elections and in Parliament- they formed an unofficial (not registered as a separate political party with the NEC) coalition party. The member parties that make up the PFN coalition continue to wave the banner of their individual parties, with the exception of the leadership of the NPF, which represents itself as the PFN

F. Communist Party of Nepal - Marxist-Leninist (CPN-ML, or ML)

Like the CPN-UML, this party traces its roots to the founding of the Communist Party of Nepal in 1949. Their initial objective was to overthrow the Rana autocracy. They also now claim that from their beginning they had called for the introduction of a democratic system of government in Nepal, though history is less than clear on this claim. A plethora of splinters and divisions mark the history of Nepal's communist parties. One major split took place in 1998, with forty-six members of the UML parliamentary party forming a separate parliamentary party under the name of ML. They participated in the general election of May 1999, but could not win a single seat. ML did receive more than six percent of the nationwide vote in that election and is therefore recognized as a national party. Currently this party has one member in the (unelected) National Assembly. NOTE: Most of the key senior leaders of the party have joined the CPN-UML leaving only a small faction of CPN-ML in existence.

Additional sources used for this simulation:

Rita Manchanda, "Challenging the Monarchy," *Frontline*, Vol. 21, Issue 03, January 31-February 13, 2004, available online at:
<http://www.flonnet.com/fl2103/stories/20040213001305400.htm>

"Conflict Prevention Initiative: Setting Priorities for Preventive Action in Nepal Final Report of the Web Conference," (25 January to 1 February 2001) The Program on Humanitarian Policy and Conflict Research Harvard School of Public Health (www.preventconflict.org), Report available online at:
http://www.preventconflict.org/portal/nepal/nepal_finalreport.pdf

Charles Haviland, "Nepalese Protest Against Their King," April 11, 2004, available at the BBC online at:
http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/3611209.stm

Nepal – Regression Analysis, The Economist, April 10, 2004.

Maps of Nepal:

Basic Country Map: http://www.lib.utexas.edu/maps/cia03/nepal_sm03.gif

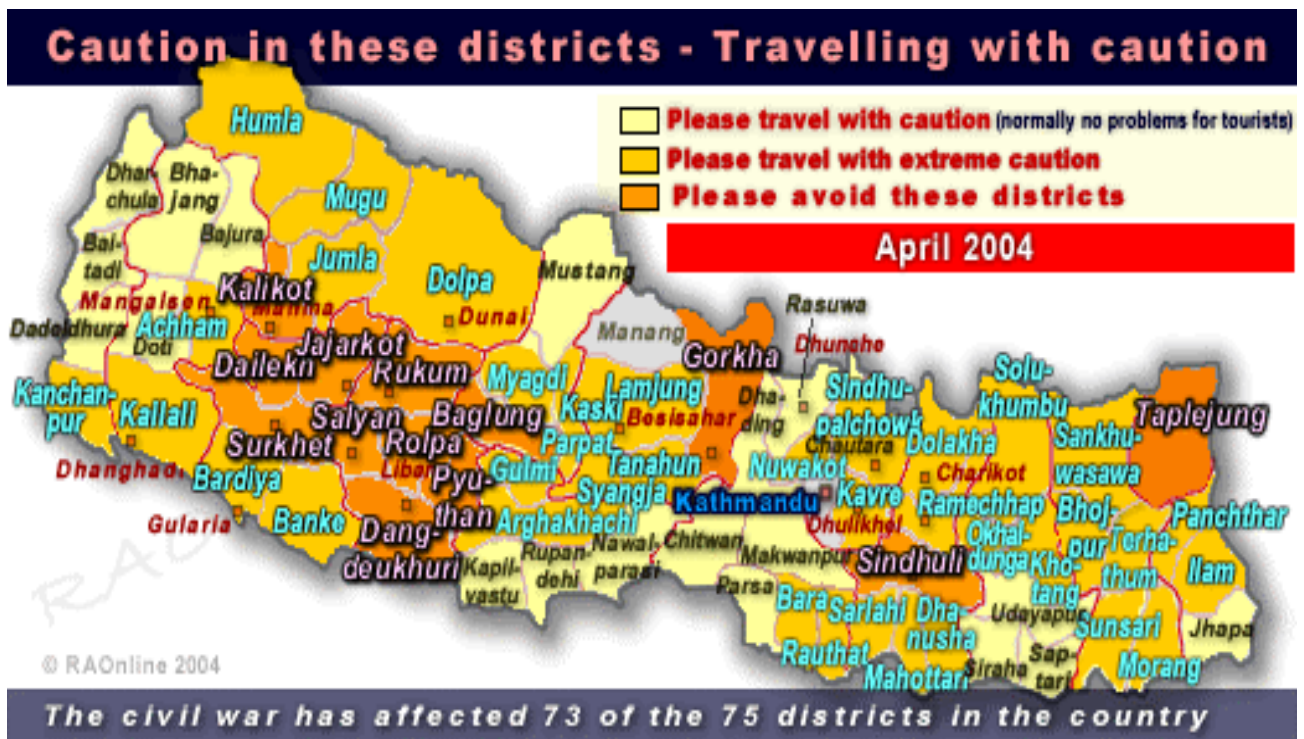
Political:

http://www.lib.utexas.edu/maps/middle_east_and_asia/nepal_pol90.jpg

Select Ethnic Groups:

http://www.lib.utexas.edu/maps/middle_east_and_asia/nepal_ethnic_80.jpg

Maoist Affected Areas:



40 Points demand of Nepal Communist Party (Maoist)

Courtesy of [HURPEC\(Human Rights and Peace Campaign\) International](http://www.hurpeonline.com/?feature=NepalMaoistMovement&id=29) (www.hurpeonline.com/?feature=NepalMaoistMovement&id=29)

I. Demands Concerning Nationality:

1. All discriminatory treaties including the 1950 Indo-Nepal Treaty should be repealed.
2. The so-called Integrated Mahakali Treaty concluded on 29 January 1996 should be cancelled immediately as it designed to hide the fatal Tanakpur Treaty and allows the monopoly of Indian imperialists over all water resource of Nepal.
3. All open borders between Nepal and India should be regulated and controlled and systematised. All vehicles with India number-plates should be banned in Nepal
4. Gorkha Recruitment Centre should be stopped. Nepalese citizens should be provided with dignified employment in the nation.
5. Nepalese workers should be prioritised to work in different sectors in the country. A "work permit" should be strictly implemented if any foreign manpower is required in the country.
6. The domination of foreign capital in the sector of Nepalese industries, business and finance should be stopped.
7. Appropriate customs policy should be devised and implemented so that the nation can stand on its own self-reliant economic development.
8. The invasion of imperialist and colonial culture should be banned. Vulgar Hindu movies, video and magazines should be immediately outlawed.
9. The invasion of colonial and imperial elements in the name of NGOs and INGOs in the country should be stopped.

II. Demands concerning People's Democracy:

10. A new constitution should be made by the representatives elected for the establishment of people's democratic system.
11. All especial privileges of the king and the royal family should be seized.
12. Army, police and bureaucracy should completely be under people's control.
13. All suppressive acts including the security act should be cancelled.
14. All those extra-judicially and revengefully arrested for political reasons in Rukum, Rolpa, Jajarkot, Gorkha, Kavre, Sindhupalchok, Sindhuli, Dhanusa, Ramechhap and so on should be immediately released. All false cases should be immediately repealed.
15. The armed police operation, suppression and the state terror should be immediately stopped.
16. The whereabouts about the citizens disappeared from police custody, in different times, namely, Dilip Chaudhari, Bhuwan Thapa Magar, Prabhaker Subedi and others, should be investigated and those responsible should be brought to justice. The families of the victims should be duly compensated.
17. All those killed surrounding the People's Movement should be declared as martyrs. The families of the martyrs and those injured and deformed should be duly compensated, and the murderers should be brought to justice

AGENDA

- 9:00am** Coffee and doughnuts available for participants
- 9:30-9:45am** Introduction and review of simulation schedule and procedures
- 9:45-10:05am** Individual delegation meetings to review positions
- 10:05-10:35am** Small Group Meetings
- Monarchy with Political Parties
 - Monarchy with Maoists
- (Political parties and Maoists can do shuttle diplomacy)
- 10:35-10:50 am** Coffee break/ Regroup with your delegation
- 10:50-11:20 am** Plenary
- 11:20-11:50 am** Team meetings/ Shuttle diplomacy
- 11:50-12:30 pm** Plenary
- 12:30-1:15 pm** Lunch and Lessons Learned

Confidential

NEGOTIATION INSTRUCTIONS KING/MONARCHY DELEGATION

(Only for KING/MONARCHY DELEGATION)

Restoration of Government

The King's assumption of executive authority following the Prime Minister's removal of the elected government fell within the King's powers under Article 127 of the constitution. In restoring the government, one of the monarchy's main goals is to achieve a ceasefire to end the violence. The monarchy appears to prefer a form of highly "guided" democracy, striking a balance between the king's desire for control and the commitment to multi-party democracy. The monarchy is cautious and weary of any proposal for a constituent assembly. Any such proposal is likely to face conditions that this type of arrangement would have to guarantee the preservation of a constitutional monarchy and multiparty democracy. However, the king might be flexible and open to a referendum on the monarchy. But such a decision would have to be considered in light of its risks. The monarchy is also in favor of elections on a local basis citing to security concerns. This is preferable as the monarchy seems to seek rebuilding the political system from the bottom-up and slowly. Whatever choices the monarchy makes, the king must provide measures to bring in the parties into the peace process and give them a role in the interim government.

Constitution

Nepal's 1990 Constitution limited the king's role to that of a constitutional monarch and made the Nepalese people sovereign for the first time. Since King Gyanendra rose to power after the royal family massacre in 2001, he has taken several steps to weaken the 1990 constitutional settlement.

In spite of its autocratic tactics, the king asserts that he is committed to a constitutional monarchy. The monarchy has reached out to the major parties in an attempt to reestablish the power they lost when parliament was dissolved. The king has promised elections sometime within the following year, although the parties believe such a scenario to be unrealistic.

The monarchy has taken a more hard-line stance with the Maoist rebels than it has with the parties. While the king opened peace talks with the Maoist rebels

last year, the talks later broke down after the king rejected the Maoists' demands for a new constitution and the ceasefire fell apart. Today, the monarchy appears determined to defeat the Maoists militarily rather than solving their differences through negotiations. In referring to the roughly 40 percent of Nepalese territory controlled by the Maoists, Information Minister Kamal Thapa stated that "there is not an inch of territory where the Army cannot go."

Although many Nepalese still regard the king as the incarnation of the Hindu god Vishnu, he has lost much of his credibility with the people in recent years. There is widespread distrust of the king both among political leaders and the people at large. The 2001 Palace massacre, the king's recent autocratic tactics, and recent arrests and beatings of student protesters outside the palace have all contributed to these sentiments.

Perhaps the monarchy's current unpopularity will push it towards a faster negotiated solution to current constitutional problems. However, the king still enjoys the absolute support of the royal Nepalese army, which has grown to around 70,000 in number. The king will likely continue to use this support as leverage in defending his positions.

Role for International Body

It is expected that India will probably play some role in whatever solution is created to Nepal's political crisis. India is a big trading partner for Nepal, and its economic policies are influential and significant in Nepalese markets. Recently, India's government has urged that the king and the parties get together and reach some agreement on restoring the constitutional monarchy and returning parliament to power. While the king has not officially responded to these demands, the importance of Nepal's economic relationship with India could persuade the king to try and reach a faster solution with the parties.

Furthermore, it appears the US may also play a role in the conflict. The US government has invested \$17 million in military aid to the royal Nepalese army, in the hopes that this will help it to crush the Maoist insurgency. The US fears that, if the Maoist campaign succeeds, Nepal could become a breeding ground for terrorists. According to US Ambassador to Nepal Michael Malinowski, "we're concerned that areas in Nepal don't get out of control, don't become a vacuum where terrorist groups can move into and use Nepal for whatever." Both the king and the army have gladly welcomed this military support from the U.S, although India appears to be concerned that the US may be meddling in its "backyard."