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Study on the Formulation of Peace Building Projects Comments on “Peace Initiative” Report

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This report presents an accurate analysis of the present state and future projections concerning the Maoist insurgency, based on detailed studies of historical trends in Nepal, the present state of the socio-economy, and international politics surrounding Nepal. Aid for peace building based on the results seems to be a timely proposal. This advisory note, therefore, deals with points to be taken into consideration, on the assumption that aid will be provided on the basis of the proposals in the report.

- (1) The revitalization of Nepalese “civil society” (3.1) is an encouraging factor, and in particular the initiative by residents and the parties involved to improve the conditions surrounding the “socially vulnerable” is a major force towards eliminating the structural factors (1.1.1) that triggered the Maoist conflict. As is frequently pointed out, however, most “civil society” organizations in Nepal are led by the social and economic elite, and geographically too, such organizations tend to be concentrated in the major cities. As for aid for the “socially vulnerable” in Nepal, there tends to be a discrepancy between the “vulnerable” who are able to make good use of outside help and the “vulnerable” who cannot. For example, the Kamaiya who appear several times in the report (see 1.5.5) have received assistance from various organizations after winning a “declaration of emancipation from semi-enslavement” in 2000, but there are some among them who lose out on support because they are too busy making ends meet or they lack connections or other such reasons, causing it to be said that there are increasingly two classes among the former Kamaiya. I have heard that such a situation is also arising with regard to aid for internally displaced persons who have nowhere to go because of the war. When providing assistance to “civil society” or the “socially vulnerable”, it is imperative to recognize that all kinds of discrimination and inequalities can occur even among people in such categories, to consider carefully what kind of “civil society” or “vulnerable” people you are trying to assist and help, and to ensure that no social inequality is reproduced.
- (2) The presentation of a future “economic development package” (3.2.1) through the “reconstruction assistance plan” (3.2.1) may provide an incentive to the Maoists to agree to a ceasefire. At the same time it must be kept in mind, however, that the word “bikas”, which denotes “development” in Nepalese, has a rather negative image, particularly among the socially vulnerable. This is because previous development was not as successful as it was hoped in resolving disparities between regions or eliminating discrimination between tribes and castes. To promote a change of heart among Maoists who have taken advantage of such grievances to extend their power, it is essential to present in the “reconstruction assistance plan” an alternative “development strategy” that is different from past strategies. On “3.2.1” of the report, it is suggested that we learn from aid projects, such as village

development, forest conservation and construction of the Sindhuli road, that were highly regarded by the Maoists too, but such suggestions should be utilized not only in future Japanese cooperation projects, but in hammering out an alternative “development strategy” in the “reconstruction assistance plan” for the entire country.

- (3) People assert that the lessons learned from Japan’s aid may be useful when reviewing the concept of past “development”, because Japanese cooperation has adopted a slightly different approach to the “interventionist” approach that is common in Nepal. For example, in previous decentralization and poverty relief projects in Nepal, there was a tendency to lay down detailed procedures aimed at organizing residents and improving their livelihood so as to promote transparency and resident participation. In many cases, however, such a prescription was inappropriate for the specific situation in each region, and on the contrary, the local elite made adroit use of these procedures to produce results that were far removed from decentralization or poverty relief. (In fact, the annual report on the aid project of a certain donor tells the story of how most of the profit was seized by the rich who have the time and financial power to use residents organizations and small loans, and was denounced as a “capitalist plot” by the Maoists.) Nearly all past Japanese development cooperation was of the “informal” type with very few conditions attached even to regional development aid, and the actual application of aid results was left to the local community. Such an attitude tended to be criticized as “irresponsible” and “unprincipled” by international agencies and Western donors. However, as I mentioned earlier, with the Maoists questioning the “interventionist” approach of past decentralization and poverty alleviation projects, there would appear to be a chance that the “non-interventionist” Japanese approach could lead to a down-to-earth, more practical approach to “development” promotion.
- (4) Capacity building (2.1.6, 3.2.1) of government agencies such as the Peace Secretariat is an important element in government efforts to strategically promote peace negotiations. Based on their experience in international cooperation over the past half century, in recent years there is a growing recognition among donors that capacity building (3.2.1) which works directly at grassroots level is more effective than public agencies, and it should be borne in mind that in actual fact greater emphasis is being placed on direct aid to “civil society” and the “socially vulnerable” mentioned above. Underlying the lack of progress in capacity building of government agencies is the problem of nepotism (called “afno manchhe” in Nepalese, meaning “subordinate”) which is often seen in Nepalese society. In this culture of “afno manchhe”, both since democratization in 1990 and in the Panchayat era before that, whenever there is a change of minister or other leader, transfers of people often occur at working level. As changes of government are frequent in Nepal, both the leaders who hold power and the officials who are their “subordinates” often change, making it difficult for capacity building to take root. Before promoting aid for capacity building, therefore, it is essential to consider which should be given greater weight, aid for capacity building or aid at grassroots level, and if the conclusion is reached to promote capacity building of government agencies, to hammer out a detailed strategy to ensure that positive results are achieved.

(5) In connection with (4) above, aid for capacity building of government agencies such as the Peace Secretariat is based on the assumption that “peace” will be forthcoming if peace negotiations are held between the “stakeholders” (1.5.1, 1.5.2, 1.5.3) including his majesty’s government, the Maoists and parliamentary parties. However, as mentioned in “1.1 Background to the outbreak of the conflict” (1.1) in the report, in the first place, social inequality and injustice lie behind the Maoist insurgency. As a result, without social change, even if the “stakeholders” agree on a ceasefire, it is likely that the seeds of conflict will remain at grassroots level. It is important, therefore, to promote the two pillars of ① support for dynamic social reforms, and ② cooperation on peace negotiations among the “stakeholders”. Of possible measures under the circumstances described on “3.2.1”, those that fall under ① include part of (2) “Cooperation aimed at confidence building”, (3) “Grassroots capacity building” and (4) “Grassroots leader training”, and those that fall under ② include (1) “Cooperation on peace negotiations”, part of (2) “Cooperation aimed at confidence building” and (10) “Formulation of a reconstruction assistance plan”. For future cooperation, it is important to first consider carefully whether to undertake both ① and ②, or to undertake ① or ②.

Study on the Formulation of Peace Building Projects
Comments on "Peace Initiative" Report

On the Approach to Peace-building Aid in In-conflict Countries

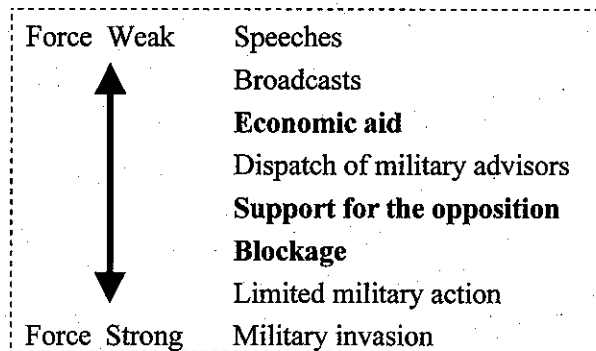
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Although the study was carried out in a short time amid a changing local situation, the final report on "Nepal - Study on the Formation of Peace-building Projects" contains a high quality analysis of the background and present state of the conflict, possible aid measures and key points for JICA to keep in mind. The report covers fields targeted for aid without restriction to specific areas; in other words it achieves its goal in the sense of presenting a "menu". I think there will be a number of points to bear in mind in the process of translating aid policies into action in future, but I would like to add some comments on aspects relating particularly to international relations, culture and economics, and in conclusion comment on the role of Japanese aid.

International Relations Aspect

In international relations, intervention refers to external actions¹ that affect the domestic affairs of a sovereign state, but according to Professor Joseph Nye, the means of intervention can be classified into 8 stages from "speeches" to "military invasion", depending on the degree of force, and "economic aid" is regarded as the third stage. However, suspending economic aid to developing countries that are dependent on such aid both financially and economically is comparable to a "blockade" which is regarded as the sixth stage before "limited military action", and depending on the type of aid, is equivalent to "support for the opposition".

Whether economic aid is an effective means of intervention capable of contributing to peace building and democratization is an historically untested hypothesis. During the Cold War, economic aid increased the authority of governments in developing countries and contributed to containing domestic opposition. In pre-democratic Korea, the Philippines and Indonesia, aid that financially supported the government was vital against the background of a longstanding system of development dictatorship. The Taliban, who were cultivated to oppose the Soviet army, received U.S. aid, and it was America that provided Iraq with military support in the Iran-Iraq war. It is important to understand the truth that this same America controls former aid forces militarily and implements economic aid to "support democratization".



Since the 9/11 terrorist attacks in 2001, political diplomacy in Japan has reached a post-war turning point, including dispatching the self-defense forces overseas and debating the constitution. In the ODA guidelines, which were revised in August 2003, and ODA midterm policies, which were revised in February 2005, the field of peace building is positioned as a "precondition to development", and for this reason the need for comprehensive economic cooperation, including humanitarian relief, maintenance of security and support for neighboring countries, is clearly defined. The need has arisen to consider its strategic diplomatic meaning and implement aid in line with Japan's national interests, without yielding to narrow business interests or pursuit of government interests. For this reason, the national diet and the ministries and agencies concerned must debate aid implementation cautiously, based on public opinion.

Cultural Aspect

According to Professor Samuel Huntington's² analysis, unlike the proxy wars between the superpowers, regional conflicts after the end of the Cold War involve deep-rooted cultural and religious disputes and as a result tend to be prolonged and become bogged down. For example, attention is being directed at the role of the Liberation Tigers of Tamil Elam (LTTE), the armed organization of Tamils in the Sri Lankan conflict. In the Tamil conflict, talks on reconstruction assistance for an interim government, whose essential feature was the introduction of a federal system that included the LTTE, were held in Tokyo in June 2003, leading to the announcement of \$4.5 billion dollars in aid, comparable with the Tokyo talks on reconstruction in Afghanistan. The LTTE representative did not attend the talks, however, and since then the peace negotiations have made little progress.

The Maoist resistance movement in Nepal is showing signs of greater guerrilla and terrorist activities and of becoming mired down. A second ceasefire was implemented in August 2003, but peace negotiations broke down after that, and in February 2005 the king declared a state of emergency. It is known that the Maoists in Nepal draw their support from farmers and the lower castes, but not much is known about their sources of arms or funds, their ideological background or links with international terrorist groups. Just as the LTTE did not attend the reconstruction talks in 2003, increasing the opportunities for international aid does not necessarily mean that the Maoists will come to the negotiating table. The cultural and ideological background of the conflict must be studied carefully.

There have been instances where a third party who shares the cultural values of both sides in the conflict acts as an effective mediator. Examples include the mediation of the Pope in the Central and South American border dispute in 1980, the role of India in the Tamil conflict and, more recently, the role of France in the Cote d'Ivoire conflict. In the case of Nepal, eyes are on India and neighboring China, which are geographically and culturally close to Nepal, to see what they will do.

An important aspect of modern conflicts is the shaping of international opinion through the media. It is no exaggeration to say that the shocking images of September 11, 2001 reconstructed later international relations. In that sense, the lack of media coverage of the situation in Nepal is cause for concern. There has been little of the momentum toward reconstruction assistance for Nepal that was seen in the case of

Afghanistan, Iraq and Sri Lanka. Calling to mind that Nepal was forgotten by international society amid the turmoil in Afghanistan and the rise of the Taliban, this is cause for concern.

EU and USAID presented enlightening radio programs on human rights and democracy, but they were forced to discontinue them after the state of emergency was declared. In such circumstances, Japanese support for state radio is being carefully watched. The targeting of state radio by antigovernment forces during the disintegration of Russia and Eastern Europe in the early 1990s is still fresh in the memory. As discussed in the preceding section, "broadcasts" are the stage of intervention before economic aid, and it is important for Japan to heighten the momentum toward national reconciliation through advice on broadcasting activities, not only in terms of hardware but also of software.

Economic Aspect

Economic disparity between urban areas and rural areas often triggers regional conflict. In Afghanistan where recovery is underway, redressing the disparity between regional military factions is the key to restoration of civil order. In many in-conflict countries, the entire economy is poor due to the collapse or lack of development of basic industries and specific tribes, classes or regions are unfairly favored. As the report points out, the sense of unfairness among the economically disadvantaged may be a cause of Maoist discontent. However, if equal results for all is the policy goal, it could lead to a vicious circle of stagnant economic growth resulting in poverty and inequality, so it is important to ensure equality of opportunity and adopt measures to provide the economically disadvantaged with relief measures, job training opportunities, etc.

According to recent trends in development economics, the problem of economic growth and the problems of disparity and poverty, which have diverse aspects other than the economic aspect, may not be effectively resolved³ unless they are treated as separate issues. That is why the Millennium Development Goals (MDG), which are the guidelines for aid to developing countries, and the Poverty Reduction Strategic Paper (PRSP) stress the diversity of the problems of disparity and poverty. The PRSP for Nepal clearly sets out the delegation of power to rural areas through decentralization. After the state of emergency was declared, international donors stopped supplying aid, but the key to the resumption of aid is observance of the PRSP, together with improvement of the security situation and democratization process described above. Japan must seek appropriate measures from the Nepalese government, such as the obligation to observe the PRSP in aid implementation, to ensure that measures are taken to correct growth and poverty and regional and class differences, while involving the donors concerned in monitoring the PRSP.

Japanese Aid to In-conflict Countries

The economic and strategic significance of Japanese aid to Nepal is by no means high compared with other conflict zones. The question must be addressed of why it is necessary for Japan alone to risk providing aid to Nepal while other countries suspend aid. In order to occupy an appropriate position in reconstruction assistance after the end of conflict in Nepal, however, a response from the initial stages is vital. In the past, Japan has provided "post-conflict" humanitarian aid and reconstruction assistance to Cambodia, East Timor

and Afghanistan, but this is the first time it has provided economic aid “in-conflict”. Furthermore, such post-conflict state aid was mainly directed at mandatory rule or interim governments under the United Nations in countries where the basis conditions of the state did not exist, with the aim of strengthening the system. In contrast, the situation in Nepal is such that, though shaken by the Maoists, there is still a system of government centered on the king. Economic aid under these circumstances could support existing forces and as a result, aggravate the cause of the conflict.

As Japan’s options are limited with regard to Nepal which is in-conflict, for the foreseeable future it can do no more than collect information and consider future measures centered on cooperation with other donors. However, Japan does have the option of pursuing diplomatic efforts to promote reconciliation between the parties concerned and heighten the momentum toward peace. In this regard, the Sri Lankan peace talks that were held in Hakone are still fresh in the memory. Plans should be laid to ensure smooth governance, creation of a social infrastructure and economic recovery in the post-conflict era and implementation should start with those plans that are most easily implemented. In particular, in the area of governance, Japan should cooperate with other donors to provide aid in fields such as the introduction of laws, the resumption of elections which were suspended, and decentralization policies, to ensure adequate empowerment of the regions and of the poor.

As is frequently pointed out, most Japanese aid in the past followed what other donors did and focused on building by engineers. However, a turning point has been reached in Japanese ODA policies, based on new ODA guidelines and midterm goals. Rather than the “hard power” which underlay economic and military strength after the collapse of the Cold War, “soft power” (Professor Nye) with its leverage in terms of culture, scale and system exerts a significant influence on international relations. In this sense, Japan’s ODA against the background of economic strength must be converted toward soft power focused on institutions and culture in developing countries.

In the area of international development, the weakness of Japan’s impact on and leadership in development policies, compared with Japan’s financial contribution, has been pointed out for some time. It seems to be dominated by Europe and the U.S., which make far lower financial contributions. Whereas in reality Western “support for democratization” and “peace building” are making their influence felt, there is a lot of criticism of the Western-style view of aid and development, but no alternative proposals have been forthcoming. The time has come to develop a theory backed by Japan’s experience in peace-building support and present an alternative to the Western-style view of aid. I hope to see an intensification of national debate triggered by peace-building support in Nepal.

1 Joseph Nye Jr (2003) “Understanding International Conflicts: An Introduction to Theory and History”
(Translated by Tanaka and Murata) p.189

2 Samuel Huntington (1996) “The Clash of Civilizations” (Translated by Suzuki)

3 World Bank (2000) “World Development Report: Attacking Poverty”

Study on the Formation of Peace Building Projects Comments on the “Peace Initiative” Report

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I am a complete amateur with regard to Nepal and the comments below are based on knowledge of conflict conversion and resolution theories and the peace process and peace building in Central and South America.

1. Analysis process

- (1) In general, conflict analysis based on the framework of “peace building assessment” can go no further than a perfunctory or superficial analysis, and the mobilization of researchers in area studies and interdisciplinary knowledge of politics, economics, anthropology and sociology is vital for an inside understanding of conflict regions. It is a very bold task to try to understand conflict and peace building in the framework of a single formal analysis, simply by recalling the existence and arguments of several schools of thought concerning the origins of World War II or the Cold War or the causes of the Korean War or the Vietnam War. So, although this is an extremely well-organized and high-level report, it should clarify that it uses purpose-limited methods as hypotheses and aims at debate and policy proposals based on such limits and constraints. In particular, analysis of Maoist discourse, gathering of detailed information on power bases and trend analysis, and expert analyses are essential for future assessment of the situation. Systematic analysis of the actual testimony of conflict victims, and detailed analysis of areas where the Maoists are extending their influence and the human rights situation under regal government are vital to sincere, careful support measures.
- (2) “Peace” or “peace building” is the keyword, but this concept should be clearly defined. In light of the situation in Nepal, does it refer to a specific (political) situation, or does it mean the process of getting there, or does it refer to the strategies and policies to be hammered out by Japan?
- (3) Usually, in strategy and scenario analysis, the worst-case scenario is calculated and then a strategy for achieving something close to the best situation has to be hammered out. Looking at recent trends and analyses of the present situation, the political situation in Nepal is such that there is a conspicuous tendency toward bipolarization in political circles, in the form of the rapid expansion of anti-government guerrilla forces and the establishment of effective areas of control, and to counter this the establishment of a power system by royalists. This means that the country is at the end of one political system and is in transition to a new political system.

The situation is extremely serious, with 10,000 dead due to the intensification of the armed conflict, and Japanese aid workers must share the recognition that the probability of the situation worsening is very high. The situation in which emergency humanitarian aid forms the pillar of aid to Nepal is likely to continue for the foreseeable future. In future, it is necessary not only to grasp

the number of dead, but also to analyze their attributes (percentage of unarmed civilians, sex, age, occupation, area of residence, ethnic ratio, etc.), accurately grasp the number of bereaved, injured, refugees and IDP to be targeted for priority support, and formulate effective, multifaceted support measures suited to the attributes of the victims.

2. Support measures

- (1) It is extremely important to analyze the present situation in which “Japanese aid at the present time is likely to be politically misconstrued by both his majesty’s government and the Maoists” and “Japanese aid workers run a higher risk of being targeted by Maoists than the aid workers of any other country, with the exception of the U.S.”. Combined with the indication that “restoration of government facilities that are the target of Maoist attacks is not advisable at the present time”, it shows that Japanese aid to Nepal in the foreseeable future should be extremely low-profile, including suspension of aid by government routes. The fact that any aid to Nepal is seen both inside and outside the country as aid to the present king’s government is a threat to the lives of aid workers, irrespective of whether they are Japanese or Nepalese, and should be strictly avoided.

When supplying aid, it should be clearly demonstrated that the aid is supplied from the viewpoint of “human security” and is directed at the victims of the conflict and the conflict-ravaged areas. And when providing assistance to refugees, information must be collected so as to avoid being drawn into political games that are frequently observed between the establishment and dissidents.

- (2) Concerning reconciliation. The report makes the extremely important proposal that “reinforcement of monitoring of human rights and support for human rights monitoring agencies, such as a state human rights commission, should be carefully considered”. With the human rights situation deteriorating even in the present circumstances, concrete support must be hammered out as a matter of urgent priority. Support in this field, aimed at the improvement of human rights, can expect to be highly regarded by international society as a qualitative improvement in Japan’s aid to Nepal.

A truth commission plays an important role in identifying the facts concerning responsibility for a conflict and the suffering caused, restoring the dignity and honor of the conflict victims, pursuing legal justice against the perpetrators and creating a basis for compensation for the victims. Depending on the country, in some cases it can lead to reconciliation. So it is hoped that when peace negotiations start, Japan will call aggressively for the establishment of a truth commission to be included in the agenda, and when the commission is set up, that Japan will play a leading role in the dispatch of personnel and provision of materials and equipment.

- (3) With the exception of third country training, governance, restoration of civil order, construction of a social infrastructure, support for economic recovery and aid for the socially disadvantaged are all decided by the outcome of the conflict or should be implemented after the peace negotiations have got under way, and in this regard, analysis of the report and proposals carry considerable weight. Adequate domestic preparations must be made to ensure that aid in fields and areas in which Japan excels can be started as soon as the situation described above improves, by utilizing Japan’s past experience in supplying aid to Nepal and its network of contacts and human resources.

3. Peace building support program

If, in the predicted scenario, there is movement towards a Maoist victory or seizure of power or an intensification of civil strife, effective support measures as well as diplomatic efforts towards implementation of fair and transparent elections and technical cooperation will have to be restricted to emergency humanitarian aid to refugees.

It goes without saying that the revival of political negotiations is the most desirable scenario, but of the few support menus, it is very important for the Japanese government to take the initiative and pledge cooperation on capacity development of the Peace Secretariat and exchanges between the Peace Secretariat and people behind the scenes in Sri Lanka's peace negotiations. While, on the one hand, the holding of international talks on the role of a limited monarchy is a very politically sensitive issue, in light of the accumulation of analyses related to the collapse, stall and selected successful cases of democratization in various parts of the world in recent years, it is hoped that effective policies will be proposed, such as the pursuit of studies and holding of seminars and workshops on the failure of '90s parliamentary government and the shape of multiparty democracy after the establishment of peace.

Introduction

JICA has been active in search of the best relation between “Conflict” and “Development” on behalf of Nepal. During the second ceasefire from January to August 2003, the causes of Maoist conflict and possible guideline for Japan’s ODA were analyzed in “Beyond Poverty and Conflict”, Country Study Paper for Japan’s ODA to Nepal edited in May 2003. It concludes that the poverty is the structural cause of conflict and the regional/ethnic gap with unfair development initiatives triggered the insurgency. Its advice comprehends the improvement of access to the social service for the marginalized segments such as poor, indigenous people, lower caste and women. In July, a special researcher was dispatched to investigate the feasibility of decentralization and peace-building projects for Nepal. His main suggestions were the mitigation of causes of conflict through small scale community development, the support to realistic local capacity building and the flexible cooperation modality typical of JICA. Taking account of those findings, “Post-Conflict Cooperation and Mitigation of Causes of Conflict” was added to the essential issues of the 2003 JICA country program and JICA decided to formulate the “Post-Conflict Support and Capacity Building Program”.

In Nepal, the People’s War of the Communist Party of Maoists began in Rolpa and Rukum of Mid Western region, Gorkha of Western region and Shindhuli of Central region, in total just 4 districts in 1996. In less than one decade, the affected districts spread to 73 of 75 nationwide. In the first years the Nepalese police force mainly dealt with the insurgency. However, since the ceasefire breakdown 2001, His Majesty’s Government of Nepal (HMG/N) resorted to the use of Nepalese Royal Army (NRA). The death toll by Maoists, NRA and Armed Police exceeds 10,000. Meanwhile in 2001 due to the Palace Massacre which killed all royal family of King Birendra, the King Gyanendra reached the throne with the slogan of the “constructive monarchy”. Since the Maoist uprising, the country has seen 10 administrations in 9 years. The Nepalese politic scene has been simply chaotic. In Nepal there has been no congress after the May 2002 parliamentary dissolution ordered by Prime Minister Deuba and the August 2002 expiration of local elected officers’ tenure because of the incapacity to carry out the election in fear of security. Deuba was ousted in October 2002. Since then all premiers have been denominated by King Gyanendra, which is completely contrary to the Constitutional Monarchy system stipulated in the 1990 Nepalese constitutions.

The August 2003 Maoist withdrawal from the ceasefire agreement and the posterior HMG/N’s targeting of Maoists as terrorists prevented JICA’s plan. Since then the Monarchy, Maoists and the parliamentary political parties have struggled with one another, causing the Nepalese people the agony of instability and conflict¹. General strikes and traffic blockades have been common. Maoists intensified their offensive. Both the security force and Maoist have committed human rights violations. Maoists showed off its muscle through the successful economic blockade in Kathmandu in December 2004. Facing the uncertainty of Maoist conflict, JICA decided to organize a Formulation Study on Peace building from the mid January to the end of March 2005 in order to re-analyze the background and the perpetuating causes of the conflict with main objectives of formulating JICA’s basic guidance on peace building program.

Chapter 1 analyzes the causes and current situation of the Maoist conflict and its relations with gender and caste. Chapter 2 identifies unsettled causes and negative impacts of conflict and screens the corresponding countermeasures from which past peace building activities. After studying the possible

positive factors identified in Nepalese society on behalf of Peace Building, Chapter 3 recommends the basic guidelines for the formulation of JICA Peace Building program.

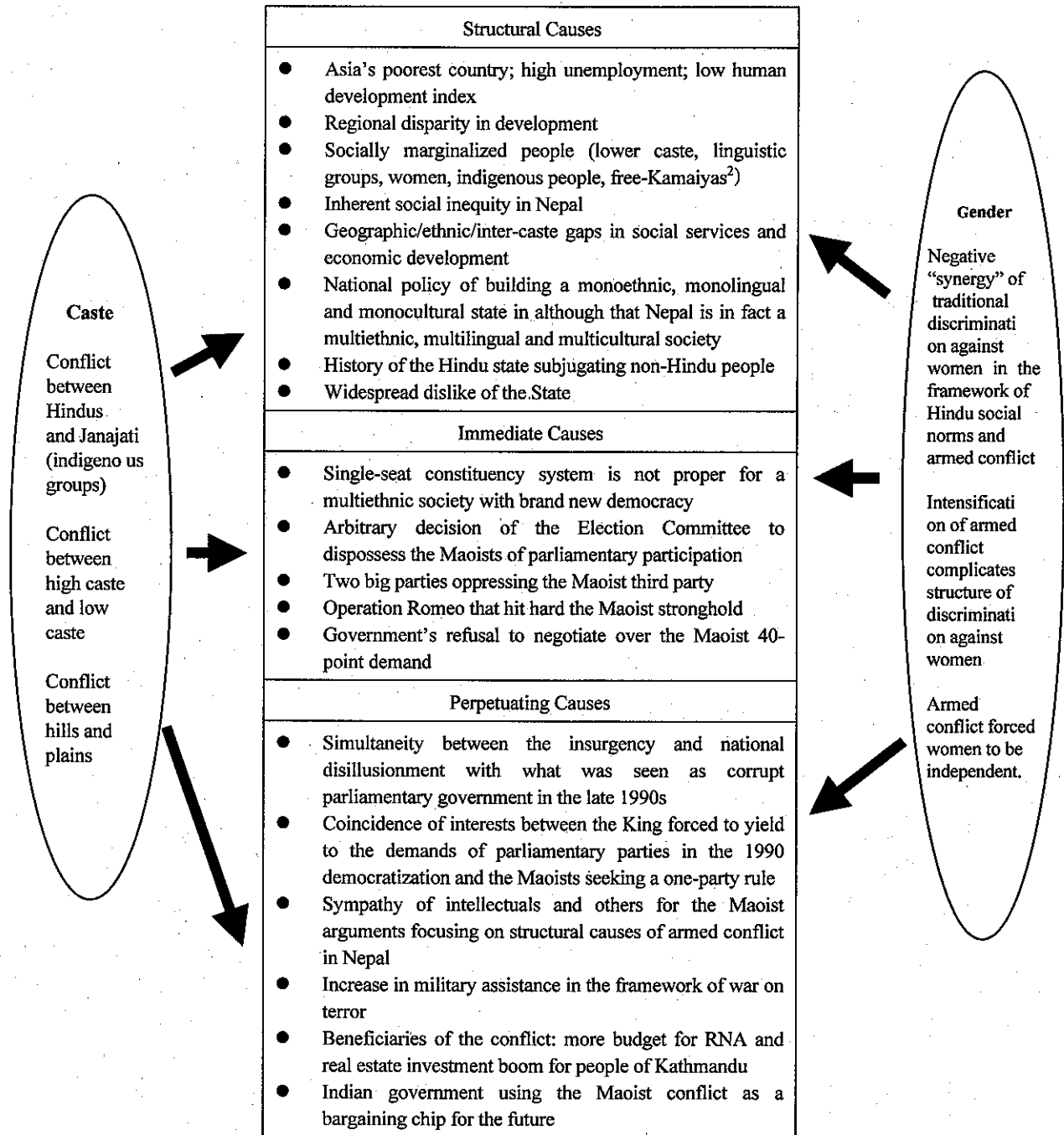
¹ The main events from August 2003 to January 2005 are as follows;

- Aug 2003 Maoist withdrew from the ceasefire and HMG/N re-denominated them as terrorist.
- Sep General strike forced by Maoist
- Oct HMG/N established the United Command of NRA, Police and Armed Police.
- Nov USA confiscated the Maoist's assets. NRA Lieutenant General Pandhe was killed.
- Dec Netherlands suspended its bilateral aids to HMG/N.
- Jan 2004 The Major of Birganji was assassinated by Maoist.
- Feb General strikes forced by 5 political parties and Maoists separately
- Mar Economic blockade in the regions and general strike in the capital forced by Maoist, Pokhara public transport office exploded and the hostilities between the security force and the Maoist in Beni causing 195 deaths including civilian casualties.
- Apr General strike forced by 5 political parties in the capital and the other coordinated by Maoist nationwide
- May Nepal Development Forum was held. PM Tapa resigned. Maoist forced the Kathmandu major to quit. 5 political parties and Maoist organized Nationwide General Strikes separately.
- Jun Maoist forced a nationwide blockade. Deuba was re-appointed as PM. Maoist student wing coordinated school strikes. UN representative announced its unwillingness to mediate Maoist conflict.
- Jul Maoist announced its readiness to accept UN as mediator. Maoist shot majors of Pokhara and Danghari.
- Aug King ordered to appoint public servants to vacant local public offices created by lack of elections. Maoist forced a metropolitan economic blockade and warned American companies to close down.
- Sep Killing of Nepalese hostages in Iraq caused a riot and curfew in the capital. American center was exploded and US Peace Corps withdrew. Maoist forced metropolitan general strike.
- Oct Maoist announced Dasain festival ceasefire.
- Nov HMG/N called Maoist to come back to negotiation by Jan 13 2005.
- Dec Maoist forced the metropolitan general strike and economic blockade.
- Jan 2005 Nationwide protest against governmental decision to increase the price of petroleum and value added tax. Collective kidnapping of students by Maoist in several regions.

Chapter 1 Background & Current Situation

1.1 Background of Conflict

Causes of the Maoist Conflict and Relations with Gender/Caste



² Traditional bonded labors who have suffered from severe conditions for generations because of debt to landlords in Western plain area.

1.1.1 Structural Cause

“Beyond Poverty and Conflict”, Country Study Paper for Japan’s ODA to Nepal edited in May 2003, ascertains that the poverty is the fundamental cause of Maoist conflict and the geographical/ethnic gap and inequity in the Development projects have induced the insurgency, quoting the May 2002 UNDP report “Crisis in Nepal: A Development Response”. That argument coincides with conclusions of other conflict assessments such as April 2000 DFID “Nepal Conflict Assessment” indicating that the inherent horizontal inequity in Nepalese society has caused the political instability and January 2002 “EC Conflict Prevention Assessment Mission” pointing out that the Geographical/Ethnic/Inter-caste gap and the Social exclusion are the structural causes of the Maoist conflict. Those arguments are still valid in 2005.

Prof. Rai, Center for Nepal and Asian Studies, Tribhuvan University, asserts that the structural cause of Maoist conflict lies in the Nepalese ignorance about how they really are. Though Nepal is a Multi-ethnic, Multi-linguistic, and Multi-cultural society, the central governments have been persecuting unrealistic self image of Mono-ethnic, Mono-linguistic and Mono-cultural nation. According to Prof. Rai, just in Ilam, a far eastern district, there are around 40 languages. Meanwhile more than 100 languages, not dialects, are identified nationwide. In the process of Nepalese Nation-State building, the cultures and histories of indigenous people were excluded from the mainstream through the adoption of Nepali as national language and the constitutional announcement of the only one Hindu kingdom in the earth. Those ethnic groups were categorized as intermediary castes and forced to be integrated into the Nepali kingdom’s cultural and social hierarchy. Furthermore, under the Rana rule which lasted for one century since 1846, the education was open exclusively to the ruling elites. In the first half 1950s the average literacy rate was 5 percent. Literacy among males was 10 percent and among females less than 1 percent. Only 1 child in 100 attended school³. 59 ethnic groups show the strong sense of belonging to their origins and in the meantime they perceive the Nepalese state as something opposing to them. Being aware of that fact, Maoist divides a country into 9 autonomous regions⁴. It is reported that in the motivation of Maoist fighters “HATRED” toward “STATE” was identified⁵. In his “The Role of Collective Imagination in the Maoist Conflict in Nepal” Tatsuro Fujikura, an anthropologist mentions Maoist’s interpretation of Dasain festival which celebrates the victory of truth over evil as hypocritical justification of Nepalese history in which the Hindu state subdued the non Hindu people.

Diversity of Nature from 60 meters above sea level of Tarai whose temperature reaches around 43 grades Celsius in mid summer to 8848 meters of Everest summit covered with beautiful white snow seems to indicate the same extent of multiplicity in Ethnicity, Culture and Human being in Nepal. To assert that the causes of Maoist conflict are exclusively poverty and unemployment would be to ignore reality of co-existence between ethnic diversity and state imposed unity.

1.1.2 Triggering Cause

Conflict Preventions are initiatives to transform socially inherent structural causes of conflicts into a non conflictive matter without resorting to violence. In the 1960s Martin Luther King succeeded in leading the

³ US Congress library data.

⁴ Annex1 “Maoist Autonomous zone”

⁵ Asia Press Network “Rolpa Report” by Kiyoko Ogura

Civil rights Movement without large-scale violence to achieve African Americans' active participation in American society. In the 2000 US presidential election, the confrontation on the outcome in Florida between Republicans and Democrats didn't induce violent crush. What if a same sort of electoral dispute happens to a fragile state? In a good governance society, the structural causes like wealth gap and inequity in access to social service might be transformed somehow into the dynamics of social reform. A belligerent conflict would happen when that transformation is failed. Once Maoists were a functional parliamentary party, nevertheless they always brace the platform of social reform through armed revolution. Why did they finally decide to revolt in February 1996? Why was Nepalese Society unable to prevent that uprising?

(1) Nepalese Electoral System

In his "Nepalese representative Government in 1990s", Prof. Masayuki Tanigawa of Nagasaki University quotes Elklit and Tiwari's argumentations that Nepalese single seat electoral constituency system which imitated Westminster's system isn't necessarily appropriate for multiethnic Nepal with brand-new democracy. In the first election for the House of Representatives in 32 years since 1959, Nepalese Congress (NC) gained 110 seats of 205 seats with just 38% of the vote and Communist Party of Nepal United Marxist and Lenist (CPN-UML) got 68 seats with 28%, which showed the single seat constituency's advantage for big parties. The most remarkable feature in the 1991 election was that the leftist radicals who were of Maoist origin also participated as "United Peoples Front (UPF)" and become the third parliamentary party with 9 seats. Prof. Tanigawa analyzes that the leftist radicals took part in the election because of their strategy of enhancing their strength through elections even though they didn't recognize the multiparty congress system. If UPF were able to fill certain role in mitigating the structural causes of conflict in the congress, their needs to resort to uprising would have been lessened.

NC and CPN-UML who won the royal concession in 1990 democratization movement, commenced oppressing the third force, UPF. Pyekurel, chairperson of INSEC, the most important human rights watch organization in Nepal witnessed NC's human rights violations against UPF supporters in 1992.

(2) Election committee's decision

In May 1994 when the underground Communist Party of Nepal Ekata Kendra was divided into Prachanda faction and Nirmal Rama faction, UPF, its open front for elections was split into Battarai faction who followed Prachanda and Nirmal Rama faction. 3 months later the Election Committee denied the UPF Battarai faction the rights as a legitimate political party, which meant that the possibility to continue the strife in the congress was shattered for Prachanda faction or Battarai faction. In 2002 when NC was split into Koirala group and Deuba group, the Election Committee recognized Koirala group providing the opportunity to set up a new political party for Deuba group. In comparison with 2002 case, the Election Committee's 1994 decision was too arbitrary.

In August 1995 Prachanda faction and Battarai faction formed officially the Communist Party of Nepal Maoist (CPNM or Maoist) and determined to persecute the People's War.

(3) 40 Point Demand

In September 1995, in preparation for the People's War, Maoists commenced "Sija campaign" in Rolpa

and Rukum. Two months later the Deuba administration repressed those two Maoist stronghold districts through "Operation Romeo". Then the Maoist uprising was a matter of time. In January 1996 the Maoist Politburo decided to launch People's War on February 13. On February 4 Battarai and other 2 representatives of the Maoists met PM Deuba to submit their 40 Point Demand⁶ which comprehends 9 points on Nationalism, 17 points on Democracy and 14 points on national livelihoods. In that demand Maoists declared that they were ready to initiate war if HMG/N wouldn't answer by February 17. It is difficult to state that the people's War could have been avoided depending on PM Deuba's reaction. However, that 40 Point Demand wasn't completely nonnegotiable except abolition of the king's privileges. The Deuba administration didn't pay full attention to the Maoist problem.

1.1.3 Perpetual Cause

Following the DFID/GTZ Joint Risk Management, of all 75 districts, 22 districts are classified as very highly influenced by Maoist activities, 42 as highly influenced, 9 as moderately influenced and 2 somewhat influenced⁷. Nevertheless, even in Parsa, classified as moderately influenced, a Japan Overseas Cooperation Volunteer (JOCV) had an encounter with the Maoists in her field visit. In Bhaktapur equally classified as moderately influenced, a deputy major of municipality to which another JOCV was assigned was killed, the municipality building was bombed and the public servants were blackmailed into giving up a part of their salaries⁸.

At first, the Maoists were a relatively small movement which affected only some parts of western, far eastern and central Nepal. Even the Deuba administration didn't understand the urgency of the problem. How have they been able to enhance their influence so much? Since the beginning of the People's War in 1996, there have been two ceasefires which turned out to be fiascos. How did a remote incident in rural area become such an important issue that HMG/N had to declare the State of Emergency twice?

(1) Timing

The Democratization Movement of 1990 obtained enthusiastic popular support, discarding the repressive king-centered Panchayat System⁹. It was a long-expected revival of multiparty democracy in which almost all hope to resolve the national grief was deposited. The outcome was a complete disillusionment. The newly born multiparty democracy was as corrupt as the Panchayat system had been. Official development assistance and newly liberated economy enhanced the cleavage in Nepalese society between rich and poor. But 7 takeovers of governments in 90s were all motivated by the internal strives of political parties. There was no space for the substantial policy discussion in the congress. National disillusionment was as huge as national hope for the better life just after the restoration of democracy. Dr. Gurung, anthropologist and a

⁶ Annex2 "40 point demand"

⁷ Annex3 "Insurgency in Nepal"

⁸ Annex 4 "Nepal Reported Clashes" and Annex 5 "Impact of State of Emergency"

⁹ Panchayat system

King was supreme commander of the armed forces, appointed (and had the power to remove) members of the Supreme Court, appointed the Public Service Commission to oversee the civil service, and could change any judicial decision or amend the constitution at any time. The National Panchayat of about ninety members could not criticize the royal government, debate the principles of partyless democracy, introduce budgetary bills without royal approval, or enact bills without approval of the king.

member of Tourist Board mentions a following representative anecdote of popular feeling. "If you are corrupt, Maoist will catch you!"

(2) Coincidence of Royal Interests with Maoists'

It is a fact that the democratization movement of 1990 ended with an undesired outcome for the old-guard wing supporters of the Panchayat system including the Royal Family. The repulsion for the political parties of the old-guard wing was in concert with the Maoist principle which denied a parliamentary government. The first dispatch of the Royal Nepal Army (RNA) which is under the direct command of the king was materialized just after the breakdown of the second peace negotiation at the end of November 2001. Until then, the police had carried out Maoist mop-up operation such as "1998 Kilo Sierra Two". In July 2001 in Horeli¹⁰ incident PM Koirala requested the king, the RNA Supreme Commander, for dispatch of army, but RNA didn't react. Furthermore, it is reported that the default¹¹ of the second cease-fire agreement of 2003 committed by RNA was one of the reasons why Maoist one-sidedly cancelled the ceasefire. Did the old-guard wing represented by RNA expect the Multi party democracy setback? The two resolutions of the Deuba cabinet in 2002 and 2005 and the royal takeover of executive power might be evidence that the old-guard wing wanted to use the Maoist conflict as bargaining tool in order to recover its privileges lost in the democratization movement of 1990.

(3) Sympathy for the Maoist principles

The following Maoist principles might convince not only Nepalese intellectuals but also international aid workers: resolution of geographical gap; affirmative actions for socially marginalized population such as lower caste and women; and protection for the rights of indigenous people and linguistics of minorities. There was a rumor that US ambassador recognized the value of Maoist goals. The feasibility of development projects formulation involving Maoists was seriously considered because possible transformation of structural violence was perceived in the first years of Maoist struggle¹².

(4) Framework of War against Terror

9.11 and the war on terror in Afghanistan and Iraq have added a special meaning to conflicts all over the world. In the Middle East, Israel claimed that the way it dealt with the Palestine extremists were the fight against the terrorists. In the same way, the international community accepted the HMG/N's demonstration that Maoists who destroy social infrastructure and hurt innocent people were terrorists, therefore they should be eliminated. In 2002, PM Deuba visited India in March, USA and UK in May and Belgium in August succeeding in obtaining military assistance for their war against the Maoists.

¹⁰ Horeli incident

An incident at Horeli, in the western hills was an example of how uncooperative the RNA was toward the elected governments. Premier Koirala resigned, complaining that RNA units refused to carry out his government's order to attack Maoist rebels there.

¹¹ The RNA violated an agreement of not moving to areas more than a radius of 5km from barracks. In addition, while the peace negotiation was carrying out, the security force arrested 17 unarmed Maoists and killed them later.

¹² Nevertheless, Maoists have been losing its popularity since 2003 ceasefire breakdown, because of escalating cruelty, traffic blockades affecting directly peoples' daily life, persecution against elders, assassination of innocent civilians, collective kidnapping of students, tax collection from grafters, etc.

(5) Benefits of conflict

RNA, Police and Kathmandu citizens are the beneficiaries of the conflict that has lasted almost one decade. Meanwhile the national budget for development reduced from 14% of GDP in 1990 to less than 8% in 2002, the military budget increased from 0.8% to 1.4% in 2002 and 3% in 2005. There is a reasonable doubt about the fungibility between foreign assistance and military expenditure.

In Kathmandu valley there is a real estate development boom due to the expectation that relatively wealthy people migrated to Kathmandu for fear of conflict and seek residences there. Some academics point out that because of economic reason the people in Kathmandu aren't motivated to protest against the Maoists although that the people in Kathmandu were the locomotive of the 1990 democratization movement. Because of the conflict, the gap between Kathmandu valley and other regions is growing.

(6) Role of India

It is well known that the Maoists are connected with the People's War Group (PWG) and Maoist Communist Center (MCC) in India. The Government of India supports HMG/N militarily and contracted the agreement on extradition for their joint action against terrorists. However in August 2001, Prachanda, Maoist Chairperson, met the president of CPN-UML, the biggest opposition party in a village nearby Siriguri of West Bengal, where the Indian authority closely keeps Pakistan information agents (ISI) and Indian extremists under surveillance. That incident caused a suspicion that Indian government tolerates Maoist activity inside Indian territory to some extent. Himal South News reports that in May 2002 when PM Deuba visited Calcutta, 3 representatives of Maoist escorted by Indian agents tried to meet him¹³. Currently Maoist use India as safe haven and send information through internet from India. Besides, Maoist doesn't mention their original claim of dissolution of unfair treaty with India any more, even though it was the first point of famous 40 point demand of 1996. Puscar Gaudam, ex Maoist commander analyzed that India was using Maoist as bargaining tool because they were discontent with post 1990 parliamentary politicians' performance.

(7) Structural Adjustment enhancing the Gaps

In early 90s, the liberalization of economy was introduced in order to strengthen the economic growth on behalf of poverty reduction. The Liberalization of Trade and Investment, the Rationalization of Exchange Rate and Tariff, the Strengthening of Financial and Capital Markets and the Promotion of Private Sector and Public Investment were materialized. Consequently the non agricultural sector achieved 7.5% of annual increase, its portion in the GDP enhanced from 51% to 59% and the poverty indicator in Kathmandu valley reduced to only 4%. However those benefits couldn't reach the rural sector. Therefore the gap between the urban area and the rural area expanded.

1.2 Gender and Maoist Conflict

As already mentioned in the Country Study for Japan's Official Development Assistance to the Kingdom of Nepal "Beyond Poverty and Conflict", the situation of Nepalese women, especially India-Aryan women

¹³ "India's Role in Nepal's Maoist Insurgency" by Rabindra Mishra (Asian Survey Sep/Oct2004)

in far western and mid western regions is heavily influenced by the social structure designed by Hindu culture which traditionally forces discrimination and restriction against women. How has Maoist Conflict affected those women?

Though not expressed through figures, domestic violence against women, trafficking of women and girls, suicide of women induced indirectly by Maoist conflict has been constantly increasing in those regions. In accordance with Meet Nepal's investigation¹⁴, 51% of prostitutes in Nepal were migrated women from conflict affected area to cities. In Saathi's case studies, different cases of combination between traditional discrimination against women and negative impacts of conflict are reported. A widow of RNA soldier being forced to remarry her brother in law because of her governmental compensation escaped from her village. Other woman whose husband was taken by Maoist for their military force was interrogated and raped by Security Force members that caused her mother in law strong repulsion toward her. After surviving suicide attempt, she decided to migrate to India with her son. There are merchants who take advantage of this situation of conflict and women running brothels nearby Security Force camps and forcing women to work there. Furthermore, UNOCHA/IDP unit 2004 report indicates that over 50% of the women 10% of the male laborers returning from India tested positive for HIV¹⁵.

Some opine that Maoist conflict has brought empowerment opportunities to women who hadn't experienced active participation in society before. Young women volunteered as Maoist soldiers. Widows succeeded in late husbands' occupation as Maoist fighters. More women are hired in Security Force. Recently the use of women as important military muscle has been more notorious. Other gender activists evaluate that lack of men in families and villages is forcing women to take more initiatives in economic activities as decision makers in farming and commercial sectors. They think it is a part of empowerment for women. In some villages there are only old men, children and women because young and middle aged men were pressured to join in Maoist and others escaped in fear of Maoist. In Dailek women organized the uprising against Maoist¹⁶. In Banke IDP camp, the presence of ex political leaders of villages and young wives of Security Force members was distinguished. Although the modification of traditional role of Nepalese women has been perceived to some extent, that phenomenon wasn't motivated spontaneously by women.

Like Youth Club, Mothers Clubs are identified in Nepalese villages. It is famous for having organized alcohol temperance campaign in the mid-1990s. At first its effect was weak until Maoist commenced to force local men to quit drinking. The recent hike of dressing red sari movement for widows which began in the 1980s is an interesting case of women's empowerment. In Hindu families, especially among high caste members, widows are obliged to wear white sari for the rest of their lives since passing of their husbands. The concept of religious uncleanness is behind that customs. Wearing white saris, widows' opportunities to interact with society would be largely restricted. However due to the late rise of number of widows,

¹⁴ "Profile of Internal Displacement in Nepal" by Global IDP

¹⁵ Ditto

¹⁶ Their leader was captured and tortured by Maoist later.

particularly young widows, the red sari movement for widows has been augmented following to February and March 2005 publications of local papers¹⁷.

Like an indication that the intensification of Maoist conflict has made the traditional structure of sexual discrimination more complex, the opinion that Maoist conflict forcibly modified role of women is valid to a certain extent. If an adequate assistance is designed and provided on behalf of those women forced to live on their own lives economically and socially in order to activate their hidden potentials through vocational training, fair trade, informal education, micro credit inter alia, an important step for the resolution of traditional discrimination against women would have been taken.

1.3 Caste and Maoist Conflict

The Nepalese National Foundation for Development of Indigenous Nationalities indicates that there are 18 indigenous nationalities in Mountain area, 24 in Hills, 6 in Inner Terai¹⁸ and 11 in Terai. In total 59 indigenous nationalities. Hindus of Hills area unified Nepal conquering those 59 indigenous groups. Hilly Hindus were the ancestors of current royal family. In the process of building unified nation in the 19th century, Hindus made their caste system as national legislation integrating non-Hindu indigenous nationalities into the caste system. In doing this 59 indigenous groups had to relinquish their own history, culture, religion and language. There are also untouchable people situated in the last position of caste, who have suffered discrimination even in the 21st century. In addition to these, the confrontation between people of Hills and Terai has been identified. The modern Nepalese history has elaborated many confrontations regarding to its unique caste system. In this section the relation between each one of three confrontations mentioned in Country Study on Japan Official Development Assistance to the Kingdom of Nepal "Beyond the Poverty and Conflict" and Maoist Conflict is analyzed¹⁹.

1.3.1 Hindus VS Janajati

Indigenous nationalities call themselves as Janajati who were originally outsiders to Hindu society, requesting HMG/N to fully recognize respective social and cultural identity. Some of them are rich enough because of their activities as Gorkha soldiers dispatched to India and UK or Sherpa for Himalayan climbers. Since the 1980s each indigenous group has organized their own association to address the pride of group and provide assistance for themselves. For example, the Pokhara association of Gurung was established in 1986 and it has 1200 lifetime members. Brave Magar group is from Rolpa and Rukum, birthplaces of Maoist movement. It is well known that many of Magars were motivated to participate in Maoist rising because of their hatred toward the Hindu state.

1.3.2 Higher Caste VS Lower Caste

Dalit, the lowest Caste Group began to form their organization after 1990 democratization process a bit later than Janajati. Though the both constitutions of 1960 and 1992 prohibit the caste discrimination, it isn't rare to see people punished by family because they give food to lower caste even nowadays. The Maoists try

¹⁷ Kathmandu post

¹⁸ Plain area

¹⁹ Discrimination against Muslims has been reported as well. 2.5% of Nepalese are Muslims.

to convince them to join in and Security Force is always suspicious of them.

1.3.3 Hills VS Terai

Residents of Hills area tend to discriminate against Terai people situated next to India as new comers. In last February Kapilvastu incident in which local people killed Maoist group was instigated by that confrontation between Hills and Terai. Security force took advantage of that repulsion between Hills and Terai. Some of Terai residents were under Maoist pressure because of their doubtful commercial activities with Indians. In the end not only Maoist members but also innocent Hills people who had escaped from villages in fear of Maoists were assassinated, looted and raped. More than 200 houses were burned. Furthermore in Eastern Nepal so called Madesi²⁰ Tiger was split from Maoist organization and dedicated to killing Maoist activists.

1.4 Ceasefire and Peace Negotiation

1.4.1 The First Ceasefire (Aug – Nov 2001)

In July 2001, after the resignation of PM Koirala motivated by Horeli incident, Deuba of NC assumed the premiership declaring the ceasefire next day. There were 3 rounds of peace negotiation in the end of August, the middle of September and the mid November. Just before the 3d round, Maoist withdrew “Establishment of Republic” from the original 3 demands which were “Interim Cabinet”, “Constitutional Assembly” and “Establishment of Republic”. Although it was a concession, Maoist suddenly renounced the ceasefire at the end of November and attacked the RNA installation for the first time. During the first ceasefire Maoist imported weaponry and diffused their ideals through media nationwide causing the suspicion that Maoist used that ceasefire to gain time and publicity.

1.4.2 The Second Ceasefire (Jan – Aug 2003)

After the breakdown of the First Ceasefire in November 2001, PM declared the National Emergency and deployed for the first time RNA which is under direct command of the King, intensifying the conflict. In May 2002, due to the internal struggle in the ruling party around the second renovation of the National Emergency, PM Deuba dissolved the parliament announcing that the general election would be held in next November. In October while PM Deuba advised King to postpone the election for one year, King decided to fire Deuba because of his incapacity to hold the election and appointed Chando as the new PM.

At the end of January 2003, HMG/N agreed the cancellations of terrorist classification and Interpol search for Maoists and the end of the battle. In April of the same year in the First Round of negotiation Maoist submitted their demands such as “Round Table with Parliamentary Parties and King”, “Establishment of Interim Government with multiple political forces”, “Election for the Constitutional Assembly”, etc. In the Second Round of negotiation in May an agreement that the security force shouldn't be deployed no more than radius of 5 km from barracks was made but RNA refused to obey it. Meantime the principal 5 political parties raised an outcry against the dissolution of Deuba cabinet of 2002 as unconstitutional and coordinated nationwide anti-king and anti-HMG/N protest. They boycotted the all

²⁰ Madesi means Plain area.

parties rally in preparation of peace negotiation called by PM Chando. As the chaotic situation continued, Chando quit his post and Tapa was nominated as new PM at the end of May. In July the Police arrested the representative of Maoist negotiation team office and Maoist closed the office. In spite of those incidents, on August 17 the Third Round was held and HMG/N presented the counterproposal that they agreed to organize Round Table, Interim Government and General Election and afterwards Constitutional Amendment. Nevertheless Maoist still insisted on the establishment of new constitution through constitutional assembly and the both sides couldn't reach to any settlement. On the same day the security force arrested 17 unarmed Maoists and 2 civilians in Doramba, Ramechhap and killed them later. 10 days later on August 27 Maoist Chairperson Prachanda announced the breakdown of Ceasefire and next day HMG/N classified Maoist as terrorist organization again.

In the Second Ceasefire, the attitude of Maoists was serious enough that they tried to comply with 22 points of the code of conduct determined in the pre-negotiation table of February 2003. This is because in the Maoist side the lessening of cause of uprising had been perceived due to the protraction of conflict and the increase of deceased had caused the organizational fatigue which motivated them to seek for the soft landing of the struggle. Unfortunately King and HMG/N weren't ready to accept the demand of constitutional assembly that would eventually abolish the monarchy through new constitution.

1.4.3 2.1 Shock (February 1-March 31 2005)

After the breakdown of the Second ceasefire in August 2003 both Maoist offensive and the Parliamentary Parties nationwide protests against HMG/N and King were intensified. In several parts of the country general strikes and traffic blockades were so frequently carried out that national livelihood was severely affected. Deuba again as PM succeeded Tapa who had resigned in May 2004. However, the anti-monarchy movement organized separately by Maoists and the Parliamentary parties didn't seem to halt. Most of the local governments become nonfunctional due to the offensive and blackmail of Maoist. In the end of 2004, Maoists showed off their muscle through the successful economic blockade in the Capital. In 2005 the price increase of petroleum products and hike of Value Added Tax stirred people to deploy protests all over the country. Nepalese national political scene became completely chaotic. The relations among the Monarchy, the Parliamentary Parties and Maoists were in stalemate. The royal proclamation of February 1 2005 changed that situation radically.

On February 1 2005 King Gyanendra suddenly made a half hour speech for the entire nation. King proclaimed that in accordance with the clause 3 of the article 27 of the Constitution²¹, he dismissed Deuba cabinet assuming the executive power and announced to recuperate peace in 3 years. Almost simultaneously with the end of the royal speech, land phone²², mobile phone and internet were cut off and airports were forced to close. Around at noon the National Emergency was declared through TV message. In consequence,

²¹ Article 27 "King" Clause 3

King keeps and protects the Constitution on behalf of the best benefit and welfare of Nepalese people.

²² On Feb 2nd nocturnal national call was restored except international call. On 8th internet and land phone were completely restored. On 18th the national day of democracy land phone was cut down again from 8:00 to 17:00 because the opposition rally was scheduled.

the right to freedoms of expression, assembly, movement, press and publication, the right against preventive detention, the right to information, the right to property and the right to constitutional remedy were suspended. In the same day high profile politicians including ex PM Deuba, student movement leaders, human rights activists and journalists were detained or under house arrest²³. Soldiers were deployed to the important media. Next day, February 2d, King denominated 10 new ministers. All of them were Panchayat era high ranking officers. On 4th in the first meeting of the council of ministers, king announced 21 point program²⁴. On 6th, King issued an order in accordance with the clause 7 of the article 115 of the Constitution on the prohibition of public servant's political participation, the intervention of security force in communication and public servant's disposition on the transfer of property²⁵.

Due to the unusually heavy deployment of the security force, Maoist led traffic blockade planned to carry out in the metropolitan area from 3d to 5th of February was failed. On March 9th Maoist attacked Dhangarhi prison and helped 150 prisoners escape. On February 12, the Maoist uprising commemorative day appeal, Party Chairperson Prachanda criticized the series of action taken by King and ascertained that the way to peace negotiation was closed. He called the Parliamentary Parties to join in its struggle to establish Multi Party Democratic Republic and asked the international community to suspend aid to HMG/N declaring that it should be final war. From that day till February 26 they forced a nationwide economic blockade causing inflationary effect all over the nation.

The Parliamentary Parties like NC didn't react immediately due the fact that their leaders were detained or under house arrest. NC spokesman announced that on February 18, Day of democracy they would organize the Peaceful Agitation. But NC leaders including the spokesman were arrested on 16th and on 18th dozens of demonstrators were detained by overwhelmingly prepared police force showing the strength of King's determination. Finally on February 27 five major political parties (NC, National Congress Democratic, CPN-UML, Left People's Front and Nepal Sadbhavana Party) formed an alliance to start

²³ HURON

²⁴ 21point program

1.Eradication of Corruption, 2.Transparency in Service Delivery, 3.Distribution of Land, 4.Agricultural Modernization, 5.Industrial Development, 6.Tourism Master Plan, 7.Free Education for Marginalized Population, 8.Patriotic and Vocational Education, 9.Concession on Transport and Medical Expense for Students, 10.Standardization of Housing, 11.Development of Apartment system, 12.East-West Electric Train, 13.Decentralization, 14.Employment, 15.Reintegration of Conflict Victims and Ex Maoist, 16.Control of River, 17.Karnali development, 18.Governance/Public Sector Reform/Alleviation of Poverty, 19.Participation of Marginalized Population in Civil Society, 20.Private Sector Development, 21.Participative Community Development

²⁵ The orders are as follows ;

- Travel and buying and selling of assets are allowed but that should not have adverse impact on the state of emergency.
- Local administration can prohibit the aforementioned activities if needed.
- If HMG/N feels it necessary, the regional administrator, CDO or any assigned official can temporarily or permanently transfer ownership of any tangible or intangible assets after due compensation.
- Meetings which don't go against the state of emergency can be organized after receiving prior permission from CDO or any assigned official.
- HMG/N can appoint government employee in vacant posts.
- Public servants shouldn't set up any kind of organization having political affiliation. Any such existing organizations should stop all activities affect the sovereignty or peace and security.
- It is prohibited to make public comments that could affect the morale of the security agencies.
- During the state of emergency, if security personnel feel it necessary, he can monitor or ban the use of telephone, radio, fax, television, email or any other form of electronic media.

protests against King Gyanendra from March 8, the International Day for Women Labourers. In that day 200 protestors and one week later 750 were detained respectively nationwide.

The international community except China, Russia and Pakistan reacted against the royal proclamation that might be interpreted as one step back to totalitarian regime. February SAARC summit to which King Gyanendra planned to attend was forced to be cancelled by the Indian decision to skip it due to the security concerns in Bangladesh and Nepal. Major donors such as Japan²⁶, USA, UK, India and EU urged HMG/N to respect human rights asking for immediate release of political prisoners. Canada and Nordic countries protested against the restriction of communication means as violation of Vienna treaty which protects diplomatic activities. India, USA, UK, EU and Denmark called respective ambassadors back to their capitals to discuss about the Nepalese issue. Denmark announced its decision not to sign new assistance for the coming Nepalese fiscal year and Swiss followed that path. American ambassador advised King if Democracy won't be restored in 100 days, their military and development assistance would be under pressure from the US Congress. On February 22d India and UK notified that they had suspended provision of military assistance for Nepal. On 25th Kathmandu post reported that World Bank wouldn't disburse the budget support assistance because of PRSP reform incompliance.

Because of the media control, it is difficult to grasp the whole panorama. Economic blockade and general strike from 12th to 26th of February seemed to be effective enough outside of Kathmandu valley that on 18th in Prithvi highway 13 trucks breaking the blockade were burned by Maoist and in Kathmandu and Pokhara 15% to 30% of inflation was recorded. On 18th Nepal TV reported that in Kapilvastu village people killed 15 Maoists. Danida's country director commented that they were armed by the security force.

Effects of the Royal Proclamation were also felt in Japanese ODA. For example, Staff of "Community Based Non Formal Education" project including both Japanese and local NGO elements have not been able to visit its project site in Dadhin and Siraha because of possible military operation. All JOCV members were called to attend the Emergent Security Meeting in Kathmandu on 11th and came back to their respective duty stations from 19th. JOCV withdrawal from Kairali and Kanchanpur, far western region and Banke, western region were already decided. Due to traffic blockade, the Sinzuri road construction was suspended from 12th to 26th of February. On March 14 due to the Maoist led general strike that project was interrupted again.

Even though the 2.1 shock has modified structurally the Monarchy-Political Parties-Maoist triangle stalemate, there is a consensus that we need more time to clarify its real impact.

²⁶ Japan's Ministry of Foreign Affairs press release are:

- The Government of Japan is carefully watching the volatile political situation in the Kingdom of Nepal in the wake of the recent dismissal of the prime minister and the dissolution of the Council of members. The Government of Japan hopes that Nepal's political crisis will be solved as soon as possible.
- Japan also hopes that Nepal will recover its peace and stability as soon as possible on the basis of diplomacy and constitutional monarchy.
- If political leaders are being detained, the Government of Japan is deeply concerned about the situation and strongly urges that they be released and that the freedom guaranteed by the constitution restored promptly.
- Japan also urges the Maoists to achieve peace through dialogue.

1.4.4 Projection for the Post 2.1

(1) King's strategy

Most of influential political leaders, human rights activists and journalist are now arrested or under house arrest. It is highly probable that King intends to subject Maoist through determined military actions in an atmosphere that nobody may object him. In 2001 Royal Palace Massacre mobile phone was cut down for 3-4 hours. This time it will be restored in late-April after almost 3 months of no service. In the Feb 18 anti HMG/N demonstration land phone was shut down again from morning till evening and dozens of demonstrators were arrested by overwhelmingly equipped police force. But there is a consensus that this is a no winnable conflict. Though other option for King is that after beating Maoist to some extent HMG/N might call them to a negotiation table, Maoist guerrilla might retire to mountainous area or India to regain the loss instead of accepting a peace negotiation immediately.

(2) The Worst Scenario

In Kathmandu valley some appreciate the King's action which resolves the existing stalemate and recuperate the apparent peace, while outside the valley armed clashes are going on with more intensity beside the general strike and economic blockade inducing the inflation. In spite of King's promise to recover the permanent peace, current people's support to Monarchy would radically turn to repulsion, if severe economic problem rises like shortage and hike in basic livelihood as the 1990 Democratization Movement was instigated by the economic difficulty caused by the closure of Indian border. People's discontent might be utilized by Maoist and Political Parties to destabilize the society. If it happens, the Monarchy might become more repressive causing intensification of violence everywhere. A DFID Conflict Adviser warns that in few months there would be no safe space for development assistance in the country and finally humanitarian crisis would happen.

(3) The Best Scenario

The possibility of behind the scenes negotiation with Maoist can't completely be denied, even though the attitude of new HMG/N toward them has been highly confrontational. Maoist used to ask for direct encounter with King instead of politicians. Unfortunately in the February 12 appeal Maoist declared that the way to peace negotiation was closed by the royal proclamation and this is the final war. There is no indication that a possible dialogue between them might initiate soon. On February 22 US ambassador to India commented that India might be a mediator with potential to call King and Maoist to a same table. The Indian next step to the Nepalese problem should be closely followed up.

1.5 Stakeholder Analysis and Current Peace Building System

Stakeholder Analysis and Peace Building System		
	2.1 Shock (advantage/disadvantage/problem)	Peace Building System
Monarchy	<ul style="list-style-type: none"> ● King's last gamble ● Can regain power if successful ● Monarchy's continuity in jeopardy if unsuccessful ● International criticism ● Multiparty democracy: a desirable outcome 	<ul style="list-style-type: none"> ● Anti-corruption campaign ● More efficiency and transparency in public administration ● Policy on peace negotiations unclear
Maoist	<ul style="list-style-type: none"> ● Strategy shift from one-party rule to multiparty democratic republic ● Economic blockade to incite people ● Unexpected Gain (2.1 shock provides a political advantage covering internal weakness) 	<ul style="list-style-type: none"> ● Appeal to the international community to stop assistance to undemocratic HMG/N
Parliamentary Parties	<ul style="list-style-type: none"> ● Weakened: leaders detained, under arrest or house arrest ● Coalition front to start protest from March 8 ● Casting vote holder 	Both King and Maoist seek a multiparty democracy and indispensable stakeholders for democracy
Donors	<ul style="list-style-type: none"> ● Possible Internationalization of Conflict ● China favors HMG/N because of Tibet ● UK and India suspending military aid ● Denmark and Switzerland suspending aid ● US aid will be at risk if not democracy is not restored in 100 days ● Relations between development and politics ● Key: Outcome of UN Human Rights Commission in Geneva in March 	<ul style="list-style-type: none"> ● Focus of ODA is mitigation of causes of conflict. ● Risk of military interference in peace building assistance activities ● Risk of military interference in development assistance activities ● Risk of strict control on NGOs ● Risk of impossibility of carrying out human rights and empowerment components ● Wait & See policy
Civil Society	<ul style="list-style-type: none"> ● Freedom of assembly and political expression restricted ● Strictly controlled media ● Mobile phones not functioning²⁷ ● Wait & See: People's support determines the final winner. 	<ul style="list-style-type: none"> ● Potential of generation who experienced empowerment after the 1990 democratization movement ● Used to be the freest media in the world (Editor of Nepali Times) ● Marginalized people's movement for major reform in post conflict ● Kamaiyas rights movement ● Increase of cooperatives in more democratic framework

²⁷ It will be restored in mid April.

1.5.1 HMG/N

(1) King's Gamble

It is well known that King Gyanendra was the last person to resist the 1990 Democratization Movement in the Nepalese royal family. The King has publicly indicated his intention to create a Constructive monarchy being the symbol of old Guard wing and having appointed the Panchayat regime's high ranking officers to the current cabinet posts again. He encourages indirectly the military impunity as RNA Supreme Commander ordering national media to focus on Maoist problem instead of human rights violations committed by RNA.

His role in the 2.1 shock has been supported by China, Russia and Pakistan. However his political method of restricting basic human rights by absolute royal power is perceived as feudalistic and anti democratic by the western value.

It is not uncommon to witness the support within the country for his leadership which forced to modify the stalemate in Nepalese political scene. At the same time he drove himself into the corner without alternatives of drawing away. Some political analysts opine that without early political stabilization, the existence of Monarchy itself would be in danger.

Even if his remarks about the needs to restore Multi party democracy might be rhetoric, it is worthy of being noted as a potential conclusion that would be supported by all stakeholders such as Maoist and the parliamentary parties.

(2) HMG/N waiting for a new mandate for its Peace Building system

A new mandate for the peace negotiation after 2.1 shock in HMG/N has not been announced yet. 21 point program made public on February 4th is the only one political agenda published since last month. Its main focuses are elimination of corruption, transparency and quick and effective service delivery on behalf of the recovery of good governance lost in the sterile parliamentary politics. A joint secretary of Ministry of Home Affairs expressed HMG/N's concern on possible strengthening of Maoist in case of governmental failure in showing political stability and benefit of development initiatives soon. There was a rumor that when King appointed 10 new ministers, he requested them to demonstrate positive outcome of reform in just 2 weeks ordering "Do or Die!" HMG/N's policy on peace negotiation will be determined in accordance with their perception on how battles will be going on and how main stakeholders such as Maoist, Parliamentary Parties and India will be acting these weeks.

HMG/N's current system for Peace Building to mitigate the cause and negative impact of conflict are analyzed in the Chapter 2 "Conflict Analysis and Countermeasures".

1.5.2 Maoist

(1) Changing Strategies

2.1 shock forced Maoist to change its strategy. Prachanda announced on February 12, its people's War anniversary that it has adopted the new goal of Multi Party Democratic Republic instead of one-party rule. In doing this, they aim to organize an anti-Monarchy national campaign inviting Parliamentary Parties oppressed by HMG/N to join in. Additionally they took general strike and economic blockade as main tactics because media control doesn't permit them to publish their presence and philosophy through

journalism like before. They seem to prefer assault to trucks which put national economy under pressure, to large scale assault to security force which will be hardly published like before.

(2) Weak points

In spite of the fact that 9 years after the launching of the people's War, Maoist has become a serious concern for HMG/N, its weakness has also been exposed as its radio of action has enhanced turning into a national network. At first some critics perceived Maoist favorably due to its focus on Nepalese structural problems. However since the breakdown of 2003 ceasefire, they began to act with more cruelty and affect directly the livelihood of ordinary people through general strikes, collective kidnapping of students, so-called Maoist tax and so on. In Dailekh rebellions against Maoist²⁸ were organized by local people. In eastern Nepal an indigenous group called Madesi Tiger was split off from Maoist movement. Furthermore 9.11 labeled Maoist as terrorist not revolutionary. In March 2005 Battarai, one of the supreme leaders fell into disgrace due to the internal conflict.

(3) Unexpected Gain

After 2.1shock, Maoist are perceived as more predictable than King. Royal dismissal of Deuba cabinet and restriction of basic human rights made King a favorite target of international criticism and put Parliamentary Parties aside in political scene. Maoists are the ones who got unexpected political advantages.

1.5.3 Parliamentary Parties

(1) Weakening

Parliamentary Parties had been unable to organize successfully an anti HMG/N national campaign because most of their leaders were under house arrest, detained or underground. The Peaceful Agitation of February 18 was easily subdued. They had agreed to be separated from Maoist led movement and to avoid violent protest. And finally on February 27 main political parties like CPN-UML, NC and NC Democratic reached to form a coalition to commence the nationwide demonstration from March 8th.

(2) Undeniable Role

Although they were criticized as responsible of having instigated Maoist conflict after the democratization of 90s, Parliamentary Parties have enjoyed assistance from some donors because of their role in cultivation of democracy. It seems that 2.1shock put them aside. But Maoist changed its goal from one party rule to Multi party republic. King declared his apparent intention to restore Multi party democracy. Therefore a role of Parliamentary Parties still continues to be important. Now the political parties have a casting vote between HMG/N and Maoist.

1.5.4 Donors

(1) Possible Internationalization of Conflict

Just a few days before 2.1shock HMG/N decided to close down the offices of Tibetan refugee's welfare

²⁸ Asia Press Network "Villagers' Rebellion against Maoist" Kiyoko Ogura

and the Dalai Lama's representation which made the government of China its great partner. Immediately after 2.1 shock, China announced that it doesn't intervene in Nepalese domestic issue showing a clear difference from human rights conscious western donors. Russia who has Chechen conflict and Pakistan who dislike the expansion of Indian influence followed the same pattern. Reaction of UK, USA and India who have been supporting HMG/N's military offensive against Maoist might not be completely in unison with Canada and other EU members who criticize and flatly oppose HMG/N's restriction on civil rights. If UK and USA decide to cut military assistance to HMG/N under the pressure from International NGOs and Congress, Maoist will be strengthened. If India suspends its aid to HMG/N, its rivals, China and Pakistan may fill that vacuum. They are in dilemma. However on February 22d, UK disclosed that the provision of military assistance worth 1.34 million pounds was withheld and India announced that it has suspended its military assistance since February 1st.

However, in March Pakistan announced its readiness to assist militarily HMG/N and in the end of that month, the Chinese Foreign Minister visited Nepal and in April King Gyanendra visited China. The internationalization of conflict might be possible outcome of these maneuvers.

(2) Beginning of Aid Coordination

In order to avoid possible harassment from Maoist and the Security Force in field, JICA and other 9 aid agencies have created the Basic Operating Guideline (BOG)²⁹ to assure the safety of aid workers. Especially after 2.1 shock, donors have organized BOG meeting, Conflict advisor meeting, Resident Representative meeting periodically to exchange information. Additionally Denmark, Norway, EU, DFID, SNV, SDC, USAID, Finland, UN, CCO formed Peace Support group to discuss the peace building in Nepal. These movements might be appreciative occasions of information collection and precursor of Post Conflict aid coordination. Japan should follow them closely.

(3) Peace Building system—Wait & See

After 2.1 shock, the future of international development assistance to Nepal is quite uncertain. While USA, UK, EU and India are ready to cut their assistance if the basic human rights aren't restored, Denmark and Swiss officially have announced to suspend their respective aids for Nepalese coming fiscal year. On February 25th Kathmandu post reported that World Bank suspends the 70 million dollar disburse of budget support due to the delay in PRSP reform. Most of donors have focused recently on the mitigation of cause of conflict. Now they share the common concern on the continuity of those initiatives after the 2.1 shock. Almost all donors coincide in their strategy of WAIT & SEE.

Donor's current system for Peace Building to mitigate the cause and negative impact of conflict are analyzed in the Chapter 2 "Conflict Analysis and Countermeasures".

(4) RNA, NGO and Advocacy

One of the biggest concerns for the western donors is possible difficulty in carrying out Participatory

²⁹ Signers are GTZ, SDC, CCO, DFID, Embassy of Denmark, EU, JICA, Embassy of Norway, SNV and Embassy of Finland. See annex on the content.

Community Development projects because of fear of RNA's interference, possible governmental screening of local NGOs and impossibility to promote advocacy components such as human rights and conflict resolution.

(5) Development and Politics

What bothers donors most is a relationship between "Development" and "Politics". In BOG meeting it has been discussed on whether official contact with Maoist should be sought to assure the safety of aid workers or not. Meanwhile HMG/N opposes that approach of putting insurgents in an equal position, if Maoist doesn't respect development initiatives, it is impossible to materialize ODA projects smoothly in the field. Although in BOG meetings the discussion has been developing actively from different points of view like humanitarian, development and politics, any concrete consensus has not been reached because of their fear of being politically utilized by Maoist. In the other hand any official assistance through Nepalese governmental system might be perceived as political support to HMG/N and not completely neutral in this conflict.

Foreign aid occupies 60% of HMG/N's development budget. That fact gives donors enormous political capital. Because of this, some part of Nepalese society asked the international community to act decisively against King's totalitarian move. Most of donors are waiting for the outcome of UN Human Rights Commission discussion to be held in Geneva in March 05.

1.5.5 Civil Society

(1) Legacy of 1990 democratization Movement (People's Empowerment)

The Democratization Movement of 1990 has bestowed new hope and confidence on Nepalese people. In spite of the bloodbath committed by Panchayat regime, the promoters of democratization movement won the royal concession without resorting to violence. While some critics evaluate the 1990 constitution as compromise with Monarchy indicating that a halfway revolution induced the enhancement of corruption to parliamentary politicians and a healthy relation between politicians and civil society weren't formed, it is undeniable that the Movement has modified the Nepalese society at large scale. Younger generation who hasn't experienced oppressive Panchayat regime and Middle age generation who supported the democratization movement are now majority of Nepalese population. For example before 1990 the number of cooperatives was 834. After enacting the more democratic legislation of cooperatives in 1992, about 7000 new cooperatives were born. Most of new initiatives on behalf of human rights, lower caste, minorities, linguistic groups and journalists commenced just after the 1990 democratization. It was in July 2000 when Kamaiyas, traditional bonded labors who have suffered from severe conditions for generations because of debt to landlords, achieved the Parliamentary Declaration of Freedom. A local NGO who supported Kamaiya movement comments that the shift from the "Project Approach" like literacy training, rights education and small credit to the "Rights Based Approach" focusing on modification of rights relations was required to succeed in their activities.

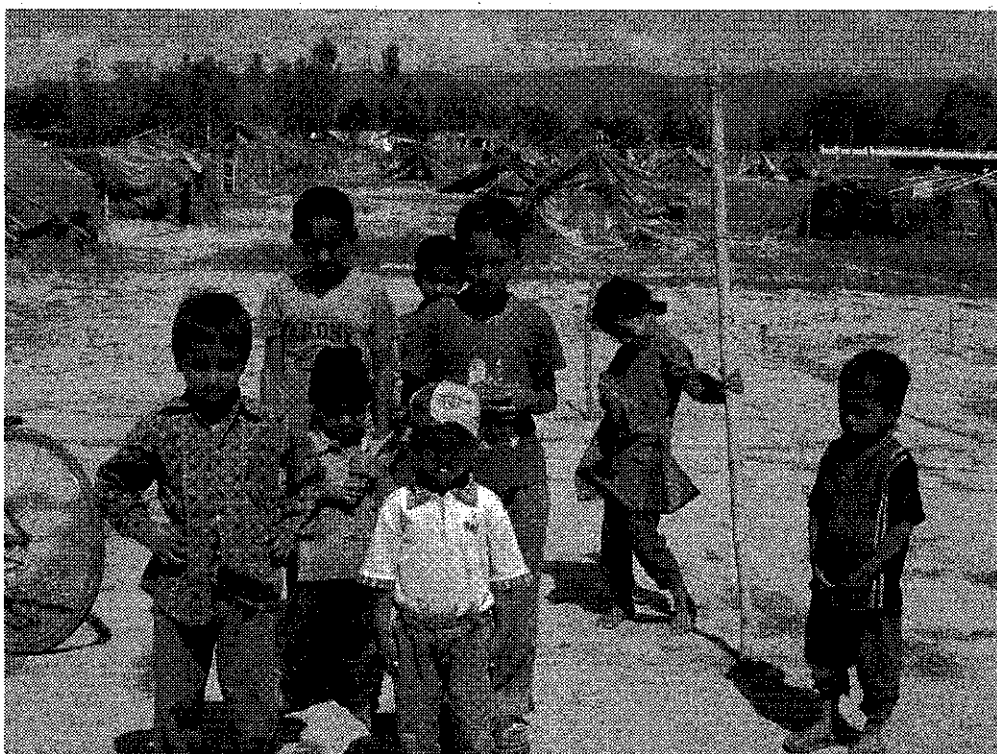
(2) Clue to the Solution

Under the National Emergency, the freedoms of gathering and political expression are restricted. The

frustration of population who once experienced the empowerment might be considerably big. There are two options which are to wait for the recovery of freedom enduring the oppression or to act as some did in the occasion of 1990 democratization movement. It will be up to the coming situation. However there is no doubt that if someone of triangle formed by HMG/N, Maoist and Parliamentary Parties wants to occupy outstanding position, it should gain Nepalese people's support.

Chapter 2 Conflict Analysis and Countermeasures

This chapter identifies the unsolved causes and negative impacts of conflict and possible countermeasures for each one of 7 JICA Peace Building Assistance Sectors³⁰ and screened comparing with current HMG/N's direction and other donor's assistance in order to seek for JICA's future contribution in the field of Peace Building.



Children at Banke Internal Displaced Persons (IDP) camp

³⁰ 1.Reconciliation, 2.Recovery of Security, 3.Governance, 4. Social Infrastructure, 5.Economic reconstruction, 6.Support for Marginalized People, 7.Humanitarian Emergency Support

2.1 Reconciliation

2.1.1 Unsolved Causes and Negative Impact of Conflict

Mistrust among Maoist, HMG/N and Parliamentary Parties, Caste discrimination, Ethnic Tension, Destruction of Community, Human rights violations committed by Maoist, Security Force and Self Defense Patrol Group (Villagers groups armed by HMG/N) and Diffusion of Culture of Violence.

2.1.2 Possible Countermeasures

Possible countermeasures are as follows: confidence building among actors of peace negotiation, anti discrimination education, caste and ethnic exchange program, support to community, strengthening of human rights monitoring, support to National Human Rights Committee (NHRC), support to human rights NGOs, peace education and support to truth commission.

2.1.3 HMG/N's Current Direction

(1) Peace Secretariat

Internal unit established inside of High Level Peace Committee that was created by Deuba administration to formulate strategy and support logistic aspects of Peace Negotiation. Chairman is PM and high profile politicians are members of High Level Committee whose main responsibility is to formulate the strategy for Peace Negotiation. Peace secretariat has 3 divisions of Political Analysis, Conflict Victim Relief, and Public Relations and Assistance to Peace Negotiation. Their principal activities are formulation of Action Plan (Policy, Rehabilitation and Peace Negotiation) and Position Paper, collection of information on past peace negotiations and coordination with NHRC. It has received assistance from DFID. With this 2.1 shock, all members of high Level Committee are detained or under house arrest. In the end of March, HMG/N decided to abolish High Level peace Committee and keep Peace Secretariat.

2.1.4 Donors' Current Assistance

(1) UNDP

Support for Peace and Development Initiative (SPDI)

Canada, Denmark, Norway, Switzerland, Finland, Germany, UK and UNDP formed the Peace Trust Fund. In the first phase from March 2002 to February 2005 with total budget of 2.7 million dollars, 88 local NGOs received average donation of 20 thousand dollars/NGO. The Project collects proposals from local communities on ① Human Rights, Peace Building, Promotion of Dialogue, Mediation and Capacity Building and ② Empowerment of Marginalized Population such as Lower Caste, Women and Victim of Violence and provide 20 thousand to 30 thousand dollars to well prepared proposals. In the second phase, the maximum amount for a project will be 100,000 dollars. The second phase will begin when the impact of the 2.1 shock is clearly measured. The problem is how to elevate the grass root impact to the national level. They chose NGOs and CBOs as beneficiary, never local governments.

(2) EC

- Support to Peace Secretariat
- FM radio program on human rights and democracy (Currently off the air due to media control)

(3) DFID

- Support to NGO and NHRC - Advocacy and Court Activities
- Support to participate in UN Human Rights Commission (Geneva)
- Support to human rights protector
- Radio program (Currently off the air)
- Support to International Crisis Group - Conflict Analysis and Advocacy
- Conflict Resolution training (Local and Central: a former Finish president as resource person)

(4) USAID

- Support to Survival of Community - Infrastructure and Money for Work
- Local Conflict Resolution (Difficult Access to Judicial System)
- Support to local traditional events (Protection of Communities)
- Support to Peace Secretariat
- Radio program
- Support to NHRC

2.1.5 Current Problems

It is possible to modify the mandates of Peace Secretariat and NHRC because of the 2.1 shock. Human rights projects will be difficult to carry out. Most of radio programs went off the air.

2.1.6 Possible JICA assistance

Under the intensified tension of conflict, the confidence building requires highly political approaches and a space for the development assistance is limited. With the national emergency declared, the strengthening of Human Rights Monitors and supports to Human Rights watchers like NHRC should be considered. In case that HMG/N's decides to activate Peace Secretariat to prepare the future peace negotiation, the capacity building to the secretariat will be opportune. The Government of Japan has experience of supporting the Truth Commission as part of post conflict assistance in Guatemala. That will be useful in the Nepalese context.

2.2 Governance

2.2.1 Unsolved Causes and Negative Impact of Conflict

Corruption, Lack of Transparency in Administration, Media Control, Inadequate Election System, Inexperienced Parliamentary Democracy and Constitutional Monarchy and Weakening Rule of Law.

2.2.2 Possible Countermeasures

Policy Support and Capacity Building on behalf of improvement in Administrative skill, Support to Local Governance, Support to Legal/Judicial Reform, capacity Building for Political Party Politicians and Study Program on Constitutional Monarchy system in Cambodia and Thailand.

2.2.3 HMG/N's Current Direction

(1) Royal Commission for Corruption Control (RCCC)

On February 21 the Royal Commission for Corruption Control was created to assist the activities of CIAA in order to control more strictly corruption of bureaucrats and politicians.

2.2.4 Donor's Current Assistance

(1) UNDP

Decentralization and Local Governance Support Program (DLGSP)

DLGSP supported by Norway and UNDP for 60 districts is a fusion of Local Governance Program and Participatory District Development Program. It provides policy support such as focusing on marginalized people like Dalit at macro level and programming, monitoring and execution support at district level. Currently the administrative responsibilities of Agriculture, Primary Education and Primary Health Care have been transferred to district level in Nepal. At micro level it promotes the formation of peace committees. 20-25% of around 700 village development committees (VDC) houses Maoist base camps; therefore carrying out the project in those areas is hardly feasible. In rural area there is almost no constant presence of public servants, however the system of local government still exists. UNDP is promoting organization of local people through that system. DLGSP differs in choice of partners from SPDI which specializes in partnership with NGO and CBOs.

(2) EC

- Support to Civil Society (Information on peace Agreement in other countries, Child Soldiers, DDR and Capacity Building on Civil Society)
- Discussion on Constitution

(3) DFID

- Discussion on Constitution
- Seminar for Political Party Cadres

(4) USAID

- Support to Civil Society, NGO networking and Media
- Polling on public opinion to give Political Parties feedback
- Training for Community Leaders

2.2.5 Current Problems

Like human rights projects, the executions of Governance projects by donors and NGOs are quite difficult after the 2.1 shock. The Seminar for Political Party Cadres of DFID has been ceased to function because of the fact that most of participants are currently detained or under house arrest.

2.2.6 Possible JICA Assistance

As Support and Capacity Building projects on behalf of improvement in Administrative skill directly benefit HMG/N which is one the fighting parties involved in the conflict, it is quite difficult to fulfill those needs right now. Regarding to the strengthening of local governance, the security in rural area and the relaxation of civil rights restriction such as freedom of gathering are pre requisite to initiate. We should

observe closely how the impact of 2.1 shock will be defined and select cautiously the possible channel or counterparts for the project implementation among different stakeholders such as local government, cooperatives, NGOs, and CBOs. Other initiatives like Support to Legal/Judicial system, Capacity Building for Political Party Cadres and Discussion on Constitutional Monarchy might be materialized after the ending of conflict. However if the current restriction on constitutional freedoms are lifted, it will be recommendable to explore their feasibilities.

2.3 Recovery of Security

2.3.1 Unsolved Causes and Negative Impact of Conflict

Spread of Small Weapons, Establishment of Self Defense Patrol Group (SDPG), Attacks from Security Force, Maoist and SDPG to civil population, Strengthening of Security Force.

2.3.2 Possible Countermeasures

Small Arms Collection, DDR.

2.3.3 HMG/N's Current Direction

(1) Police

Armed Police was established.

(2) RNA

It has been strengthening with military assistance from India, USA and UK. In the last 3-4 years, RNA personnel has increased from 50 thousand to 80 thousand and its budget has enhanced from 1.5%/GDP to 3%/GDP.

(3) SDPG

It is confirmed that since the 2.1 shock, formation of SDPG has reinitiated, even though it had been failed before. It is reported that in Kapilvastu there was a crush between SDPG and Maoist.

(4) Ministry of Home Affairs

The re-integration project for ex Maoist has started.

2.3.4 Donors' Current Assistance

Except Military Assistances from India, USA, UK and Belgium, no donor is providing any kind of aid for this sector. UNICEF has shown interest in Improvised Explosive Devices (IED), Landmine and Unexploded ordnance (UXO) awareness projects.

2.3.5 Current Problems

The formation of SDPG means that human rights violations will be committed by villagers in addition to Security Force and Maoist. Spread of Small Weapons and Culture of Violence and Community Destruction will be deepening.

2.3.6 Possible JICA Assistance

Ending the conflict, unnecessary soldiers and guerrillas should be disarmed. Staff of RNA has increased in last few years from 50 thousand to 80 thousand. In the future if ex-combatants re-integration process fails, they will become the recurrent cause of conflict. Japan's DDR experience in Cambodia and Afghanistan will be useful for Nepal. JICS' small arms collection in Cambodia is also effective in Nepalese context.

2.4 Social Infrastructure

2.4.1 Unsolved Causes and Negative Impact of Conflict

Maoist attacks to HMG/N's facilities, Non functional local governments, Maoist Threat to public servants and teachers, Collective Kidnapping of students, IDP, Maoist attack on High way, Maoist led economic blockade, Maoist forced General Strike, Occupation of schools by both Maoist and Security Force, Interruption of Development projects, Improvised Explosive Devices (IED: Pressure Cooker bombs and Socket Bombs) and landmines.

2.4.2 Possible Countermeasures

Reconstruction of Public infrastructure, Children: Zone for Peace, Use of BOG, Transport infrastructure, Support to Governance, IED, Landmine, UXO awareness.

2.4.3 HMG/N's Current Direction

(1) Ministry of Local Development

Due to incapacity to carry out local election, Ministry of Local Development (MLD) designates Chief District Officer (CDO).

(2) RNA

The aim of Integral Security and Development Program (ISDP) is to protect conflict affected area with force and develop intensively. This scheme is still on-going in small scale. Through ISDP, rural roads have been prepared.

2.4.4 Donors' Current Assistance

(1) WFP

①Food for Work, ②School Lunch, ③Mother and Child health care, ④Global Food for Education Initiatives are carried out by WFP. Their main duties are monitoring, technical cooperation and Social Mobilization. Current context made Social Mobilization difficult to implement. WFP quick impact program is applied in 9 districts through INGO and NGOs in order to counteract the negative impact of security problem and lack of local government structure. It focuses on micro projects at grass roots level in conflict heavily affected areas.

Information kit in basic Nepalese has been prepared for the advocacy component. It isn't advisable to work with Village Development Committee (VDC) to keep organizational neutrality. In rural area, DDC isn't functional.

Maoist normally doesn't allow development projects except Education and Public Health with a condition

of being approved by its district commander. Usually it takes 6 months to 1 year to get approval. Local NGOs used to have contact with Maoist. That NGO shouldn't be watched by RNA when they are with Maoist. It is easier to treat NRA. It just requires to be informed on any development initiative. Road construction projects are welcomed by both sides.

(2) UNICEF

Achievement of WFP are Vaccination against measles for 1.4 million children, Field Child Health Volunteer, Informal Education, Formal Education, Policy Advice on Birth Registration, Community Care for Orphans, Joint project with WFP and UNICEF India on Education and Investigation for IDP and Provision of Vitamin A for Babies and Infants. Human Security Fund Joint Project with WFP on "Food for Work & Hardware" and IED awareness are in the pipeline. With provision of Vitamin A by UNICEF, Nepalese Mortality has decreased in 25%. However if that project is interrupted due to security concern, it may cause 6 thousand to ten thousand additional deaths of infants.

(3) DFID

- Conflict Sensitive development activities for aid workers
- DFID and GTZ Joint Risk Management

(4) USAID

- Support to Public Health

(5) Japan

Sindhuli Road Construction Project

With total budget of 16 billion yens, it intends to connect India and Kathmandu. Although it has been suffered from traffic blockades, general strikes and aftermath of Maoist attack to adjacent police station, its self defense measures like human resources management based upon the principle of conflict prevention has generated satisfactory results. More than half of 1200–1300 workers are locally hired village people. Territory of each village has been respected. It means that even if there is a delay in work schedule; the project wouldn't hire additional workers from other villages than corresponding areas. Villagers reported that Maoist provides tacit approval for the project.

2.4.5 Current Problems

Nepal has been one of the poorest countries in the world. Even without conflict, Nepalese social infrastructure, especially in rural area, is quite vulnerable. That situation got worse due to the conflict. Ms. Sakai, UNICEF Resident Representative comments social problems for Nepalese children as follows;

- No health workers in rural health posts. Sweepers sometimes work as aid providers.
- Vulnerable Pregnant Women's Care
- Stagnant rates of school attendance for lower caste children
- Bullying of lower caste students from upper caste teachers

- 250 teachers assassinated and 270 teachers forced to resign by Maoists
- Harassment from Maoists and Security Force
- 12,000 student kidnapped in 9 months for brainwashing (After release, be harassed by Security force)
- Schools open for less than 100 days/year. Legally it should open 180-200 days.
- Current rate of certification of newly born children is 34%. Illiterate adults can't register their own children. Women don't have right to register their children. No public servants nearby villages but district headquarters. Maoists force them to register under their system.
- No coherence in Child Legislation. Voting age is 18 years. Judged as adults from 10 years.
- Inadequate Juvenile Criminal System. Uncertainty of how to judge child soldiers after ending the conflict.
- 80% of inmates in orphanages have close relatives. Necessary conditions for orphanages aren't met.
- Severe problems of Child Labor and Trafficking

Although most of basic guidelines for pro social development aid agencies like WFP will not suffer any change, the future plan will be defined only after that current uncertain situation has been clarified. It is essential to assure the access to communities. In case of economic blockade, livelihood like food conveying transports will be targeted by Maoists. Provision of food for School Lunch projects should be carried out by NGOs transparent enough to be accepted by both Maoist and Security Force.

Most of public infrastructures are targeted by Maoist. WFP confirms that in rural area local government structure isn't working properly. 3CDOs have been killed and one has been kidnapped so far. CDOs are in dilemma between HMG/N pressing them to work and Maoist pressing not to work.

Unlike human rights and governance components, assistances for social sector are still feasible. The problem is that Security Force commanding the Anti Maoist military campaign would interfere in social development projects through selection of project sites and beneficiaries. Presently CDO should be informed of any gathering. Regarding to the NGO re-registration problem, the Ministry of Home Affairs has not received any instruction yet.

2.4.6 Possible JICA Assistance

It is hard to reconstruct the public infrastructure damaged by Maoist at this moment. Transport infrastructure like high way is in the same situation. Both of them might be targeted again by Maoist later. Therefore their reconstruction should be prepared in the Post Conflict stage with exception of ongoing Sindhuli road construction project. Support to NPC's preparation of Data Base of Economic Loss caused by the Conflict is useful as preliminary step to reconstruction. "Children as Zone of Peace" campaign should be strengthened in concert with UNICEF as a member of International Community. Without that guarantee, the school construction project would be disturbed. Though demands of countermeasures for the landmine and UXO problems is relatively less in comparison with other conflict affected areas, IED such as pressure Cookers and Socket Bombs are unique to Nepal and basic awareness measures should be taken. It is necessary to request both Maoists and Security Force to prepare the clearly identifiable landmine/UXO mapping for the future clearance.

2.5 Economic Structure

2.5.1 Unsolved Causes and Negative Impact of Conflict

Poverty, Unemployment, Development Budget under pressure of Increasing Military Expense, Inadequate tax system and Disturbance to carry out Development Assistance.

2.5.2 Possible Countermeasures

Support to PRSP monitoring, Support to Peace Negotiation, Policy Support to Tax Reform, Use of BOG, Vocational training, Tourism development and Community development

2.5.3 HMG/N's Current Direction

(1) NPC

Poverty Reduction Strategy Paper (PRSP) as the Tenth Plan 2002-2007³¹ was elaborated with Main focuses on generating broad based economic growth, improving service delivery, promoting social inclusion and improving governance. Total economic loss caused by the conflict will be calculated by NPC with consultants financed by UNDP in framework of PRSP monitoring project. It will be used for the future database which is the foundations of Post Conflict reconstruction program.

NPC will formulate grass roots development projects in conflict affected areas, investigate the impact of conflict over private investments and design the grass roots infrastructure projects for user groups.

(2) New Mandate

In February, the 21 point program was announced. (See 1.4.3 2.1 shock)

2.5.4 Donors' Current Assistance

(1) EC

- Irrigation
- Mapping of Kathmandu valley
- Alternative Energy

(2) USAID

- Hydro energy program for the future investment
- Agricultural Development program

(3) China

- Banke Hydro Energy project

2.5.5 Current Problems

Although PRSP estimates 6.4% of annual increase of GDP or 4.3% in worst case for the period 2002/2007, the economic outcome of 2001/-2002 was just -0.6%. Furthermore, because of security concern the tourism and the foreign direct investment will be decreasing considerably. Even the worst

³¹ <http://poverty.worldbank.org/prsp/country/122/>

estimation would be highly improbable. Similarly though PRSP puts the goal of foreign assistance as 5.4% of GDP, its contraction motivated by the 2.1 shock will make it difficult to comply. Regarding to the national revenue, the PRSP goal is 13% of GDP. However, Maoist with its influence over the 80% of national territory are forcing people to pay tax to their "People's Government" and not to pay to HMG/N. The decrease in national revenue will be difficult to avoid.

Security Force commanding Anti Maoist Military Operation might interfere in Economic Development assistance through selection of project sites and beneficiaries.

2.5.6 Possible JICA Assistance

Study for Tax Reform. Vocational training for ex combatants, IDP, unemployed and possible migrant workers. Projects which needs large scale infrastructure such as tourism development, required to be materialized in Post Conflict Stage. NPC led grass roots development projects should be encouraged assuring the community ownership and transparency.



A baby sleeping in the IDP camp

2.6 Support for Marginalized People

2.6.1 Unsolved Causes and Negative Impact of Conflict

Social exclusion of lower caste, women, ethnic and linguistic minorities, Physical and psychological trauma of conflict victims, Trafficking of Women and Children and Child soldiers.

2.6.2 Possible Countermeasures

Support for Empowerment of lower caste, women, ethnic and linguistic minorities, Support to legal reform on behalf of social excluded population, Project formulation and execution from Gender and Affirmative Action lenses, Bi-lingual education of Nepalese and Indigenous language, Support to Free Kamaiyas and Reintegration of ex child soldiers

2.6.3 HMG/N's Current Direction

(1) NPC

Conflict victim assistance project focused on rehabilitation and income generation will be elaborated.

(2) Ministry of Home Affairs (MHA)

- Reparation for Conflict victims,
- Coordination with NGOs,
- Reconstruction of conflict damaged infrastructures
- Subsidy for IDP and handicapped people

(3) Ministry of Education (MOE)

- Scholarship for children of Conflict victims

2.6.4 Donors' Current Assistance

(1) UNDP

- SPDI (See 2.1 Reconciliation)
- DLGSP (See 2.2 Governance)

(2) USAID

- Support to Countermeasures for Trafficking of Women

(3) Japan

- Community Development and Forest/Watershed Conservation project (SABIHAA)

An Integrated Community Resource Management Project with participatory approach executed in districts of Kaski and Parbat in two phases from 1994 to 2005. Even though it suffered from Maoist attack to its site office in march 2000 which caused the stagnation of project operation for a half year, it succeeds in Capacity Building of local organizations and Empowerment of lower caste and women. Especially capacity building of motivators who link project management and field operation has been appraised as excellent. It is reported that even Maoists tacitly appreciate its operation.

2.6.5 Current Problems

Due to the current state emergency, the freedoms of gathering and expression are restricted. Therefore projects such as community development, social mobilization, right based approach initiatives and empowerment for lower caste, minorities and women might be constrained.

2.6.6 Possible JICA Assistance

Conflict prevention lens such as suitability to empower lower caste, women, ethnic and linguistic minorities should be applied to all JICA projects. Supports for legal reform and provision of land for free Kamaiyas should be considered as part of post conflict assistance, because those initiatives require political will of decision makers. Regarding to Child Soldiers, we should ask both HMG/N and Maoists to relinquish the use of children in the fighting and assess the future needs such as reintegration, rehabilitation and vocational training.

2.7 Humanitarian Emergency Support

2.7.1 Unsolved Causes and Negative Impact of Conflict

IDP and Possibility of Humanitarian Crisis

2.7.2 Possible Countermeasures

Support to Settlement and resettlement of IDP and Support to refugees

2.7.3 HMG/N's Current Direction

(1) MHA

- Support to IDP,
- Provision of land for IDP camps in Banke, Surket and Dailekh.

2.7.4 Donors' Current Assistance

Except INGOs like Save the Children and Action Aid, any donor hasn't operated projects focused on IDP issues. Though WFP recognizes presence of IDP, it considers that the critical situation has not reached yet.

UNOCHA has been leading to coordinate donors' assistance for IDP in abovementioned 3 camps.

2.7.5 Current Problems

In 2004, USA Refugee Commission reports that thousands of Nepalese are migrating to India in fear of conflict daily. Global ID projects announced that there are 100 to 200 thousand IDPs in Nepal

2.7.6 Possible JICA Assistance

Assessment of IDP current situation and support to its settlement, avoiding generation of conflicts between IDP and local inhabitants nearby camps through inclusive approach which let both population benefit at the same time.

Preparation of contingency plan for the humanitarian crisis in case of conflict intensification.

Chapter 3 Basic Guideline for JICA Peace Building Program in Nepal

In this chapter after identifying the Nepalese positive factors which may contribute to Peace Building, the Japan's possible peace building activities are analyzed in 4 categories; Current Situation, Humanitarian Crisis, ceasefire and Peace Agreement.

3.1 Nepalese Positive Features for peace Building

3.1.1 Un-winnable war

The consensus on the future of Maoist Conflict of more than 100 interviewees of this study is that this can not be solved by military means. It is impossible for RNA, one of the most backward army in the region, to mop up the nationwide Maoist network without strong foreign military assistance. Almost everybody agrees that Maoists with bandit type economy supported by booty and forceful donation from people are unable to face RNA in Kathmandu valley. Even though Prachanda, Maoist chairman who claim the final war and King Gyanendra who shut up Media and Political Parties with his absolute power might not share that unwinnable war concept, the public opinion desires that the confidence building between both for meaningful peace negotiation to avoid further blood bathe.

3.1.2 Legitimacy of Democracy

Unification of nation by Gorkha dynasty in the 18th century, Rana family's autocratic rule in 19th century, Reestablishment of royal rule and Opening of a country in the mid 20th century followed by a decade of feud between King and Political Parties claiming for democracy, Beginning of Panchayat in 1960, Democratization movement in 1990, Maoist uprising in 1996 and finally returning to Royal Direct rule. Through Modern History of Nepal, one finds the parallel pursuit of unification as Nation-State and Democracy. It seems that King is a symbol of unified Nation-State and Maoists are a radicalization in search of democracy.

In spite of the fact that the 1990 constitution is a product of compromise between King and Politicians who represented the middle class, it has highly democratic contents such as the clause 4 which recognizes the Nepalese multi ethnicity and multi linguistics and the clause 18 which protects the rights of each social group to keep and promote their own language and culture seeking for the creation of new Nepalese culture based upon the cultural diversity. As a result the movement for the rights of Janajati and Lower caste has been energetic. The same HMG/N established National Foundation for Development of Indigenous National for the benefit of Janajati. In 2000, the Ministry of Women, Children and Social Welfare was established.

The role of King Gyanendra in the 2.1 shock to recover national unity facing the offensives of Political parties and Maoist was decisive. However he, the supreme commander of old guard wing was obliged by himself to put 3 years as time limit to return to Multiparty Democracy. It is confirmed that Democracy is an undeniable principle even for the living god like Nepalese King.

3.1.3 Beginning of People's Empowerment

Many social groups organized after the 1990 Democratization Movement like Lower Caste, Minority Linguistic Societies, Indigenous Populations, Women, Journalists and Free-Kamaiyas have been trying to

assure important positions in post conflict country. Newar³² language radio programs were popular among Newar group. Nepalese mass media used to enjoy such a great freedom that they were criticized for being irresponsible. Because of the current State Emergency, both have to cease or reduce their activities. However most of generations who tried to achieve their ideals in the framework of new democracy such as founders of 7000 cooperatives established since 1992, are now mid 30s or 40s. As the present average age of Nepalese is 19 years old, the important part of population does not have any recollection belonging to the pre 1990 era.

In this investigation I met a young professional working for a Japanese travel agency in his late 20s who mastered Japanese in six months and has been saving to establish schools from kindergarten to university. Also I acquainted a Tamang³³ self educated man in his late 30s who has been coordinating a peace education project nationwide with volunteers network, another youth in his 30s who created a NGO at 18 and promoted a free Kamaiyas' movement to obtain finally a freedom declaration from National Parliament and a middle aged Magar³⁴ man who is setting up an IDP camp for his ethnic group displaced persons with his own financial resource he got through his medicinal herb business. All of them are world class talents for their ambition, vision and action.

Nepalese positive features for peace building identified in this study in spite of current uncertainty over the future of Maoist Conflict are 1) Nationwide desire to resolve the conflict through dialogue, 2) Tide of Democracy that even King can not hold back and 3) Beginning of people's Empowerment which was born in occasion of the 1990 Democratization Movement.

3.2 Peace Building Assistance Program Proposal

3.2.1 Status Quo

The status quo is the situation in which there is no decisive development which might modify current power structure among HMG/N, Maoist and Political Parties and JICA may still work in a limited urban area. The conclusion of JICA security assessment mission of early March was that prospective projects outside of Kathmandu and Pokhara valleys may face security problems and dispatch of JOCV to outside of metropolitan area except Pokhara should be refrained. Consequently dispatches of basic design missions for Grant Aid projects such as "Regional Potable Water Development" and "Community Bridges Construction" were under discussion. The prospect of full scale study for the Development Survey of "Upper Seti Hydro Energy Development" is also uncertain. Under this new context induced by the Royal coup, the available projects during the conflict should fill one of the following criteria;

- To contribute to promote confidence building process between fighting parties for possible ceasefire (See 2.1 Reconciliation);
- To improve capability of negotiators in Peace Talk (See 2.1 Reconciliation);
- To alleviate the damage of conflict (See 2.1 Reconciliation);

³² One of the most important indigenous groups in Nepal. They are famous for their ancient Buddhist culture.

³³ One of the indigenous groups residing in the mountainous area of Nepal.

³⁴ The main indigenous groups residing in Rukum, the mid western district.

- To assist the conflict victims and their empowerment (See 2.6 Support for Marginalized People);
- To apply Conflict Prevention Lens to avoid further intensification of the conflict (See 1.1.1 Structural Causes of Conflict);
- To take security measures;
- To prepare future Post Conflict Reconstruction program (See 2.5 Economic recovery);

It is recommendable to use preferably dispatches of short term experts, training in Japan and third countries which might not be affected by Nepalese security situations. The coming expert on Peace Building may prepare basic guidelines on execution of ongoing projects and design of new projects and revise the Peace assessment check list for projects which were elaborated in the occasion of Development Assistance to Nepal Study Group. Lesson learned through operations of SABIHAA (See 2.6.4 (3) Support to Marginalized People) and Sindhuli Road Construction project (See 2.4.4 (3) Social Infrastructure) valued by Maoist as well should be integrated in that guideline. A special attention has to be given to address the issue of geographical equity in selection of development project sites.

Concrete project proposal are as follows;

(1) Cooperation for Peace Talk

- Economic assistance package might be an important bargaining tool to convince Maoist to compromise. In coordination with Peace secretariat or National planning committee, JICA can elaborate a package of development assistance for Maoist strong hold districts basing upon the past infrastructure master plans prepared by JICA and others.
- In case of continuance of Peace Secretariat and High Level Peace Committee, Japanese experts on conflict resolution might be useful resource persons for their capacity building.
- If ceasefire is agreed and peace talk is commenced, it is advisable to ask Ms. Ogata, General Director of JICA or Mr. Akashi, Prime Minister's special envoy for Sri Lankan peace negotiation to advise negotiators on how to reach a feasible compromise.
- Mr. Padma, a facilitator of the past peace talks between HMG/N and Maoist comments that the past peace negotiations were failed due to the lack of capacity in negotiators and the absence of strong and reliable guarantor who made both parties comply with any agreement. HMG/N has refused the UN as possible mediator out of consideration for Indian government who has suffered Kashmir problem. Many ascertain that Japan is an ideal mediator and guarantor for the future peace talk.

(2) Cooperation for Confidence Building

- An international conference on Constitutional Monarchy and Multi Party Democracy in Nepal may be materialized through INGO or reputable Think tank. Its objective is to pressure both HMG/N and Maoist to compromise.
- It is advisable to carry out reconciliation projects for traditionally confronting group leaders like Lower Caste VS higher Caste, Hindu VS Janajati, grass roots level anti-discrimination and peace

education projects. Peaceful coexistence projects between displaced persons and host village habitants might be effective as well.

- To organize occasions in which representatives of Ministry of Women, Children and Social Welfare and other gender specialists discuss on possible action plans with main focus in promotion of confidence building.
- Special venue in Japan or other countries than Nepal for future peace negotiation might be offered.

(3) Grass Roots Capacity Building

- Through radio program, community project proposals might be requested to present. A local NGO hired by JICA may select winning proposals, monitor the execution and evaluate the operation. In order to assure the ownership, each community should bear certain % of project cost.
- It is practical to assign JOCV and experts on projects such as reconciliation, assistance to displaced people and empowerment of slum dwellers run by CBO, NGO and cooperatives in Kathmandu and Pokhara valleys.
- Motivators and Mid Level Technicians of District Soil Conservation Offices (DSCO) already trained through SABIHAA project might be encouraged and oriented to institutionalize Word Conservation Committees (WCC)³⁵.
- Replication projects of SABIHAA model coordinated by DSCOs in Kaski and Parbat using counterpart fund might be assisted by Japanese experts.
- It is advisable to explore the possibilities to apply SABIHA model to urban slum area. However any replication of SABIHAA model in other districts, counterparts and areas should be pre-evaluated in accordance with outcome of coming final evaluation mission of SABIHAA project next April.

(4) Training of Grass Roots Leaders

It might be effective to provide Nepalese youth with training opportunities in Kathmandu, Pokhara or third countries to assimilate the technology required for their villages. The participants should promise to come back to Nepal to diffuse the obtained knowledge in their communities. SABIHAA model might be learned in Kenya and Philippine.

(5) Support for Journalists

It could be opportune to train in Japan or third countries Nepalese journalists and student in Journalism/communication on Media strategy for coexistence/reconciliation of different social groups and encourage them to elaborate radio broadcasting program which might be transmitted through Radio Nippon or Radio Nepal.

(6) Contingency plan

³⁵ WCC is a local residents' group organized at the ward level through SABIHAA.

Contingency plans and exit plans should be prepared for the future emergency about how Japan or JICA should react in case of emergency like humanitarian crisis.

(7) Support for IDP

Japan or JICA should participate in donors' coordination led by UNOCHA for IDP or forced migrants such as support for the IDP camps in Banke, Surket and Dailekh to provide appropriate support. Surveys of IDP condition, Nepalese migrants in India who are not protected by law because of the open border, and migrants who were forced to emigrate from rural area to cities are required as provision of food and social service for IDP camps and those immigrants and IDPs.

(8) Formulation of Post Conflict Reconstruction Program

We may assist NPC or research institutions like university to calculate and foresee future needs of reconstruction program.

(9) IED/Landmine awareness

Children and IDP should be provided basic training on IED/Landmine/UXO³⁶.

(10) Support for Human Rights Monitoring/Promotion

With the intensification of conflict after 2.1 shock and media controlled by HMG/N, it is quite probable that human rights violation incidents to be committed by Security Force, Maoist and Self Defense Patrol³⁷ will be increasing. If any countermeasure for human rights violation may prevent its occurrence and reduce future cost of assistance in areas such as psychological treatment, community revival and restraint to culture of violence thus enabling smooth operation of future reconstruction efforts, that countermeasure should be encouraged to apply now.

Assistance to human rights watchers like NHCR and training for security force on human rights and media campaign might be useful measures.

3.2.2 Humanitarian Crisis

If Maoists begin large scale offensives against Metropolitan areas such as Kathmandu and Pokhara causing a mass exodus of refugees, a humanitarian crisis would happen. (See 2.7 Humanitarian Emergency Support)

(1) Support for Host countries of Nepalese refugees

In coordination with UNHCR and host countries, assistance for settlement and resettlement of Nepalese refugees should be provided especially in Indian border.

³⁶ UXO=Unexploded ordnance

³⁷ Armed villagers group

(2) Emergency Aid

In cooperation with UN agencies like WFP and INGOs like Medecins Sans Frontieres, emergency aid such as food, shelter and medical treatment should be provided.

(3) Evacuation of JICA office

In accordance with contingency plans and exit plans, ordinary fade-out of JICA projects should be done and necessary measures to keep database on human resources register and project documents should be taken for future reopening of JICA office in Nepal.

3.2.3 From Ceasefire to Peace Negotiation

This is a transition phase from ceasefire to peace agreement through peace negotiation. Projects in categories of Reconciliation (See 2.1), Support for Marginalized People (See 2.6) and Humanitarian Emergency Aid (See 2.7) will be carried out. It is essential to provide assistance in a well balanced manner avoiding any harm to the peace talk. The situation would change easily and abruptly, therefore flexible project management is necessary and any assistance should be transparent and well designed enough that negotiating partners would accept and respect their operations. The most important thing is to ensure the dividend of peace for all.

3.2.4 Post Peace Agreement -Repetition of 90s mistakes should be avoided!-

After materializing a peace agreement, an international assistance system to Nepal might be launched. It is essential to establish good governance like abolishing patronage system supported by a back-scratching relationship between politicians and bureaucrats and assure smooth transitions from emergency phase to reconstruction and reconstruction to development assistance. Concrete proposals are as follows;

(1) Emergency Phase (See 2.6 Support for Marginalized people and 2.7 Humanitarian Emergency Support)

- Emergency Supports through Japan Platform, NGOs and UN agencies
- Hosting an International Reconstruction Assistance Forum
- Participation in Donors' Joint Assessment mission (Early and active participation in donors' coordination initiatives is required like BOG and Conflict Advisor meeting)
- Support for refugees' returning
- Support for resettlement of IDP

(2) Reconstruction Phase (See 2.2 Governance, 2.3 Recovery of Security, 2.4 social Infrastructure and 2.5 Economic Recovery)

- DDR (Inclusive and holistic approach required to benefit all community)
- Support for rehabilitation and reintegration of Child Soldiers
- Electoral Support (for Constitutional Assembly or General Election)
- Support for the Constitutional Reform or the establishment of new constitution
- Emergent Rehabilitation of Basic Infrastructures through Urgent Rehabilitation Support Program

- Restoration of Basic Social Service
- Clearance of UXO, IED and landmines
- Reconstruction of Communities

(3) Development Assistance Phase (See 2.1 Reconciliation, 2.2 Governance, 2.3 Recovery of Security and 2.4 Social Infrastructure)

- Capacity Building in Human Resources and Systems in different sectors
- Capacity building for Political Parties
- Discussion on Constitutional Monarchy or Republicanism
- Support for Election system reform
- Support for Legislation Reform
- Support for Tax Reform
- Support for Decentralization
- Administrative Reform (Policy Support and Capacity Building of Public Servants)
- Collection of Small Arms
- Support for Basic Infrastructures like Road, Water, Irrigation, Electricity and Transport
- Peace Education
- Democracy Education
- Anti-discrimination Education
- Reconciliation among Castes
- Bilingual Education with Nepalese and Indigenous Language
- Promotion of Indigenous Cultural Heritage
- Tourism Development
- Vocational Training
- Support for Truth Commission
- Support for Agricultural Land reform
- Support for resolution of Proprietary Disputes
- Support/Training for Mass Media

Postscript

Throughout the study, I witnessed the sincere desire of the people for a peaceful Nepal. Just two days after my arrival in Nepal, the 2.1 shock occurred. Being cut off from the outside world helped me understand the peculiar situation that the country had been facing. Although I did not meet King Gyanendra or Prachanda, Maoist Chairperson, I stayed in Kathmandu, Pokhara, Nepalganj and Biratnagar, skipping traffic blockades to interview people of different sectors.

If the Maoist conflict deteriorates to the point that provision of Japan's ODA is not possible, emergency humanitarian assistance through multilateral organizations is the only way out. Nowadays in most parts of Nepal neither Japanese staff nor local NGO personnel can visit their project sites because of security concerns. JOCV has already withdrawn from the far western and mid western regions. The King's intention for the 2.1 shock seems to have been to mop up the Maoist completely and the security situation for aid workers would obviously deteriorate further. In Ilam staff members of a local NGO are worrying seriously about the possibility of being machine-gunned from a Security Force helicopter during a field visit. Under the controlled media, it is not difficult to suppress any tragedy which may happen in a remote area.

It is difficult to be optimistic about present Nepal. In the midst of internal armed conflict, channeling ODA through the host government means that a donor is supporting one of the parties to the conflict. Without well designed public relations on neutrality and transparency of project operations, Japan's aid workers would be targeted by guerillas. There is a precedent in Peru where JICA experts were assassinated and the Japanese Ambassador's official residence was occupied by the Shining Path, the Peruvian Maoist group. President Fujimori crushed the Maoists militarily after consolidating his position as ruler through a self coup. In Nepal, the signing ceremony for KR2 in this March was heavily covered by a governmental news agency. Some members of Maoist have reportedly expressed their hostility toward all G8 countries. Implementation of ODA through channels outside government requires partnership with NGOs and CBOs. However, under the restriction of basic human rights such as freedom of assembly, empowerment projects to alleviate the causes of conflict are not doable.

In the final analysis, it is the people of Nepal, not the King or the Maoists, who should have the final say on the future political system of their country. Under the conflict, dispatches of human resources will be highly restricted and it is not possible to offer "Assistance with a Japanese Face" as before. What Japan should do through its ODA is to assist the capacity building of ordinary Nepalese wherever possible. It would be the first step to shift from "Assistance with a Japanese Face" to "Heartfelt assistance for peace in Nepal".

Annex

1. Interviewee List
2. Reference
 - (1) Maoist Declared So Called Autonomous Regions
 - (2) Maoists 40point Demands
 - (3) Insurgency in Nepal
 - (4) Reported Clashes/Major Operations by Security Forces or CPN/M (1-25 Feb. 2005)
 - (5) Impact of the State of Emergency/Transportation Blockades on Development Programs (Feb. 2005)
 - (6) Basic Operating Guidelines by Undersigned Agencies
3. Peace Building Assistance Matrix
4. Bibliography

1. Interviewee List

1. Researchers

Padma Ratna Tuladhar (1st & 2d Peace Talk Facilitator)
Novel Kishore Rai (Centre for Nepal and Asian Studies, Tribhuvan University)
Kurishna Hachhethu (Centre for Nepal and Asian Studies, Tribhuvan University)
Ganesh Man Gurung (Anthropologist)
Kedar Bhakta Mathema (Ex deputy minister of foreign affairs)
Leonard Van Dujin (ex SNV conflict advisor)
Rajesh Magar (Magar Support Group)
Rajesh Shrestha (Nepal Kaze Travel)
Katsuhiko Masaki (Seisen Women's University)
Tatsuro Fujikura (Anthropologist)
Yasuko Fujikura (Sociologist)
Toyohisa Azuma (Newal Ancient Document Researcher)
Hidenobu Takaoka (Newar Ancient Document Researcher)
Masako Tanaka (Community Development Expert)
Hideomi Omi (Disaster Prevention Expert)
Teruo Shimada (Agricultural Development Expert)
Cpt. Maan Bahadur Gurung (Ex Deputy Mayor of Pokhara)

2. Journalists

Kunda Dixit (Editor, Nepali Times)
Kiyoko Ogura (Freelance)
Toru Ohara (NHK Delhi)
Takashi Aso (NHK Bangkok)
Gangadhar Parajuli (Machhapuchhre FM)
Madan Mani Bhandari (Vision Cable Network)
Netra K.C. (BBC Nepalganji reporter)

3. INGO

Anil Pant (Action Aid: Peace/Governance)
Sama Shrestha (Care Nepal: Watch list)
Friedrum Medert (ICRC)
Kanta Rizaln (World Action Group)
Som Prasad Niroula (South Asia Forum for Human Rights)
Feyzi Ismail (International Alert)
Adam Barbolet (International Alert)
Eiichi Sadamatsu (Save the Children Japan)
Hari K. Dongol (Save the Children Norway)
Rajendra Manaomar (Save the Children Norway)
Toyoaki Komatsu (Shapla Neer)

Yutaka Ohata (Non Violence Peace Corp Japan)

4. NGO

Subodh Raj Pyakurel (INSEC)

Bijay Raj Gautam (INSEC)

Kundan Aryal (INSEC)

Sulchana Sharma (Pokhara Free of Drug Abuse)

Karma Gurung (Tamu Dhin Kaski)

Bhawani Rana (SAATHI)

Shiras Khaan (Vice president of Muslim Association in Nepalganj)

B.R. Fyuba (Peace & Development Initiatives)

5. Bilateral Aid Agency

Ivan Munk Nielsen (DANIDA)

Murari Shivakoti (DANIDA)

Alicia Dinerstein (USAID)

Dan Huntington (DFID/GTZ Joint Risk Management)

Suneel Lama (DFID/GTZ Joint Risk Management)

Mark Segal (DFID Conflict Advisor)

Prabin Manandhar (CCO)

6. Multilateral Organization

Thakur N. Dhakar (UNDP, SPDI)

Ram Krishna Pokharel (UNDP, DLSGP)

Suomi Sakai (UNICEF)

William Affif (WFP)

Saori Kitajima (WFP)

Guy PS Banim (EC)

Sukhwinder Singh (IMF)

Anoj Chhtri (UNCU)

Ken Ohashi (World Bank)

Paul Handley (UNOCHA)

7. HMG/N

Janak Raj Joshi (Peace Secretariat)

Keshab P. Bhattarai (National Planning Committee)

Sushil J.B.Rana (Ministry of Home)

Madhav P.Ghimire (Foreign Aid Coordination)

Mahesh K.Karki (Foreign Aid Coordination)

Ganesh Gurung (Social Welfare Council)

Umeshwar Gongal (Co-operative Officer in Bakhtapur)
Diwakar Banstola (Executive Officer of Pokhara)
Krishna Pd. Lamsai (Chief District Officer of Pokhara)
Ram Dayal Yadav (District Soil Conservation Officer of Kaski)
Uddav Bahadur Ghimire (Assistant Soil Conservation Officer of Kaski)
Mohan Lai Achrya (Acting Director of NHRC Nepalganj)

8. Japanese ODA

Satoshi Matsuki (First Country Assistance Planning Division, Ministry of Foreign Affairs)
Takayuki Kawakami (Technical Cooperation Division, Ministry of Foreign Affairs)
Koji Tomita (Embassy of Japan in Nepal)
Shota Kamishima (Embassy of Japan in Nepal)
Narihiro Yaegashi (Security Management, JICA)
Koichi Takizawa (Secretariat of JOCV, JICA)
Naoko Hongo (Office of Peace Building, JICA)
Shinji Yoshiura (Resident Representative, JICA Nepal)
Mariko Tanaka (NGO Desk, JICA Nepal)
Narendra Kumar Gurung (JICA Nepal)
Shiva Prasad Acharya (JICA Nepal)
Satoshi Ikegami (Follow-up Coordinator)
Kenichi Tanaka (Educational Development Expert)
Koji Terakawa (Natural Resource Management Expert)
Tomoko Nishigaki (Community Development Expert)
Hideo Ono (Foreign Aid Coordination Advisor)
Eiji Shibazaki (Gender, Senior Volunteer)
Tadafumi Kigasawa (Senior Training Advisor, Senior Volunteer)
Miki Okada (Community Development, JOCV)
Toshie Takei (Community Development, JOCV)
Naomi Tomoshige (Community Development, JOCV)
Ai Ido (Community Development, JOCV)
NAMI Fujiyoshi (Community Development, JOCV)
Naomi Ogawa (Community Development, JOCV)
Wakako Kusumi (Gender, JOCV)
Takako Ogura (Maternity Nurse, JOCV)
Tomoko Fujita (Nutritionist, JOCV)
Aya Kido (Mathematics Teacher, JOCV)
Kai Okuma (Mathematics Teacher, JOCV)
Hironori Nomura (City Planning, JOCV)
Ryoko Ogasawara (Nurse, JOCV)
Hideo Katagiri (Nippon Koei)

Koji Nakai (Nippon Koei)
Takaaki Tanaka (Nippon Koei)
Mutsumi Tsubouchi (IC Net)
Toshiko Shimada (IC Net)
Yasuko Oda (IC Net)
Mayumi Kobayashi (IC Net)
Gopal Gurung (Phewa Lake Project)

9. Displaced people

Banke IDP camp

Birkha Basnet

Laxmi Basnet

(2) Maoists 40 point Demands

Concerning nationality

1. All discriminatory treaties, including the 1950 Nepal-India Treaty, should be abrogated.
2. The so-called Integrated Mahakali Treaty concluded on 29 January, 1996 should be repealed immediately, as it is designed to conceal the disastrous Tanakpur Treaty and allows Indian imperialist monopoly over Nepal's water resources.
3. The open border between Nepal and India should be regulated, controlled and systematised. All vehicles with Indian licence plates should be banned from Nepal.
4. The Gurkha/Gorkha Recruitment Centres should be closed. Nepali citizens should be provided dignified employment in the country.
5. Nepali workers should be given priority in different sectors. A 'work permit' system should be strictly implemented if foreign workers are required in the country.
6. The domination of foreign capital in Nepali industries, business and finance should be stopped.
7. An appropriate customs policy should be devised and implemented so that economic development helps the nation become self-reliant.
8. The invasion of imperialist and colonial culture should be banned. Vulgar Hindi films, videos and magazines should be immediately outlawed.
9. The invasion of colonial and imperial elements in the name of NGOs and INGOs should be stopped.

Concerning people's democracy

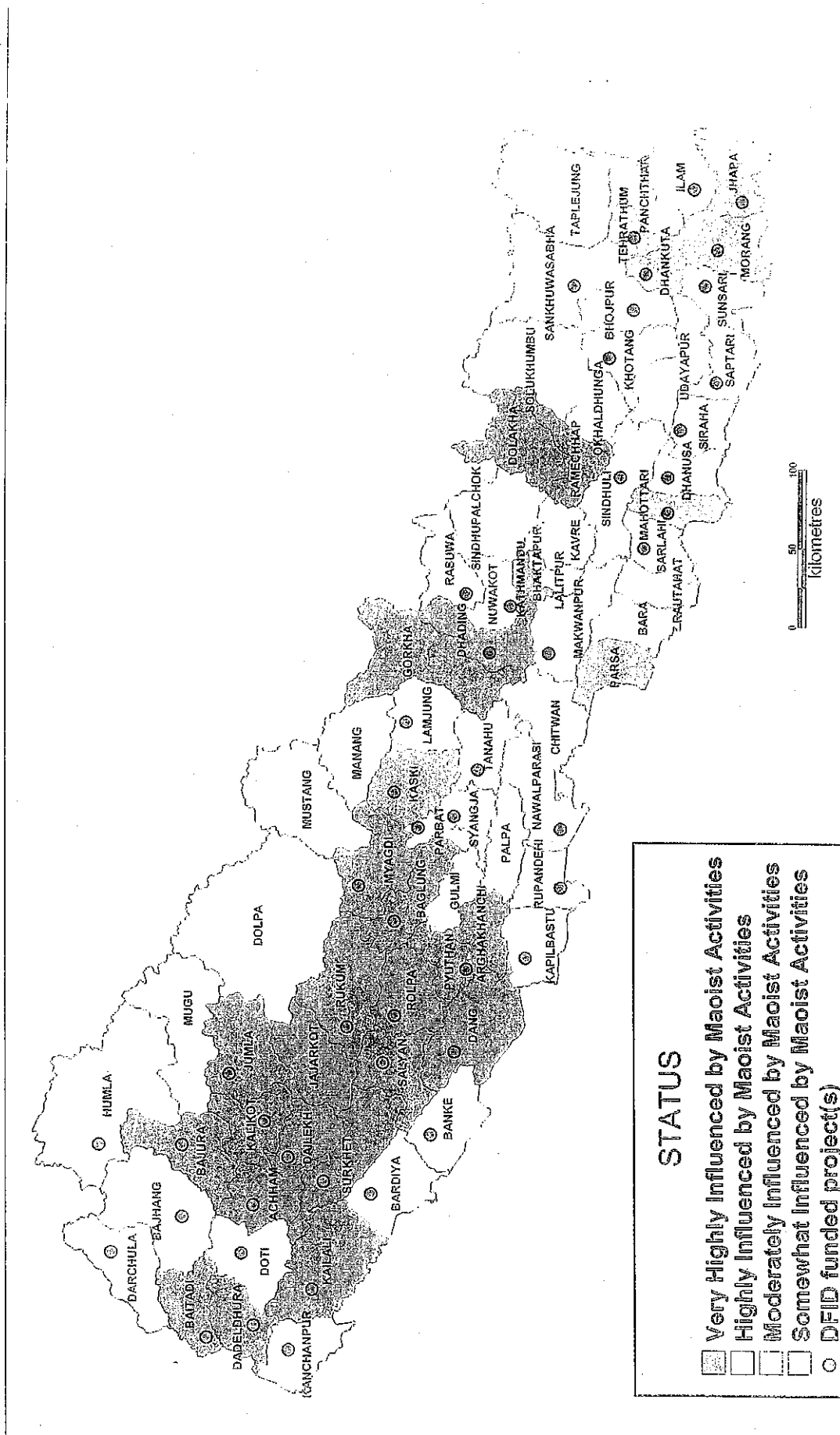
10. A new constitution should be drafted by representatives elected for the establishment of a people's democratic system.
11. All special privileges of the king and the royal family should be abolished.
12. The army, the police and the bureaucracy should be completely under people's control.
13. All repressive acts, including the Security Act, should be repealed.
14. Everyone arrested extra-judicially for political reasons or revenge in Rukum, Rolpa, Jajarkot, Gorkha, Kabhrc, Sindhupalchowk, Sindhuli, Dhanusa, Ramechhap, and so on, should be immediately released. All false cases should be immediately withdrawn.
15. The operation of armed police, repression and state-sponsored terror should be immediately stopped.
16. The whereabouts of citizens who disappeared in police custody at different times, namely Dilip Chaudhary, Bhuwan Thapa Magar, Prabhakar Subedi and others, should be investigated and those responsible brought to justice. The families of victims should be duly compensated.
17. All those killed during the People's Movement should be declared martyrs. The families of the martyrs and those injured and deformed should be duly compensated, and the murderers brought to justice.
18. Nepal should be declared a secular nation.
19. Patriarchal exploitation and discrimination against women should be stopped. Daughters should be allowed access to paternal property.
20. All racial exploitation and suppression should be stopped. Where ethnic communities are in the majority, they should be allowed to form their own autonomous governments.

21. Discrimination against downtrodden and backward people should be stopped. The system of untouchability should be eliminated.
22. All languages and dialects should be given equal opportunities to prosper. The right to education in the mother tongue up to higher levels should be guaranteed.
23. The right to expression and freedom of press and publication should be guaranteed. The government mass media should be completely autonomous.
24. Academic and professional freedom of scholars, writers, artists and cultural workers should be guaranteed.
25. Regional discrimination between the hills and the tarai should be eliminated. Backward areas should be given regional autonomy. Rural and urban areas should be treated at par.
26. Local bodies should be empowered and appropriately equipped.

Concerning livelihood

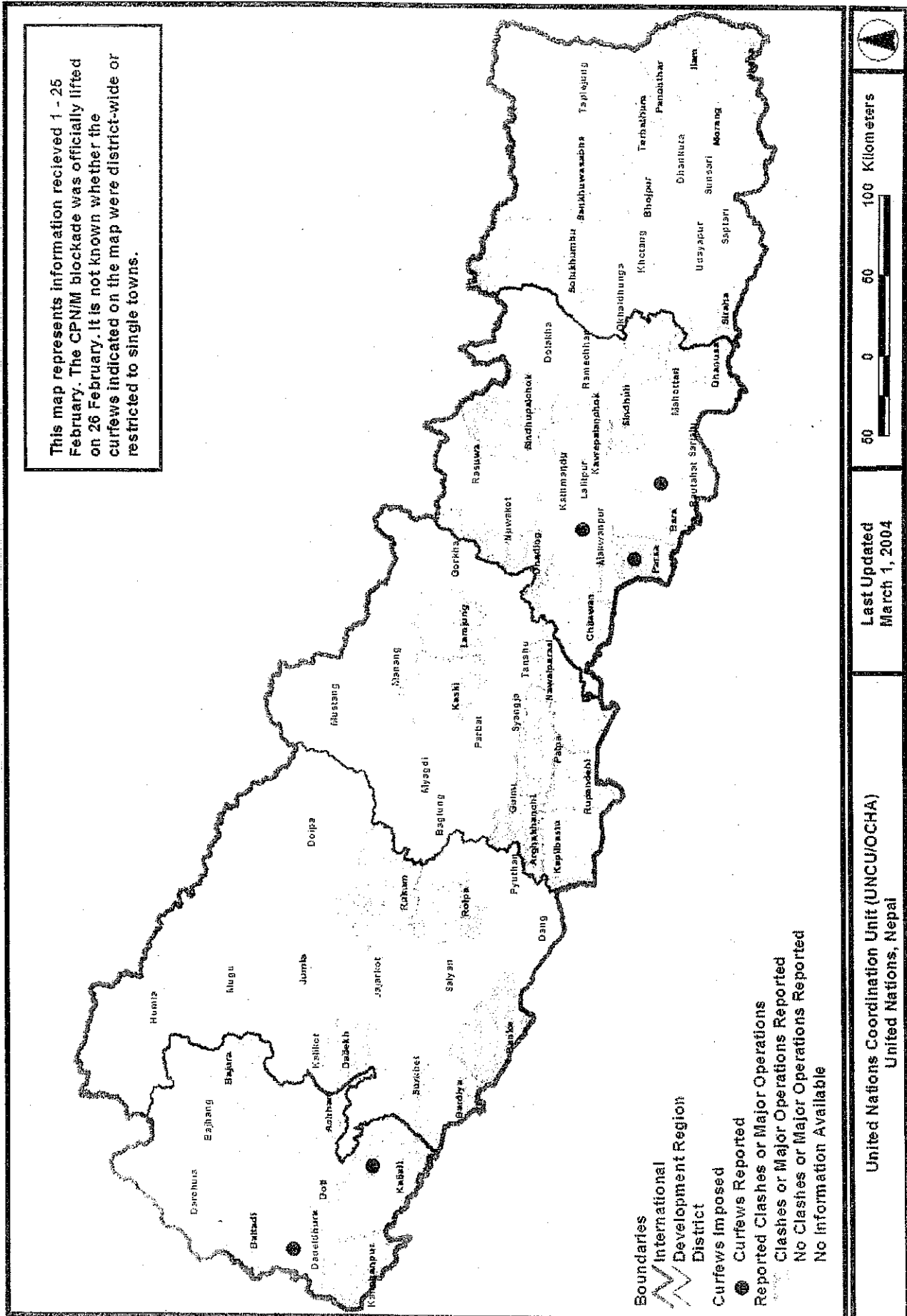
27. Land should belong to 'tenants'. Land under the control of the feudal system should be confiscated and distributed to the landless and the homeless.
28. The property of middlemen and comprador capitalists should be confiscated and nationalised. Capital lying unproductive should be invested to promote industrialisation.
29. Employment should be guaranteed for all. Until such time as employment can be arranged, an unemployment allowance should be provided.
30. A minimum wage for workers in industries, agriculture and so on should be fixed and strictly implemented.
31. The homeless should be rehabilitated. No one should be 'relocated' until alternative infrastructure is guaranteed.
32. Poor farmers should be exempt from loan repayments. Loans taken by small farmers from the Agricultural Development Bank should be written off. Appropriate provisions should be made to provide loans for small farmers.
33. Fertiliser and seeds should be easily available and at a cheap rate. Farmers should be provided with appropriate prices and markets for their produce.
34. People in flood and drought-affected areas should be provided with appropriate relief materials.
35. Free and scientific health services and education should be available to all. The commercialisation of education should be stopped.
36. Inflation should be checked. Wages should be increased proportionate to inflation. Essential goods should be cheaply and easily available to everyone.
37. Drinking water, roads and electricity should be provided to all villagers.
38. Domestic and cottage industries should be protected and promoted.
39. Corruption, smuggling, black marketing, bribery, and the practices of middlemen and so on should be eliminated.
40. Orphans, the disabled, the elderly and children should be duly honoured and protected.

(3) Insurgency in Nepal

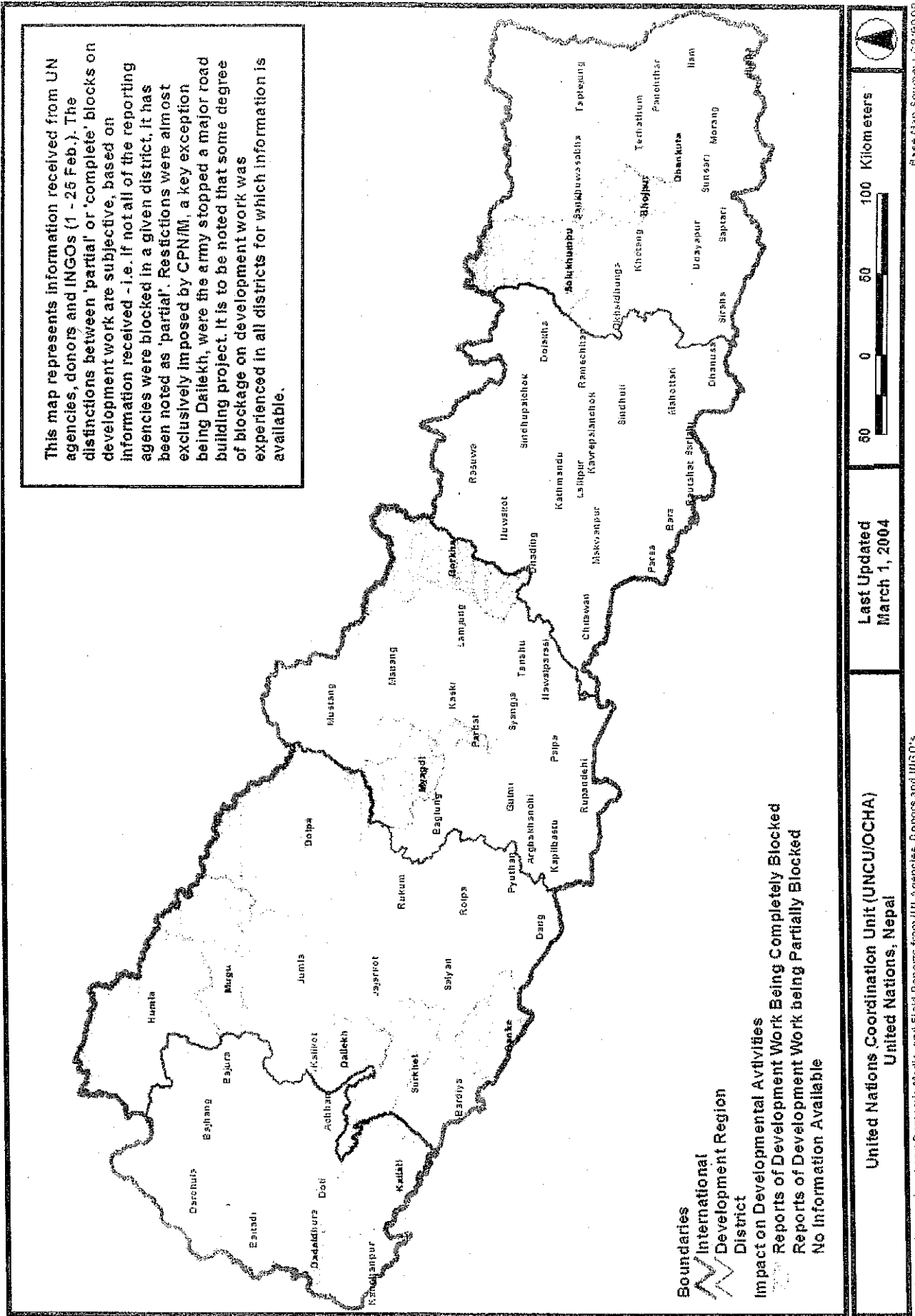


Note: This assessment is based on the reported incidents in the media as verified through UN security brief including WFP source

(4) Reported Clashes/Major Operations by Security Forces or CPN/M(1-25 Feb. 2005)



(5) Impact of the State of Emergency/Transportation Blockades on Development Programs
(Feb. 2005)



This map represents information received from UN agencies, donors and INGOs (1 - 25 Feb.). The distinctions between 'partial' or 'complete' blocks on development work are subjective, based on information received - i.e. if not all of the reporting agencies were blocked in a given district, it has been noted as 'partial'. Restrictions were almost exclusively imposed by CPN(M), a key exception being Dailekh, where the army stopped a major road building project. It is to be noted that some degree of blockage on development work was experienced in all districts for which information is available.

(6) Basic Operating Guidelines by Undersigned Agencies

Based on principles agreed internationally and in Nepal, we the undersigned have adopted the following Basic Operating Guidelines for all development and, if necessary, humanitarian assistance in Nepal.

1. We are in Nepal to contribute to improvements in the quality of life of the people of Nepal. Our assistance focuses on reducing poverty, meeting basic needs and enabling communities to become self-sufficient.
2. We work through the freely expressed wishes of local communities, and we respect the dignity of people, their culture, religion and customs.
3. We provide assistance to the poor and marginalized people of Nepal, regardless of where they live and who they are. Priorities for assistance are based on need alone, and not on any political, ethnic or religious agenda.
4. We ensure that our assistance is transparent and we involve poor people and their communities in the planning, management and implementation of programmes. We are accountable to those whom we seek to assist and to those providing the resources.
5. We seek to ensure that our assistance tackles discrimination and social exclusion, most notably based on gender, ethnicity, caste and religion.
6. We recruit staff on the basis of suitability and qualification for the job, and not on the basis of political or any other considerations.
7. We do not accept our staff and development partners being subjected to violence, abduction, harassment or intimidation, or being threatened in any manner.
8. We do not work where staff are forced to compromise core values or principles.
9. We do not accept our assistance being used for any military, political or sectarian purposes.
10. We do not make contributions to political parties and do not make any forced contributions in cash or kind.
11. Our equipment, supplies and facilities are not used for purposes other than those stated in our programme objectives. Our vehicles are not used to transport persons or goods that have no direct connection with the development programme. Our vehicles do not carry armed or uniformed personnel.
12. We do not tolerate the theft, diversion or misuse of development or humanitarian supplies. Unhindered access of such supplies is essential.
13. We urge all those concerned to allow full access by development and humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of such personnel.
14. We expect and encourage all parties concerned to comply strictly with their obligations under International Humanitarian Law and to respect Human Rights.

Note: We seek to ensure our actions are consistent with the Principles of the International Red Cross and Red Crescent Movement's Code of Conduct. For more information, please consult:

http://www.reliefweb.int/ocha_ol/civilians/ and <http://www.ifrc.org/publicat/conduct/code.asp>

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3. Peace Building Assistance Matrix

Reconciliation

Unsolved Causes and Negative Impacts of Conflict
Mistrust among Maoist, HMG/N and Parliamentary Parties Caste discrimination, Ethnic Tension, Destruction of Community, Human rights violations committed by Maoist, Security Force and Self Defense Patrol Group (Villagers groups armed by HMG/N) Diffusion of Culture of Violence. Dispute on Real Estate ownership
Possible Countermeasures
Confidence Building among Actors of Peace Negotiation, Technical Assistance on Conflict Resolution and Negotiation, Anti Discrimination Education, Caste and Ethnic Exchange Program, Support to Community, Strengthening of Human Rights Monitoring, Support to National Human Rights Commission (NHRC), Support to Human Rights NGOs, Support to Truth Commission
HMG/N's Current Direction
Peace Secretariat: Internal Unit inside of High Level Peace Committee Main Responsibilities are; Formulation of Action Plan and Position Paper, Collection of Information on past peace negotiations and Coordination with NHRC. The New Mandate of HMG/N for Peace Secretariat should be announced later.
Donors' Current Assistance
UNDP: Support to Peace and Development Initiative (SPDI) EC: Support to Peace Secretariat and FM radio program on human rights and democracy (Currently off the air) DFID: Support to NHRC, Human Rights Protectors, NGO and Training on Conflict Resolution USAID : Support to Peace Secretariat and NHRC, Radio program, Protection for Community and Support to Local Conflict Resolution
Current Problems
Due to the 2.1 shock, it is probable to change mandates of Peace Secretariat and NHRC. Difficult to carry out human rights components Radio program project went off the air. (Perception on Japanese ODA to Radio Nepal should be assessed.)
Possible JICA Assistance
Confidence Building between peace negotiators requires political approaches, not Development Assistance. Technical Cooperation on Conflict Resolution and Negotiation, Human Rights monitoring to alleviate the negative impacts of conflict Support to Peace Secretariat if it continues Support to Truth Commission Support to resolution of Dispute on Real Estate ownership

Governance

Unsolved Causes and Negative Impacts of Conflict
Corruption, Lack of Transparency in Administration, Media Control, Inadequate Election System, Inexperienced Parliamentary Democracy and Constitutional Monarchy, Weakening Rule of Law
Possible Countermeasures
Policy Support and Capacity Building to improve Administrative skill of HMG/N, Support to Local Governance, Support to Legal/Judicial Reform, Capacity Building for Political Party Politicians, Study Program on Constitutional Monarchy system in Cambodia and Thailand.
HMG/N's Current Direction
On February 21 Royal Commission on Corruption was created to assist the activities of CIAA in order to control more strictly corruption of bureaucrats and politicians. It is important to confirm whether local business groups connected to royal family will be investigated or not.
Donor's Current Assistance
UNDP: Decentralization Local Governance Support Program (DLGSP) EC: Support to Civil Society and Discussion on Constitution DFID: Discussion on Constitution and Seminar for Political Party Cadres USAID: Support to Civil Society, Polling on public opinion and Training for Community Leaders
Current Problems
Governance projects by donors and NGOs are quite difficult after the 2.1 shock. Seminar for Political Party Cadres of DFID has been ceased to function because of the fact that most of participants are currently detained or under house arrest.
Possible JICA Assistance
As Support and Capacity Building projects on behalf of improvement in Administrative skill directly benefit HMG/N which is one the fighting parties involved in the conflict, it is quite difficult to fulfill those needs right now. Regarding to the strengthening of local governance, the security in rural area and the relaxation of civil rights restriction are pre requisite to initiate. We should observe closely how the impact of 2.1 shock will be defined and select cautiously the possible channel or counterparts for the project implementation among different stakeholders. Other initiatives like Support to Legal/Judicial system, Capacity Building for Political Party Cadres and Discussion on Constitutional Monarchy might be materialized after the ending of conflict.

Recovery of Security

Unsolved Causes and Negative Impact of Conflict
<p>Spread of Small Weapons, Establishment of Self Defense Patrol Group (SDPG), Attacks from Security Force, Maoist and SDPG to civil population, Strengthening of Security Force. Increase of Criminal Activities taking advantage of the conflict</p>
Possible Countermeasures
<p>Small Arms Collection, DDR</p>
HMG/N's Current Direction
<p>Armed Police was established, Military assistance from India, USA and UK, RNA personnel has increased from 50 thousand to 80 thousand, RNA budget has enhanced from 1.5%/GDP to 3%/GDP, Since the 2.1 shock, the formation of SDPG has reinitiated, Re-integration project for ex Maoist has started</p>
Donors' Current Assistance
<p>Except Military Assistances from India, USA, UK and Belgium, no donor is providing any kind of aid for this sector. UNICEF has shown interest in IED, Landmine and UXO awareness projects.</p>
Current Problems
<p>Formation of SDPG means that human rights violations will be committed by villagers in addition to Security Force and Maoist. Spread of Small Weapons and Culture of Violence and Community Destruction will be deepening.</p>
Possible JICA Assistance
<p>Ending the conflict, unnecessary soldiers and guerrillas should be disarmed. Staff of RNA has increased in last few years from 50 thousand to 80 thousand. In the future if ex-combatants re-integration process fails, they will become the recurrent cause of conflict. Japan's DDR experience in Cambodia, East Timor and Afghanistan will be useful for Nepal. JICS' small arms collection in Cambodia is also effective in Nepalese context.</p>

Social Infrastructure

Unsolved Causes and Negative Impacts of Conflict
<ul style="list-style-type: none"> ● Maoist attacks on HMG/N's facilities ● Nonfunctional local governments ● Maoist threat to public servants and teachers, mass kidnapping of students ● Internal Displaced Persons (IDP) ● Maoist attacks on highways ● Maoist-led transport blockade ● Maoist-forced general strike ● Occupation of schools by both Maoists and Security Force ● Interruption of development projects ● Improvised Explosive Devices (IED) like pressure cooker bombs and socket bombs as well as landmines.
Possible Countermeasures
<ul style="list-style-type: none"> ● Reconstruction of public infrastructure ● Children: Zone for Peace ● Wide use of BOG ● Reconstruction of transport infrastructure ● Support to governance ● IED, landmine, and UXO awareness.
HMG/N's Current Direction
<ul style="list-style-type: none"> ● Ministry of Local Development (MLD): Due to incapacity of carrying out local election, MLD designates Chief District Officer (CDO). ● RNA: Aim of Integral Security and Development Program (ISDP) is to protect conflict affected area with force and develop it intensively. ● Through ISDP, rural roads have been built.
Donors' Current Assistances
<ul style="list-style-type: none"> ● WFP: Food for Work, School Lunch, Global Food for Education Initiatives, Quick Impact Program. ● UNICEF: Vaccination against Measles, Field Child Health Volunteer, Informal and Formal Education, Policy Support of Birth Registration, Community Care of Orphans, Joint project on IDP, Vitamin A provision for infants, and efforts on IED awareness. ● DFID: Conflict Sensitive Development and Joint Risk Management projects. ● USAID: Support to Public Health. ● Japan: Sindhuli Road Construction project.

Current Problems

- Vulnerable rural infrastructure and care for pregnant women
- Stagnant rate of school attendance for lower caste
- 250 teachers killed and 270 forced to resign
- In 9 months, 12,000 students were kidnapped and brainwashed.
- School open less than 100 days a year
- Incoherent child legislation, and inadequate juvenile criminal system
- Child labor and trafficking
- Only 34% of births are registered.
- Difficult access to communities
- Public infrastructure targeted by Maoists
- Security Force interference in development projects by such means as selection of project sites
- Notification to CDO is required for any assembly.
- Government may screen NGOs.

Possible JICA Assistance

- Reconstruction of public infrastructure should be prepared in the post conflict stage with the exceptions of ongoing Shinduli road construction project and others.
- Support to National Planning Commission (NPC)'s preparation of Data Base of Economic Loss caused by the Conflict is useful as preliminary step to reconstruction.
- "Children as Zone of Peace" campaign should be strengthened in concert with UNICEF as a member of the international community.
- IED basic awareness measures should be taken.
- Necessary to request both Maoists and Security Force to prepare the clearly identifiable landmine/UXO mapping for future clearance.

Economic Recovery

Unsolved Causes and Negative Impacts of Conflict
Poverty, Unemployment, Development Budget under pressure of Increasing Military Expense, Inadequate tax system, Disturbance to carry out Development Assistance.
Possible Countermeasures
Support to PRSP monitoring, Support to Peace Negotiation, Policy Support to Tax Reform, Use of BOG, Vocational training, Tourism development and Community development
HMG/N's Current Direction
PRSP, the Tenth Plan 2002-2007 21 point program Total economic loss caused by the conflict will be calculated by NPC with consultants financed by UNDP in framework of PRSP monitoring project. It will be used for the future database which is the foundations of Post Conflict reconstruction program. NPC will formulate grass roots development projects in conflict affected areas, investigate the impact of conflict over private investments and design the grass roots infrastructure projects for user groups.
Donors' Current Assistance
EC: Irrigation/Mapping of Kathmandu valley/Alternative Energy USAID: Hydro energy program for the future investment/Agricultural Development program China: Banke Hydro Energy project
Current Problems
Security Force commanding Anti Maoist Military Operation might interfere in Economic Development assistance through selection of project sites and beneficiaries.
Possible JICA Assistance
Study for Tax Reform Vocational training for IDP, unemployed and possible migrant workers Projects which needs large scale infrastructure such as tourism development, required to be materialized in Post Conflict Stage.

Support for Marginalized People

Unsolved Causes and Negative Impacts of Conflict
Social exclusion of lower caste, women, ethnic and linguistic minorities, Physical and psychological trauma of conflict victims, Trafficking of Women and Children, Child soldiers.
Possible Countermeasures
Support for Empowerment of lower caste, women, ethnic and linguistic minorities, Support to legal reform on behalf of social excluded population, Project formulation and execution from Gender and Affirmative Action lenses, Bi-lingual education of Nepalese and Indigenous language, Support to Free Kamaiyas, Reintegration of ex child soldiers
HMG/N's Current Direction
NPC: Conflict victim assistance project focused on rehabilitation and income generation will be elaborated. Ministry of Home Affairs (MHA): Reparation for Conflict victims, Coordination with NGOs, reconstruction of conflict damaged infrastructures subsidy for IDP and handicapped people, Ministry of Education (MOE): Scholarship for children of Conflict victims.
Donors' Current Assistance
UNDP: SPDI (See 2.1 Reconciliation) and DLGSP (See 2.2 Governance) USAID: Support to Countermeasures for Trafficking of Women Japan: Community Development and Forest/Watershed Conservation project (SABIHAA)
Current Problems
Due to the current state emergency, freedoms of gathering and expression are restricted. Therefore projects such as community development, social mobilization, right based approach initiatives and empowerment for lower caste, minorities and women might be constrained.
Possible JICA Assistance
Conflict prevention lens such as suitability to empower lower caste, women, ethnic and linguistic minorities should be applied to all JICA projects. Supports for legal reform and provision of land for free Kamaiyas should be considered as part of post conflict assistance, because those initiatives require political will of decision makers. Regarding to Child Soldiers, we should ask both HMG/N and Maoists to relinquish the use of children in the fighting and assess the future needs such as reintegration, rehabilitation and vocational training.

Humanitarian Emergency Support

Unsolved Causes and Negative Impacts of Conflict
<p>IDP Possibility of Humanitarian Crisis</p>
Possible Countermeasures
<p>Support to Settlement and resettlement of IDP Support to refugees</p>
HMG/N's Current Direction
<p>MHA: Support to IDP, Provision of land for IDP camps in Banke, Surket and Dailek.</p>
Donors' Current Assistance
<p>Except INGOs like Save the Children and Action Aid, any donor hasn't operated projects focused on IDP issues. Though WFP recognizes presence of IDP, it considers that the critical situation has not reached yet. UNOCHA has been leading to coordinate donors' assistance for IDP in abovementioned 3 camps.</p>
Current Problems
<p>In 2004, USA Refugee Commission reports that thousands of Nepalese are migrating to India in fear of conflict daily. Global ID projects announced that there are 100 to 200 thousand IDPs in Nepal.</p>
Possible JICA Assistance
<p>Assessment of IDP current situation and support to its settlement, avoiding generation of conflicts between IDP and local inhabitants nearby camps through inclusive approach which let both population benefit at the same time. Preparation of contingency plan for the humanitarian crisis in case of conflict intensification.</p>

Peace Building Assistance Program Proposal

	Peace Building Assistance Sectors	Projects
Status Quo	1.1 Structural Causes of Conflict 2.1 Reconciliation 2.5 Economic Recovery 2.6 Support for Marginalized People	<ul style="list-style-type: none"> ● Technical Cooperation for Peace Talk ● Technical Cooperation for Confidence Building ● Application of Conflict Prevention Lens and Security Measure ● Grass Roots Capacity Building ● Training of Grass Roots Leaders ● Support for Journalists ● Contingency plan ● Support for IDP ● Formulation of Post Conflict Reconstruction Program ● IED/Landmine awareness ● Support for Human Rights Monitoring/Promotion
Humanitarian Crisis	2.6 Support for Marginalized People 2.7 Humanitarian Emergency Support	<ul style="list-style-type: none"> ● Support for host countries of Nepalese refugees ● Emergency Aid ● Evacuation of JICA office
From Ceasefire to Peace Negotiation	2.1 Reconciliation 2.6 Support for marginalized People 2.7 Humanitarian Emergency Aid	It is essential to provide assistance in a well balanced manner avoiding any harm to the peace talks. The situation would change easily and abruptly. Thus flexible project management is necessary and any assistance should be transparent and designed in such a way that negotiating partners would accept and respect their operations. The key is to ensure the dividend of peace for all.

<p>Post Peace Agreement</p>	<p>1.1 Structural Causes 1.2 Triggering Causes 2.1 Reconciliation 2.2 Governance 2.3 Recovery of Security 2.4 Social Infrastructure 2.5 economic Recovery 2.6 Support for Marginalized People</p> <ul style="list-style-type: none"> • Mistakes of 90s should be avoided! Abolishment of Patronage style relationship between politics and administration. • Smooth transition from emergency phase to reconstruction phase to finally development phase. 	<p>Emergency Phase Emergency Supports through Japan Platform and UN agencies</p> <ul style="list-style-type: none"> • Hosting an International Reconstruction Assistance Forum • Participation in Donors' Joint Assessment mission (Early and active participation in donors' coordination initiatives is required like BOG and Conflict Advisor meeting) • Support for refugees; returning • Support for resettlement of IDP <p>Reconstruction Phase</p> <ul style="list-style-type: none"> • DDR (Inclusive and holistic approach required to benefit all community) • Support for rehabilitation and reintegration of Child Soldiers • Electoral Support (for Constitutional Assembly or General Election) • Support for the Constitutional Reform or the establishment of new constitution • Emergent Rehabilitation of Basic Infrastructures through Urgent Rehabilitation Support Program • Restoration of Basic Social Service • Clearance of UXO, IED and landmines • Reconstruction of Communities <p>Development Assistance Phase</p> <ul style="list-style-type: none"> • Capacity Building in Human Resources and Systems in different sectors • Capacity building for Political Parties • Discussion on Constitutional Monarchy or Republicanism • Support for Election system reform • Support for Legislation Reform • Support for Tax Reform • Support for Decentralization • Administrative Reform (Policy Support and Capacity Building of Public Servants) • Collection of Small Arms • Support for Basic Infrastructures like Road, Water, Irrigation, Electricity and Transport • Peace Education • Democracy Education • Anti-discrimination Education • Reconciliation among Castes • Bilingual Education with Nepalese and Indigenous Language • Promotion of Indigenous Cultural Heritage • Tourism Development • Vocational Training • Support for Truth Commission • Support for Agricultural Land reform • Support for resolution of Proprietary Disputes • Support/Training for Mass Media
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4. Bibliography

- Peace and Conflict Impact Assessment (CIDA)
- Asia Report, 2003, 2004 (Asia Economics Research Center)
- Report on Conflict Impact Assessment of UNDP (UNDP)
- Report of the UN Assessment Mission (UN)
- Nepal Conflict Assessment (Jonathan Goodhand)
- Nepal Country Assistance Plan (DFID)
- Human Rights Yearbook Nepal 2004(INSEC)
- Insurgency and Development (SAFHR)
- Media, Democracy and Human Rights (SAFHR)
- The Costs of War in Nepal (National Peace Campaign)
- Impact of Conflict on Agricultural Production and Small Landowners in Nepal
- Conceptual Framework of Decentralized Local Governance Support Program (UNDP)
- Crisis Management Guideline (DFID/GTZ)
- Conflict Dynamics in Nepal (Dev Raj Dahal)
- Profile of Internal Displacement (Norwegian Refugee Council)
- JICA Nepal Office Security Manual, Oct 2004
- JICA Country Program in Nepal 2004
- Report on Suggestion As to How Best to Operationalise "Post Conflict Recovery & Conflict Mitigation" under JICA country program 2003 (Katsuhiko Masaki)
- Report on UNDP Nepal Crisis Assessment Mission (Hideomi Oi)
- Report of the EC Conflict Assessment Mission Nepal
- Western Nepal Conflict Assessment (Mercy Corp)
- Nepal: A Spiralling Human Rights Crisis (Amnesty International)
- Conflict Assessment: A Synthesis report, Kyrgyzstan, Moldova, Nepal and Sri Lanka (Jonathan Goodhand)
- Approaches to Improving the Delivery of Social service in Difficult Environments (DFID)
- JICA Report on Peace Building
- JICA Thematic Guidelines on Peace Building Assistance
- Conflict and Development (FASID)
- Nepalese Parliamentary System (Masayuki Tanigawa)
- 60 Chapters to Understand Nepal (Japan Nepal Society)
- Shuffling the Kingdom in 60 days (Kiyoko Ogura)
- Iram report (Satoshi Ikegami)
- Locating the "Causes" of Maoist Struggle (Chaytanya Mishra)
- Caught in the Middle (Watch list con the Children and Armed Conflict)
- Causes of Internal Conflicts and Measn to Resolve Them (Graduate Institute of International Stidies, Geneva)
- Asian Survey Sep/Oct 2004 (University of California Press)
- Himalaya XXIII (1) 2003(Association for Nepal and Himalayan Studies)