

An Executive Summary of the Proposal Put Forward by CPN (Maoist) for the Negotiations

(Presented by the Negotiation Team of CPN (Maoist) on April 27, 2003 in Kathmandu.)

- i. Preamble**
- ii. Goals and Objectives**
- iii. Implementation of Ceasefire and Code of Conduct, and Creating a Conducive Environment for Negotiations**
- iv. The Negotiation Process and Time Frame**
- v. The Agenda of the Negotiation**
- vi. Implementation and Monitoring**

A. Preamble

It is amply clear that the old state of Nepal, which has been ruling constantly for the past over two and a quarter century, is now in a serious crisis due to its internal and external regressive class relations. As a result of this, the inherent class, nationalities, regional and gender contradictions are demanding a forward-looking solution and a progressive restructuring of the state has been inevitable. Although the democratic movements of 1960 and 1990 tried to solve this crisis partially, those efforts were not adequate to solve the fundamental problems pertaining to nationality, democracy and people's livelihood, and this has been proved by the developments of the last fifty-two years and the recent twelve years, in particular. Therefore, all oppressed classes, nationalities, regions, gender and people of different strata under the leadership of CPN (Maoist) raised the banner of armed rebellion in February 1996 for a total political, economic, social and cultural change and formation of a forward-looking state to institutionalize that change. Taking into consideration the stage of strategic equilibrium reached between the old crisis-ridden state and the newly emerging state as a result of the intense civil war of the last seven years, and also the distinct geo-political position of the country, it was thought appropriate to look for a peaceful forward-looking political solution immediately. Based on this, both the parties reached into an agreement for a ceasefire on January 29, 2003 and to enter the process of negotiation. In this context, on behalf of the official negotiation team of the CPN (Maoist), the following brief agenda is proposed for a forward-looking political solution through negotiation, which may be further elaborated and refined at the negotiation table.

B. Goals and Objectives

The goals and objectives of the negotiation between representatives of the old state and the new state are as follows:

1. To end the present state of conflict through a forward-looking political solution and establish a lasting peace in the country.
2. To solve the existing class, nationalities, regional, gender and other contradictions through political, economic and cultural changes. To solve the problems of nationalism, democracy and people's livelihood and to build a democratic and prosperous Nepal.
3. To establish a new, strong and democratic national unity and to defend national independence and sovereignty by upholding democracy and nationalism as indivisible, interdependent and interrelated ensembles.
4. To ensure the broad human and civic rights of all, particularly the underprivileged and oppressed groups, and to provide appropriate compensation and rehabilitation to the victims of the civil war.

C. Implementation of Ceasefire and Code of Conduct, and Creating a Conducive Environment for Negotiation

In course of the seven-year old People's War, most of the rural areas have been in the control of People's Liberation Army, while the capital and district headquarters have remained in the control of the Royal Nepalese Army. Having realized this ground reality and based on the basic principle of maintaining this status quo and not launching an armed invasion on areas controlled by either of the party, it is known to all that a ceasefire was declared in January 2003 and a 22- point code of conduct made public in March 2003. In addition, to create a conducive and credible environment for the negotiation, it is necessary to release individuals captured or made to disappear in course of war by both the parties. It is also imperative to annul the Terrorist and Destructive Activity (Control and Punishment) Act 2001 promulgated by the old state, which is a black law against humanity, and to take effective steps to withdraw arbitrary cases slammed against individuals in the course of the conflict. For this the following has to be done within a definite time frame:

1. The status of all the prisoners of war made to disappear by police and army, including the CPN (Maoist) central committee member Dandapani Neupane, has to be made public by May 15, 2003.
2. All the prisoners of war including alternative politburo member Rabindra Shrestha and alternative central committee members (of the CPN- Maoist) Bamdev Chettri, Mumaram Khanal and others have to be released within 15 days.
3. Within 15 days, all the arbitrary cases have to be withdrawn and prisoners of conscience released.
4. The so- called Terrorist and Destructive Activity (Control and Punishment) Act, 2001 has to be immediately annulled.

5. The Royal Army has to be called back to the barracks within a week and search, arrest etc. of the common people by the army has to stop immediately.
6. In order to ensure that the code of conduct is followed, and to monitor and investigate the status of the disappeared persons and prisoners, a powerful committee has to be formed with representation from national and international human rights organizations, major professional organizations / trade unions and civil society.

D. The Negotiation Process and Time Frame

In order to make the negotiation process transparent and result oriented, the following has to be done:

1. In order to make the negotiation transparent and easy, a team of facilitators consisting of impartial and reputed individuals should be formed with the consent of both the parties. This team should be included in all the stages of the negotiation right from the beginning of the formal negotiation.
2. The facilitators with the consent of both the parties should fix the date and venue of the negotiation.
3. Since the main issue of the present conflict is related to the question of state, the political agenda should be accorded priority during the negotiation and other subjects raised subsequently.
4. As it is not only inappropriate but also risky to continue indefinitely with the present state of extreme liquidity in the political situation of the country, efforts have to be made to take the negotiation to a meaningful conclusion at the earliest.

E. The Agenda of the Negotiation

1. Fundamental Political Agenda

Since the question of state power or the political question is key to all the other problems, the main agenda of the negotiation must be political and all the focus has to be placed on this. For a political solution out of the present crisis, a forward-looking new state system and a new constitution conforming to it is necessary, and it is so also because the 1990 constitution remains practically dead in the present situation and there is a constitutional vacuum in the country. Taking into consideration this ground reality, the procedure of new constitution formation and the minimum substance for the new constitution must be the main agenda of the negotiation. Although the 1990 constitution has some democratic positive features (e. g. multi-party competition, periodic elections, rule of law, freedom of

speech and press, etc.), it has a number of serious faults and inadequacies (e. g. the so-called “unchangeable” features, the contradiction between the sovereignty and state power, dissolution of “real democracy” of oppressed classes, nationalities, regions, gender and others in the Anglo-Saxon “formal democracy”, etc.), which have been proved in the last 12 years. Hence the process of formulation and content of the new constitution has to be definitely more progressive than this one. In the present context of new balance of political power created by the new consciousness of the twenty-first century and the seven-year long intense civil war, the regressive idea to go back to the system of pre-1990 and the status quoist idea of sticking to the 1990 achievements will not fulfill the new needs of the people and the country and solve the present crisis. Thus the process of formulation and the minimum content of the new constitution should be as follows:

a. The Process or Procedure for the Formulation of a New Constitution

1. A broad round table conference should be organized with the consent of the revolutionary force and major political parties of the country so as to include all democratic, patriotic and leftist forces that are recognized among the masses through struggle.
2. The round table conference should formulate an interim constitution, which will not curtail the democratic rights guaranteed in the 1990 constitution and will reflect the new balance of political forces, and an interim government should be formed under the leadership of the revolutionary force.
3. Elections to a Constituent Assembly with proper representations for various classes, nationalities, regions, gender and communities should be held within six months under the leadership of the interim government and the Assembly should formulate and promulgate the new constitution.

b. The Minimum Content of the New Constitution

1. Dfgdfgdfgdfg [sic!]
2. The people should be fully sovereign and state power must be solely in the hands of the people
3. There shall be an elected people’s representative assembly as the highest representative institution with proper representation of all classes, nationalities, dalits, women, linguistic and religious groups, regions and distinguished personalities. All the bodies of the state will be accountable to this people’s representative assembly. The government will be formed accordingly with proper representation of all.

4. Any provision of the constitution may be amended with either a two third majority in the people's representative assembly or through a referendum.
 5. A unified national army should be created with appropriate structural changes in the Royal Nepalese Army and the People's Liberation Army and the army should be placed under the command of the people's elected representatives.
 6. Universal democratic and civic rights including multiparty competition, periodic elections, universal suffrage, rule of law, freedom of speech and press, fundamental and human rights, etc. should be guaranteed.
 7. All the oppressed nationalities, Madhesis (i.e. plains people) and oppressed regions of the country should be guaranteed national and regional autonomy with the right of self-determination.
 8. The country should be made fully secular.
 9. Education, health and employment should be made fundamental rights of the people and free and universal basic education and health services should be ensured to all.
 10. New land relations should be created on the principle of 'land to the tiller' and a judicious redistribution and advanced management of land should be carried out. A policy of self-reliant national industrialization and protection to national capital and resources should be followed.
- c. It is our understanding that all the political forces desirous of finding a solution to the present crisis through a forward-looking political solution can and must have an agreement and understanding on the above minimum content of a new constitution. However, since an unconditional constituent assembly will formulate the new constitution, it won't be appropriate both theoretically and practically to determine all the features and provisions of that constitution right now. It is obvious that in addition to the above minimum content of the new constitution different political forces can go to the people with their own views on monarchy and other progressive issues and the final verdict of the people would be acceptable to everybody concerned.

2. National and Economic/Social Questions

1. All the agreements, military assistance, presence and activities of foreign army etc, that are initiated in the pretext of containing terrorism but which

will vitiate the environment for negotiation and which are against the interest of the nation, should be stopped.

2. Open borders between Nepal and India should be regulated and properly managed. All forms of intrusions, violations, etc. in the border areas should be contained. Work permit system should be introduced for foreign employees.
3. The Gurkha recruitment center, which has remained a blot to the nation, should be abolished and employment should be provided to all the Nepalese within the country itself.
4. Foreign monopoly in the field of industry, commerce and finance should be ended. National industries and indigenous entrepreneurs should be protected and promoted. The country should be totally freed from the vicious circle of foreign debt within a stipulated time frame.
5. Foreign infiltration and sabotage in the name of NGOs/INGOs should be stopped. Conditions imposed by the international financial institutions that are against the national interests should be invalidated.
6. An integrated national water resources policy should be formulated to harness the immense water resource potential of the country. While according priority to small and medium hydroelectric projects, the entire country should be electrified within a stipulated time frame.
7. The landless and poor peasants should be freed of all debts and employment should be guaranteed to them.
8. All types of bonded labor system, including kamaiya, harwa, charwa, etc., should be abolished with a guarantee of employment and settlement. All homeless persons should be provided with proper housing.
9. There should be cheap and easy access to agricultural inputs like fertilizers, seeds, etc. and proper extension of irrigation facilities. Appropriate price and markets should be provided for agricultural products.
10. Price hike on petroleum products and other daily necessities should be controlled. There should be wage hike of workers and civil servants in proportion to the price rise.
11. A proper mechanism should be built to award swift and harsh punishment to those indulging in corruption, smuggling, brokering and profiteering.
12. A national and scientific education system should be introduced. Education should be employment-oriented. The privatization and commercialization in education should be stopped forthwith.

13. Universal and free health services should be provided and extended especially in the rural areas.
14. Rights of the visually impaired, disabled, old, destitute and children should be guaranteed and special provisions made for their care.
15. All forms of exploitation on women should be ended and women should be given equal rights in all the fields including parental property. Trafficking on women should be strictly checked.
16. All types of exploitation and oppression on the dalits including untouchability should be eliminated and they should be fully ensured equal rights to live like others.
17. For the workers, a working time of forty hours a week and minimum wages should be fixed and they should be strictly implemented.
18. For an all-round development of the youths, concrete policies should be formulated and implemented in a planned manner.
19. Academic freedom and professional security of the writers, cultural activists, intellectuals, doctors, lawyers, media persons, engineers, teachers and others should be ensured in order to make them dedicated to the country and the people.
20. Import and distribution of vulgar cinemas, videos and printed matters within the country as medium of regressive foreign cultural pollution and invasion should be prohibited.
21. Special plan for the development and extension of infrastructures like drinking water, bridge, electricity and others in the rural areas should be formulated and implemented speedily. A national plan for balanced development should be implemented to eliminate the existing imbalances between rural and urban areas and between different geographical regions.
22. The rights of the Nepalese working abroad should be protected.
23. Those killed in course of people's movement at different times and the People's War for the cause of the country and people's liberation, should be declared martyrs, and the killers must be punished.
24. The just demands put forward by different strata of the people and different class and mass organizations should be fulfilled forthwith.

2. **The Issues Concerning Human Rights and Immediate Relief and Rehabilitation**

1. A high level and authoritative commission, with representatives from human rights organizations, should be constituted to investigate into the violation of human rights in the course of the civil war in an impartial manner, and all the violators must be duly punished .
2. The families of the martyrs should be provided with immediate relief and proper compensation.
3. All those wounded in the course of the civil war should be provided with free treatment.
4. All the displaced families during the course of the civil war should be rehabilitated in their old place or other appropriate places.

B. Implementation and Monitoring

All the subject matters agreed between the two parties should be implemented within the stipulated time and an impartial monitoring team should be formed to monitor the implementation of the agreements.

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