

WARID: Nepal (CPN(M))
STARDATE: 23 August 1996¹
ENDDATE: 30 June 2007
Related cases: none
Last update: 12 September 2015
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Conflict overview

In 1990, a mass movement ended the absolute monarchy in Nepal and introduced a constitutional monarchy with multi-party elections. Some years later, the government rejected a 40-point ultimatum submitted by the Communist Party of Nepal (Maoist) (CPN(M)). In response, the Maoists declared a ‘people’s war’ on 13 February 1996. The violence passed the threshold of an armed conflict in the summer of the same year. The Maoist rebels requested: a new constitution; an end to the monarchy in Nepal; an end to discrimination based on gender, caste, or ethnicity; autonomy for ethnic minorities; and the confiscation of land held by rich landlords and its distribution to homeless and other landless people (Hutt 2004: 17; ICG 2005: 40-41). The rebels, who established control over many rural territories, were supported by Maoist insurgents in India and by Communists in Bhutan (Acharya 2003: 6-7).

The Maoists not only fought the King but also the government. Prior to and during the war, Nepal had several unstable multi-party governments that emerged from competitive elections in 1994 and 1999. Ultimately, the Nepali Congress, once social-democratically oriented, became the most important party. The second-most important party was the Communist Party of Nepal (Unified Marxist-Leninist) (CPN (UML)) that demanded a ‘People’s Multi-Party Democracy’, rejected armed struggle and was more social democratic than its name suggested. Other ruling parties during the war were the National Democratic Party, with roots in the autocratic regime before Nepal’s transition, and the Nepal Goodwill Party that promoted the interests of the

1 While the UCDP Conflict Termination Dataset v.2010-1 reports 13 July 1996 as the start date, the UCDP/PRIO Armed Conflict Dataset v.4-2014a and the UCDP Conflict Encyclopedia refer to 23 August 1996 as the start date. We use the more recent information. See: http://www.pcr.uu.se/digitalAssets/124/124924_1ucdp_conflict_termination_2010_dyad.xls, http://www.pcr.uu.se/digitalAssets/124/124920_1ucdparmedconflict4-2014a.xlsx, http://www.ucdp.uu.se/gpdatabase/gpcountry.php?id=114®ionSelect=6-Central_and_Southern_Asia# (10 Dec 2014).

Madhesi community – people living in the plains in Nepal’s south.² According to the constitution of 1990, the executive power was vested not only in the Council of Ministers, led by the Prime Minister, but in the King as well. The King, however, was to exercise his power “upon the recommendation and advice and with the consent of the Council of Ministers” (Constitution 1990: art. 35.1-2).

In February 2005, King Gyanendra dissolved the government and announced his direct rule as Chairman of the Council of Ministers for three years.³ This triggered a mass movement led by the Seven-Party Alliance that included inter alia the Nepali Congress, the Communist Party of Nepal (Unified Marxist-Leninist) and the National Goodwill Party. The Seven-Party Alliance put aside its differences with the rebels and co-operated against the King with the aim of re-installing democratic governance. In April 2006, the King reinstated the parliament that had been dissolved in 2002. In response, the rebels announced a ceasefire and the government did the same some days later. The new government, based on the Seven-Party Alliance, concluded a peace agreement with the Maoist rebels on 21 November 2006 that led to the end of the war **[WARENDUC=1; WARENDOS=1]**.⁴ However, due to deadly clashes between the CPN (M) and Madhesi activists in the first half of 2007⁵, we report 30 June 2007 as the end date of the war. Thus, the war lasted for 130 months **[WARDUR=130]**.

According to the Uppsala Conflict Data Program (UCDP), 12,300 people died due to battles during the armed conflict, non-state conflict involving the Maoist rebels, and one-sided violence committed by the government or the rebels **[FATALUC=12000]**. In 2010, the Informal Sector Service Centre recorded a minimum of 13,200 fatalities⁶, a widely cited number (e.g. Grävingholt et al. 2013: 21). Two years later, the Nepalese of Ministry of Peace claimed that 17,800 people had died due to the civil war.⁷ We use the most common figure **[FATALOS=13000]**.

2 In total, the political parties lacked a clear program and focused on seeking office (Acharya 2003: 3-4).

3 <http://www.nepalroyal.com/proclamationsfeb012005/> (10 Dec 2014).

4 For more on the conflict, see Adhikari/Samford 2012; Murthy 2003; Pattnaik 2002; UN Office of the High Commissioner for Human Rights 2012 .

5 http://www.ucdp.uu.se/gpdatabase/gpcountry.php?id=114®ionSelect=6-Central_and_Southern_Asia# (10 Dec 2014).

6 United Nations Office of the High Commissioner for Human Rights 2012: 26, FN 1.

7 <https://archive.today/NhKNa> (2 Dec 2014).

In 1995, the last year before the outbreak of the civil war, Nepal had a population of 20.6 million **[PREWARPO=20600000]**.⁸ The number of fatalities based on UCDP data equaled 0.06% of Nepal's pre-war population **[INTENSUC=0.06]**. Considering the higher death toll, the losses amount to 0.06% of the pre-war population **[INTENSOS=0.06]**.

The military balance at the end of the war

The Maoist rebels were unable to topple the government and the Nepalese Army and police were incapable of annihilating the rebels. In 2004 and 2005, 'strategic offensives' announced by the rebels remained largely unsuccessful. In 2006, the Maoists publicly admitted that they were unable to capture the entire state machinery but they did not assess their situation as a military defeat **[VICTORY=0]**.⁹

Cunningham et al. (2009) identify territorial control by the rebels. This assessment is supported by various sources. The rebels established parallel administrative structures including the People's Courts, elections, the imposition of taxes, and the commencement of land redistribution in areas under their control **[REBTERR=1]**.¹⁰

The case-specific literature agrees on the fact that the rebels "controlled a large swath of territory" (Lawoti 2010: 3). According to some sources, the Maoists controlled "most rural areas" (Dahal 2006: 5), 70% (Skar 2007: 360) or even "up to 80 percent of the country" (Ogura 2008: 13) in the last period of the war. Thus, we conclude that, at the end of the war, the rebels controlled more territory than the government **[MORETERR=1]**.

Cunningham et al. (2009) assess the rebels' relative fighting capacity as 'moderate'. The case-specific literature confirms this rating **[REBFIGHT=0]**. At the end of the war, both sides would have been able to continue the fighting in a more than sporadic manner. The government had tens of thousands soldiers and police officers at its disposal and the rebels still encompassed several thousand fighters, as the succeeding demobilization would prove **[CONFIGHT=0]**.¹¹

Many high-ranking rebel members were killed or arrested; their top leadership, however, remained intact (ICG 2005: 13). In June 2001, the King was killed by his son; as such, his death cannot be attributed to the rebels **[LEADER=0]**.

8 <http://api.worldbank.org/v2/en/country/npl?downloadformat=excel> (1 Dec 2014).

9 Grävingholt et al. 2013: 22; ICG 2006: i and 2; Mishra 2009: 25.

10 Bhattacharya 2013: 577, 582; ICG 2006: 13, Lawoti 2010: 16-17; Murthy 2003: 42; Pattanaik 2002: 122.

11 See the numbers presented in the next chapter.

In sum, the average value of all codes in this section indicate a small military imbalance in favor of the Maoist rebels [**WARBAL=0.33**].

The military balance in the post-war period

In accordance with the Comprehensive Peace Accord (2006: art. 4.1), the Maoist combatants had to stay in seven ‘temporary cantonments’. 19,600 were verified as combatants and received regular allowances from the government (Subedi 2014). At the end of 2011, an agreement was reached to integrate a maximum of 6,500 of those verified combatants into the Nepalese Army.¹² In April 2012, the government was led by the Unified Communist Party of Nepal (Maoist) (UCPN (M)), a party that stemmed from the merger of the CPN (M) and another communist party in 2009. The Maoist-led government ordered the Nepalese Army to take control of the cantonments and the weapons stored there.¹³ Some days later, about 3,200 former rebels declared their willingness to join the Nepalese Army.¹⁴ In July 2013, almost 1,400 Maoist combatants officially did so.¹⁵ Thus, by the end of 2012, the former rebels had not substantially taken part in the state forces [**STATEFOR 2007-2012= -1**].

During the entire post-war period, both former warring parties had forces at their disposal. The CPN (M) and UCPN (M) had control of rebel combatants and, when in government, over the Nepalese Army. Other political parties that took part in ruling the country during and after the civil war also controlled the Nepalese Army [**SEPFORCE 2007-2012=0**].

During their time in government, the Maoists coalesced with political parties that had been their opponents during the war. For these years, it would be misleading to compare the number of combatants of the former warring parties [**TROOPS 2008=n.r., TROOPS 2011-2012=n.r.**]. The Military Balance yearbooks report no change from the year 2006 to 2007 in regards to the respective number of government forces and rebels (IISS 2006-2008). After 2009, however, the Nepalese Army was enlarged (IISS 2010-2013). While IISS does not provide a number for the

12 ICG 2011: 4-5; Joshi/Quinn 2012: 4.

13 <http://www.ekantipur.com/the-kathmandu-post/2012/04/10/top-story/army-takes-charge-of-pla-fighters-weapons/233649.html> (4 Dec 2014).

14 <http://www.ekantipur.com/the-kathmandu-post/2012/04/18/top-story/number-of-na-aspirants-sees-a-free-fall/233909.html> (4 Dec 2014). For a detailed assessment of the Maoist forces’ dissolution: Gravingholt et al. 2013: 31-39.

15 http://www.ekantipur.com/the-kathmandu-post/2013/08/20/related_articles/reintegrating-rebels/252634.html (4 Dec 2014).

Maoists after 2007, it seems unlikely that the rebels waiting for integration enlarged their number of combatants [**TROOPS 2007=0, TROOPS 2009-2010= -1**].

Unfortunately, the Military Balance yearbooks (IISS 20007-2013) do not provide data on the rebels' armaments. The United Nations Mission in Nepal (UNMIN) reported a number of about 3,500 rebel weapons registered and stored in the cantonment sites.¹⁶ Rebel commanders had the only key to the weapon containers. Looking at the discrepancy between the number of verified combatants and stored weapons, the rebels likely possessed more arms than they stored [**ARMS 2007-2012=n.d.**].¹⁷

Both the Maoists and the political parties in government during wartime continued to control territory in the post-war period. After the peace agreement, the Maoists dismantled their 'people's governments' (Ogura 2008: 52) but continued to rule over the population in the cantonment sites (Subedi 2014).¹⁸ Additionally, the Maoists took part in several post-war governments. As all post-war governments included political parties that had been in power during the war, the former Maoists' enemies also remained in control of territory [**TERRCON 2007-2012=0**].

All post-war governments controlled more territory than the wartime governments, as the Maoist 'people's governments' were dissolved in 2007. In assessing which former warring party won control over additional territory in the post-war period, it is necessary to look at the composition of the governments. When the Maoists took part in the government, they had control over more territory than during the war, at least formally. The same held true for the political parties that had ruled during the war and participated in the post-war governments. In contrast, for the governments without the Maoists, the other political parties made a relative gain with respect to control over territory [**TERRWIN 2007= -1, TERRWIN 2008=0, TERRWIN 2009-2010= -1, TERRWIN 2011-2012=0**].

The question as to which side's territory was less vulnerable is not relevant for the periods during which the Maoists formed a government with their wartime opponents. For the other years, it is safe to assume that the Maoist cantonments were more exposed than the rest of the country [**VULNERAB 2007= -1, VULNERAB 2008=0, VULNERAB 2009-2010= -1, VULNERAB 2011-2012=0**].

16 <http://www.un.org.np/unmin-archive/?d=activities&p=arms> (4 Dec 2014).

17 Subedi 2014.

18 This fact constituted a certain degree of control over territory in accordance with our project's codebook.

The UNMIN – established in January 2007 and deployed until January 2011 – was a political endeavor in support of the peace process (UN Security Council 2007). It monitored the implementation of the peace agreement but did not possess an armed component.¹⁹ No other peace-keeping missions were present in Nepal [**PEACKEEP 2007-2012=n.r.**].

None of the five permanent members of the UN Security Council announced an intention of allying with one side in the case of a renewed civil war [**P5ALLY 2007-2012=n.r.**].

In sum, the post-war military balance varied with the participation of the Maoists in the government. When they were included in the government, their wartime opponent held a small advantage. In the other years, the imbalance to the disadvantage of the Maoists was larger [**POSTBAL 2007= -0.5, POSTBAL 2008= -0.2, POSTBAL 2009-2010= -0.67, POSTBAL 2010-2011= -0.2**].

The combined score for the military balance at the end of the war and in the post-war years oscillated between a slight advantage for the Maoists and an imbalance in favor of their wartime opponent [**BALANCE 2007= -0.08, BALANCE 2008=0.07, BALANCE 2009-2010= -0.17, BALANCE 2011-2012=0.07**].

Economy

At the end of the war, Nepal’s gross domestic product (GDP) per capita was 400 USD. In the following years, it steadily increased and reached its preliminary peak in 2012 at about 700 USD. Despite this growth, Nepal remained among the poorest post-civil war societies in the world.

Table 1: Nepal’s GDP per capita in current USD²⁰

<i>Year</i>	<i>Population</i>	<i>GDP per capita</i>
2007	25,950,022	398
2008	26,249,412	478
2009	26,544,943	486
2010	26,846,016	596
2011	27,156,367	694
2012	27,474,377	699

19 <http://www.un.org.np/unmin-archiv/?d=about&p=mandate> (2 Dec 2014).

20 <http://api.worldbank.org/v2/en/country/npl?downloadformat=excel> (1 Dec 2014).

The scale of compromise after the war

In January 2007, an Interim Legislature was constituted. Roughly two-thirds of its members were former members of the House of Representatives. The CPN (M) sent 73 delegates (Ogura 2008: 34). The first post-war polls were the elections to the Constituent Assembly (10 April 2008) that met “many international standards” but took place in a “general climate of fear and intimidation [...] in many parts of the country” (EU 2008: 4). According to the election observers from the Carter Center (2009: 13), “the electoral process overall was a credible reflection of the will of the people” despite several shortcomings. The established political parties as well the former rebels ran for office.²¹ The Constituent Assembly worked on constitutional reform and replaced the regular parliament (Interim Constitution 2007: art. 83). Despite several extensions, the Constitutional Assembly was unable to agree on a new constitution and was dissolved in 2012. After several postponements, the second elections to the Constituent Assembly took place in November 2013 [**ELECT 2007-2012=0**].

Instability characterized Nepal’s post-war governments.²² Correspondingly, the former rebels fluctuated between taking part in the government and being in the opposition. In April 2007, the CPN (M) joined the interim government, left it in September and joined it again on 30 December of the same year [**GOVERN 2007= -1**].²³ In the elections to the Constituent Assembly in April 2008, the CPN (M) turned out as the strongest party with more than one-third of the seats (Carter Center 2009: 53). Nevertheless, their ministers left the government in June 2008. Some weeks later, however, the CPN (M) led the new coalition government [**GOVERN 2008=0**]. In May 2009, the former Maoist rebels left the government again (ICG 2009: i); they returned to government in February 2011.²⁴ From August 2011 until December 2012, the end of the period under investigation, the UCPN (M) once again led a coalition government [**GOVERN 2009-2010=-1, GOVERN 2011-2012=0**].²⁵

Nepal’s Interim Constitution (2007: art. 55) demanded that “[s]ave as otherwise provided in this Constitution, any question [...] shall be decided by a majority of votes of the members present

21 Freedom House rated the political rights in Nepal a ‘5’ for 2007 and a ‘4’ from 2008 until 2012. See <http://www.freedomhouse.org/sites/default/files/Country%20Ratings%20and%20Status%2C%201973-2014%20%28FINAL%29.xls> (26 Mar 2014).

22 For an overview, see: <http://www.bbc.com/news/world-south-asia-12499391> (5 Dec 2014).

23 ICG 2007: 1; ICG 2008: 2; Subedi 2014.

24 <http://www.nytimes.com/2011/02/04/world/asia/04nepal.html> (5 Dec 2014).

25 ICG 2011: 1; see http://www.huffingtonpost.com/2011/08/15/jhlnath-khanal-resigns_n_926998.htm (5 Dec 2014).

and voting”. Thus, a general veto mechanism did not exist in post-war Nepal. With respect to the constitutional reform, however, a veto was established. The Interim Constitution (2007: art. 70) requested that such a decision “shall be passed by consensus of a meeting attended by at least two-thirds of all the then members of the Constituent Assembly”. If a consensus could not be reached, a two-third majority in a meeting attended by at least two-thirds of the members was needed.²⁶ As the CPN (M) won more than one-third of the seats in the Constituent Assembly, it de facto held a veto position. Other combined political parties were also able to block decisions on the constitution [**VETO 2007=n.r., VETO 2008-2012=0**]. We see no evidence that one of the former warring parties benefitted more from the weak veto mechanism than another [**VETOSAT 2007=n.r., VETOSAT 2008-2012=0**].

During the civil war, no party to the conflict contested Nepal’s external borders. The warring parties did not fight over the borders between federal or other sub-state units [**EXBORDER 2007-2012=n.r.; INBORDER 2007-2012=n.r.**].

The Maoist rebels requested decentralization and autonomy for ethnic minorities. One instrument to implement these demands would have been to federalize the country. In the Comprehensive Peace Accord (2006: art. 3.5), the signatories agreed on ending “the centralized and unitary form of state”. In May 2008, the Constituent Assembly adopted the Fourth Amendment to the Interim Constitution (2007: preamble and art. 4) and declared Nepal a federal state. Nevertheless, the introduction of federalism turned out as the “most critical constitutional issue” (ICG 2011: 7). Until the end of the period under investigation, the Constituent Assembly could not agree on the number and defining characteristics of the federal units (Hutt 2014; ICG 2012: 3-16). As the question of federalism was still in limbo in 2012, we cannot claim that the former rebels prevailed [**COMPETEN 2007-2012=0**].

Land reform was one of the Maoists’ key demands. The wartime governments rejected radical reform. In 2001, the government proposed a land reform that would have decreased the maximum amount of land one owner was allowed to possess (Adhikari 2011: 25). The signatories of the peace accord (2006: art. 3.7) agreed on “ending feudal land ownership”. The Interim Constitution (2007: art. 33-34) defined “a scientific land reform program by doing away with the feudalistic land ownership” as an obligation of the state. Moreover, it prescribed that any

26 These provisions remained in force after some amendments. See the Interim Constitution as of 2010 at: https://www.constituteproject.org/constitution/Nepal_2010 (9 Dec 2014).

requisitioned property had to be compensated (art. 19.3). By the end of 2012, no substantial implementation of land reform had taken place.²⁷ Less than 1% of the national budget was allocated for land reform activities, and more than 70% of this money was spent on administration (ANGOC²⁸ 2013: 112-113). In sum, the Maoists' demands were only partly met [**ECONOMY 2007-2012=0**].

The inclusion of marginalized groups was another prominent demand made by the rebels. Some parties ruling during the war, however, shared the objective of eliminating discrimination, e.g. the Nepal Goodwill Party lobbied for the Madhesi community. The Interim Constitution (2007: art. 33c) requested “participation of *Madhesi*, *dalit*, indigenous peoples, women, labors, farmers, disabled, backward classes and regions in all organs of the State structure on the basis of proportional inclusion”. To this end, the Interim Constitution (2007: art. 63.3) changed the electoral system from the first-past-the-post procedure in single-member constituencies to a mixed system that combined first-past-the-post with proportional representation. Moreover, the political parties had to ensure proportional representation while enlisting candidates (Vollan 2011: 6-10). As a result, the Constituent Assembly turned into the most diverse legislative body ever. Women won one-third of the seats, the same held for ethnic minorities. Nevertheless, Michael Hutt (2014) concluded: “Although the representation of marginalized communities had significantly improved, the level of their participation remained low” [**SPECPRO 2007-2012=0**].²⁹

While the Maoists rebels demanded the abolition of the monarchy, the main political parties had perceived constitutional monarchy as non-negotiable for the greater part of the civil war (Murthy 2003: 42-44). The Comprehensive Peace Accord (2007: art. 3.3) requested that no governmental power shall be vested in the King. The mentioned Fourth Amendment to the Interim Constitution (2007), adopted in May 2008, inserted the following phrase to the preamble: “Declaring Nepal as a federal, democratic, republican state upon duly abolishing the monarchy”. Thus, the Maoist rebels prevailed [**ISSUE 2007-2012=1; ISSUE2 2007-2012=n.r.; NEWCON 2007-2012=n.r.; NEWCON2 2007-2012=n.r.**].

Most of the developments with regard to federalism, land reform and inclusion did not tend to favor one particular former warring party [**BENEFIT 2007-2012=n.r.; BENEFIT2 2007-2012=n.r.**].

27 <http://www.angoc.org/where-we-work/south-asia/nepal/> (16 Dec 2014).

28 Asian NGO Coalition for Agrarian Reform and Rural Development.

29 Cf. Nayak 2012: 767.

In sum, none of the sides prevailed in realizing their demands in the post-war period [COMPROM 2007=0, COMPROM 2008=0.13, COMPROM 2009-2010=0, COMPROM 2011-2012=0.13].

Stability of peace

As of 2012, there had not yet been a renewed war between the former rebels and Nepal's governmental forces [SAMEWAR=0, DATESAME=n.r., PEACMON1=66]. Likewise, no other conflict escalated into a civil war [ANYWAR=0, DATEANY=n.r., PEACMON2=66].

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Annex

Table 2: Troops (IISS 2007-2013)

<i>Year</i>	<i>Government</i>		<i>Rebels</i>	<i>Ratio</i> ³⁰	
	<i>Army</i>	<i>Paramilitary</i>			
2006	69000	62000	8000-14000	9.38	1
2007	69000	62000	8000-14000	9.38	1
2008	69000	62000	n.d.		
2009	95753	62000	n.d.		
2010	95753	62000	n.d.		
2011	95753	62000	n.d.		
2012	95750	62000			

Table 3: Arms (IISS 2007-2013)

<i>Year</i>	<i>Government (Army)</i>	<i>Rebels</i>	<i>Ratio</i>	
2006	40 Armored Personnel Carrier (APC) 95+ total artillery	n.d.		
2007	40 APC 95+ total artillery	n.d.		
2008	40 APC 95+ total artillery	n.d.		
2009	40 APC 109+ total artillery	n.d.		
2010	40 APC 109+ total artillery	n.d.		
2011	53 APC 109+ total artillery	n.d.		
2012	253 APC 109+ total artillery	n.d.		

30 Based on the number of 14,000 rebels.