



News Update from Nepal

9 January 2008

Human Rights and National Security

On December 12, the Office of the High Commissioner for Human Rights in Nepal suggested the government to put human rights at the center of the peace process. Releasing a report on Nepal's human rights situation one year after the signing of the Comprehensive Peace Agreement (CPA) it said, "Regrettably, in the past year, the initial improvements have not been consolidated and respect for human rights has again deteriorated. Failure to accord the necessary attention to human rights in the process risks engendering further violence and deepening social divisions." It also said that deep-rooted discrimination cannot be eradicated by Constituent Assembly (CA) elections alone.

Due to the deteriorating security and law and order situation in Tarai, village development secretaries have not been able to work. Former Premier Sher B. Deuba expressed "National integrity is at risk due to the recent developments. NC is also in trouble after it opted for a republic." Due to the fear of external intervention, CPN (Maoist) chairman Prachanda stressed the need to forge an alliance of royalists, parliamentary parties and his own party. CPN (Maoist) ideologue Dr. Baburam Bhattraï said that his party would "not accept the outcome of the CA if the Maoists are defeated in the elections." This has created a political deadlock. On December 15, as per the decision of the Seven-Party Alliance (SPA), the government registered a proposal in the parliament seeking a third amendment to the Interim Constitution to extend the constitutional deadline for holding CA elections to the end of the Nepali year (April 12, 2008) and incorporate many issues in the new consensus.

A New Consensus

On December 23, the SPA agreed on a 23-point package deal, including an early declaration of a federal *loktantrik* (democratic) republican state by the interim parliament subject to its endorsement by the first meeting of the CA (but a two-third majority of existing members of the interim parliament can implement the republic even earlier if the king creates obstacles in holding the CA), no executive power of the country to the King, the Prime Minister shall exercise all executive power and he shall act as head of the state until the implementation of the republic, holding of CA by mid-April 2008, running the government through the SPA Committee where the committee head will be rotated, establishment of six commissions - Disappearance, Truth and Reconciliation, State Restructuring, Study and Recommendation Commission for Scientific Land Reforms, Monitoring Committee for the effective implementation of the Peace Accord and other agreements and a High Level Peace Commission within a month to work in coordination with the Peace Ministry. The National Human Rights Commission of Nepal will be assigned to

probe into rights violations during emergency, managing cantonments and providing remuneration to the Maoist combatants, withdrawal of illegally seized public property, ending forced donation, etc.

They agreed to form a 601-member CA, with 240 members to be elected through first-past-the-post, 335 to be elected in proportion to the popular votes garnered by the parties, and the remaining 26 to be nominated by the Cabinet. As a result of the new consensus CPN (Maoist) agreed to join the government. The SPA agreed to hold seven joint mass meetings across the nation. They also agreed to consult the stakeholders on issues of an electoral system through the civil society. For holding a civil society conference human rights activist Padma Ratna Tuladher has been assigned.

On December 28, the Interim Parliament passed a third amendment to the Interim Constitution, stating that Nepal would become a federal democratic republic by the first meeting of the CA. Altogether 270 out of the 321 existing members voted in favor of the republic. As a result, CPN (Maoist) rejoined the government.

The Nepal Workers and Peasants Party (NeWPP) writing a note of dissent said, "Nepal should be declared a socialist republic." Madhesi parties have declared to announce a peaceful agitation. Chairman of NEFIN Pasang Sherpa blamed the "autocracy of SPA." Kin of those disappeared declared to boycott the CA elections. Chief Election Commissioner, B.R. Pokhrel urged the political parties not to announce any new date for elections before settling the political problems. He said, "We will not be able to make arrangements if the date is given at the eleventh hour. We need 90 days for preparation." A former Speaker of Parliament added, "No political party is serious about the holding of elections. I can swear these parties are not going to hold elections at any cost." Former Supreme Court Justice Krishna Jung Rayamajhi said, "It seems that the SPA leaders have been thinking that they are above the interim constitution and they are not ready to abide by the rule of law and the constitution."

Party Politics

The unity move has started between the Nepal Sadbhavana Party (NSP) and Madhesi People's Rights Forum (MPRF- Yadav) as the Election Commission recognized the establishment faction of NSP (A) as the legitimate one. NSP is also thinking of a fusion between the moderate and non-state armed actors operating in Tarai for the autonomy of Tarai. The differences within the NC are coming into a revolt as senior leaders in the NC are warning the Prime Minister G.P. Koirala in public that he had no right and authority to declare a republic and proportional election system from the parliament. On December 10, Minister for Science, Technology and Environment Mahanta Thakur and three other MPs from UML (Mahendra Yadav), RPP (R.C. Raya) and NSP (Hridayesh Tripathi) resigned from their respective posts and the interim parliament, saying the move was necessary to bring the Madhesi "revolt to a logical conclusion." They in a statement accused the interim parliament of being a "puppet" and "rubber stamp" of the major political parties which tried to make meaningless the voices of the Madhesi people. Thakur said the desire of the Madhesi people is to have their own "legislative body, government and judiciary. We want to resolve the situation of internal colonialism through dialogue with the

state." Tripathi said, "The Madhesi will launch a separatist movement if the government and Maoists deploy armies to quell it."

MPRF warned to launch a mass agitation if the pact it signed with the government is not implemented. They are forming a new regional party. General-Secretary of NC Ram Baran Yadav termed the resignation of four parliamentarians "a conspiracy to fish in murky water." Upendra Yadav, the convener of Unified Madheshi Front, said if the Girija Prasad Koirala-led government continued to suppress their demands, they will be left with no option but to get out of Nepal." If the government does not respect our demands, we will be forced to divide the Tarai region from Nepal." The government has raised a Special Task Force (STF) recently to crush the uprising in Tarai. On December 18, the NC has set up a five-member committee to avert defection of Madhesi lawmakers and party activists to a regional party to be led by Mahant Thakur. The members include B. Gachhdar, Dr. R.B. Yadav, Mahesh Acharya, Sarat Singh Bhandari and Benup Raj Prasai.

On December 9, Chairman of Rastriya Prajatantra Party Pashupati S. Rana called for the unification of the RPP and Rastriya Janashakti Party (RJP). After being elected for a second term he said, "The party has dropped constitutional monarchy from all its documents from today and as a centrist party decided to take a middle path and stand against any form of autocracy or dictatorship." It supports the constitutional provision to decide the fate of the monarchy by the CA.

On December 28, Madhesi leaders announced the Tarai-Madhes Loktantrik Party (TMLP) under the leadership of Mahanta Thakur. Thakur said that the main objective of the TMLP is to form a "federal democratic republican Nepal with the entire Tarai-Madhesh region as one autonomous federal state with the right to self-determination." He added, "Madhesi want their own government, own executive, legislature and judiciary. They want to see Madhesi in the administration, police and army."

Peace Process

On December 11, the leaders of the three main parties agreed to review the CPA and analyze the entire peace process. The government also formed a three-member panel headed by Home Minister K.P. Sitaula and asked it to submit recommendations to the cabinet within three days. Other members are State Minister for Labor and Transport Ramesh Lekhak and CPN-UML Standing Committee member Pradeep Gyawali. It suggested establishing all the institutions stipulated by the CPA.

On December 13, Chief of the UN Mission in Nepal, Ian Martin, urged the people of Nepal to either tell the UNMIN to leave if they don't find the mission's role in the peace process fruitful, or engage in constructive criticism of the mission's performance." He added that it would be in the interest of Nepal's peace process to allow UNMIN's three roles: implement agreements reached in the course of the peace process, long-term solution to the future of cantoned Maoists and the advisory role to the police to create a law and order situation conducive to elections. On December 27, UNMIN disclosed that out of 32,350

Maoist combatants registered only 19,602 of them passed the verification process. Those not appearing and underage were disqualified.

Federalism

The Nepal Federation of Indigenous Nationalities (NEFIN) has been advocating restructuring of the country on the basis of ethnicity, language and territory. NC leader Narahari Acharya has proposed a model of federalism on the basis of territory, population, language, economy and cultural identity. The CPN-UML wanted to create federalism on the basis of a caste-based population, use of mother tongue, cultural and geography. CPN (Maoist) wants to federalize the state on the basis of a territorial and ethnic autonomy. The NC, CPN-UML and Maoists advocate three languages - Nepali as a language of the nation, English as an international language, and one more provincial language. On December 26, the Federal Republic National Front (FRNF), a loose alliance of six ethnic fronts, demanded that the CA be held on a fully proportional basis and the country be declared a federal democratic republic with the right to self-determination.

Rights of Minorities

On December 23, Nepal's Supreme Court directed the government to frame laws to "safeguard the rights" of gays and lesbians so they could "live an independent life" in the country. "Lesbian, gay, bisexual, trans-sexual and inter-sex (LGBTI) people are also 'natural persons' though they are not masculine or feminine from the perspective of gender," the Supreme Court said adding: "And they should be allowed to enjoy all the rights defined by national and international human rights laws and instruments."

Foreign Policy

Foreign Minister Sahana Pradhan asked her Indian counterpart to immediately vacate the area in Susta illegally occupied by India which caused the displacement of 50 Nepalese families. On December 10, the US Ambassador to Nepal Nancy Powell said, "There is no change in US policy toward the Maoists. It means the US will continue with the policy of not carrying out any official communication with the Maoists." Nepal signed a deal with South Korea which provides rights to Nepali workers at a par with the Koreans. As per the agreement, Nepali workers will draw US \$750 per month. They will also be given training on language and computer. On December 12, Chief of Army Staff General Rookmangud Katawal urged the Indian government to resume military aid to Nepal in view of Nepal's stabilizing peace process and progress towards democracy. The Indian military aid to Nepal has been suspended following the royal takeover of power.

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