



News Update from Nepal

29 February 2008

National Security

The government of Nepal has unveiled its three-phase security plan to create a conducive security environment for the Constituent Assembly (CA) election to draft a new constitution. It has planned to recruit additional 69,700 temporary police and deployed the Special Task Force in four hilly districts of eastern Nepal to prevent ethnic tension and continued operation in violence-prone Tarai districts. But, the human rights of people remain violated in different parts of the country as the supply of basic needs like cooking gas, petrol, food and medicines has been seriously affected due to the prolonged turmoil in Tarai and eastern hills. Killing, kidnapping, curfew, explosion, violent clashes, rocketing prices of essential goods, load shedding of electricity for eight hours every day, shrinking job opportunities and growing fear have confiscated the state's capacity to provide security and rule of law and marked a doubt on the possibility of holding credible, free and fair election by April 10. Development programs are suspended in many districts. On February 22, desperate consumers in Pokhara and Gorkha seized five tankers ferrying petroleum products to Kathmandu despite heavy state security.

On February 3, the United Nations Deputy High Commissioner for Human Rights Kyung-wha Kang said, "The consolidation of the peace process will continue to be at risk without political will on the part of the authorities to end the culture of impunity." She cited "security vacuum" as the main cause of communal violence in Tarai, underlined the need for law enforcement agencies to be more representative of the population and lauded the government's decision to appoint Madhesi chief district officers in the Tarai region.

Election Commission

Due to changing political conditions, the Election Commission (EC) has changed the dates for the nomination of candidates three times: first, it gave the dates February 22 to political parties to submit their closed list of candidates for the proportional representation system and February 22 to 25 for registration of candidature for direct voting. Secondly, as per the request of government, it extended the date to February 24 for Madhesi parties to file nomination of candidature and simplified the nomination process through fax. Thirdly, following the signing of accord with the United Madhesi Democratic Front (UMDF) it again extended the date to March 6 for filing candidates for First-Past-the-Post (FPTP) and March 2 for the proportional system. Since the government is negotiating with various political groups it might be changed a fourth time.

The EC has imposed an election code of conduct from different dates beginning January 16 and recognized 74 political parties for the CA elections. So far, 39 political parties have submitted their closed list of candidates for proportional representation while 33 parties and independents with 2191 candidates have decided to contest 204 seats under the FPTP. This number will increase in the future as the Rastriya Janashakti Party and three factions of the UMDF have also decided to contest the elections. Three major ruling parties - Nepali Congress (NC), Communist Party of Nepal Unified Marxist-Leninist (CPN-UML) and Communist Party of Nepal (Maoist) - have filed candidacies in all constituencies. Top leaders of various parties such as Prachanda, M.K Nepal and Sher B. Deuba are contesting from two places. Premier Koirala is contesting from the party list.

On February 10, a three-member CA Court headed by Justice Anup Raj Sharma has been formed to resolve CA-related disputes. All the election officials would be insured for \$ 15,625. All the armed groups, Nepal Sadbhavana Party (A), Green Party and RPP-Nepal, however, decided to boycott the elections, terming the situation adverse for it.

Madhesi Agitation

Nepal's southern plains bordering India is the Madhesh. It has 49 percent of the nation's population out of which 21 percent of people are of hill origin and seven percent Tarus who do not consider themselves as Madhesis. On February 9, Nepal Sadbhavana Party (NSP), Tarai-Madhesh Loktantrik Party (TMLP) and Madhesi People's Right Forum (MPRF) together formed a United Madhesh Democratic Front (UMDF) to exert pressure on the government to get many of their demands fulfilled – including a guarantee of an autonomous Madhesh region with the right of self-determination. It launched an indefinite strike in Madhesh from February 13 and imposed an economic blockade from February 17.

On February 11, the government set up a seven-party negotiation team headed by Peace and Reconstruction Minister R.C. Paudel. On February 16, the UMDF also formed a three-member team led by Anil K. Jha. After the breakdown of several rounds of negotiation Premier Koirala requested Indian Ambassador to Nepal, Shiva Shankar Mukherjee, to mediate the problem. In the first meeting at the Indian Embassy UMDF leaders were: J.P. Gupta, R. Mahato and Mahanta Thakur whereas Congress leaders were Mahesh Acharya, Amod P. Upadhyaya and Dr. Sekhar Koirala. CPN-UML and CPN (Maoist) gave the mandate to Premier Koirala to negotiate with the UMDF.

After a protracted haggles an eight-point deal between premier Koirala and UMDF leaders was signed on February 28 which promised: a) those killed during the Madhesi movement will be declared martyrs and their families will be given \$15,000; b) the structure of the Madhesh and other autonomous regions, power devolution between the center and provinces and the allocation of resources will be done through the CA by keeping intact the sovereignty, unity and integrity of the country; c) parties fielding candidates for up to 30 percent of the total seats do not need to be inclusive; e) the government will ensure a proportional representation of Madhesi, indigenous people, ethnic groups, Dalits and backward communities in all sectors of governance, including the security organs, in appointment, promotion and the selection process; f) Madhesis, including other marginalized groups, will be recruited groupwise in the Nepal Army so as to ensure the principle of inclusiveness; g) both sides have called on all-armed groups of Tarai to come to the negotiation table urging all to help conduct the forthcoming CA polls in a peaceful, violence-free, impartial and fearless manner; h) abiding by the previous 22-point agreement signed between the government and the MPRF, the government will release all those detained from custody and also withdraw lawsuits filed against them; and i) agreement to immediately end all kinds of agitation in Madhesh.

While India, the USA, the EU and the UNMIN welcomed the accord, three factions of the Seven-Party Alliance strongly objected to it. Leader of the United Left Front, C.P. Mainali said, "It has trampled the sovereignty of the Nepalese people, generated additional conflict and turned political parties into communal organizations. Similarly, a group entry into the army is not legal." He even threatened to break the alliance if this accord is not rectified. President of Janamorcha Nepal, Amik Sherchan, said, "The consensus with the Madhesi marked a question on the national integrity of the nation." Chairman of Nepal Workers and Peasants Party Narayan Man Bijukchhe said, "The government has eroded the autonomy of the EC by introducing an Ordinance following the declaration of the election date. The consensus indicates the capitulation of government to foreigners." He added, "Open group entry into the army provides scope for those trained in India.

There is a danger of Nepal turning into Yugoslavia or Sikkim." General-Secretary of Unity Center N.K. Shrestha said, "This is an arbitrary decision of three parties. It is illegal and has discriminated ethnic groups and indigenous people. This decision has added the effort of expansionist forces to disintegrate Nepal." Three groups from Tarai - JTMM (Goit), JTMM (Singh), MPRF (Bishwas) - said that it is a betrayal of the Madhesi people and decided to continue their political action. On February 16, the NSP (A) broke its alliance with the SPA, accusing it of dividing the party.

The Federal Republican National Front-Nepal (FRNF) consisting of seven parties - MPRF (Bishwas), Federal Democratic National Forum, United Tharu National Front, Federal Limbuwan National Council, Democratic Madhesi Front, Tamangsaling Autonomous State Council and Madhesi Democratic Front - dubbed the CA election "guided by foreign forces" and "vowed to disrupt it" if their demands are not fulfilled before the election. FRNF demands are: republic, proportional election system and federal system of governance with the right to self-determination without affecting national unity and integrity. The Tharu Welfare Council (TWC) strongly opposed the entire Tarai region as one autonomous state (from east to west). It claimed that Tharus are not Madhesi. The Nepal Federation of Indigenous Nationalities (NEFIN) also asked the government to fulfill its 11-point demands before the CA elections.

On January 27, NC General Secretary K.B Gurung said the party leadership was not following decisions passed by the NC General Assembly but toeing the Maoist line and discrediting the idea of democratic socialism and reconciliation. CPN-UML General-Secretary Madhav K. Nepal proposed an alliance with the republicans. Prachanda welcomed the alliance of left parties and warned of a peaceful uprising from April 6 if the CA election is postponed. On February 6, Maoists revived its United Revolutionary People's Council to carry out development works and resolve problems faced by the people at the local level.

Pre-Poll violence

The pre-poll environment is marred by violence conducted by two-dozen armed non-state actors. Janatantrik Tarai Mukti Morcha (JTMM-Singh) killed a junior government official at Nepalgunj, a trader at Kapilvastu, a civilian in Dhanusha and torched the office of CPN (Maoist). Police also killed a party cadre. The Madhesi Liberation Tigers warned the Minister of State for Home Affairs Ram Kumar Choudhary to quit the government and join the agitation. The joint mass meetings of the ruling parties in seven towns were greeted with bomb explosions and protests. The bomb blast took place at the office of the EC in Nepalgunj and destroyed the election-related materials. JTMM (Goit) cadres detonated a bomb in a plywood industry at Rupandehi and later hurled a petrol bomb in a public bus and killed a girl. On January 22, three police posts were attacked by ethnic insurgents at Khotang district and looted weapons.

On February 1, over three dozen workers of the UMDF were injured in scuffles with the police as they tried to shut down government offices. The February 2, blasts in Sunsari forced the NC to cancel its meeting and blasts near an NC mass meet in Ranbiraj injured 13 people. On February 4, twenty-eight persons were hurt in Nepalgunj and Nawalparasi as agitators clashed with the police while at Janakpur blasts occurred when NC leader Sher B. Deuba was addressing a meeting. The next day his program was greeted with protests in which 24 people were hurt as blasts and clashes rocked Mahottari and Sarlahi.

Due to the fear of violence, the SPA cancelled the elections of student unions and CPN-UML decided to postpone its general assembly meetings. On February 5, cadres of FLSC pelted stones at the vehicle of the Minister of Law, Justice and Parliamentary Affairs, N.B. Nembang at Ilam. On February 6, NC legislator D.P. Badu was critically injured when a Maoist mob attacked him and

injured three NC cadres and eight policemen. In reaction, the police raided the office of the Maoist-affiliated Young Communist League. Home Minister K.P. Sitaula said that he was unaware of the police raid and added, "Police does not accept his order." Maoists disrupted an NC meet at Baitadi.

So far nine persons have been killed in Tarai agitation and over 150 injured. CPN-UML cadres killed one YCL member in Arghakhanchi district. Agitators set ablaze the ex-state minister's house in Nawalparasi. Nepal's challenges of impunity, social exclusion, rising inequality, limited access to often poor quality basic services, increasing social disruption, weak rule of law and non-implementation of accords have put the peace process in a crisis.

Economy

The regular expenditure is three times higher than the development budget of Nepal. On January 23, the government withdrew the petroleum products price hike due to the unrest in Kathmandu. The Asian Development Bank (ADB) provided Nepal a grant of \$ 8 million for education sector reforms and a grant of \$ 18.1 million to the Federation of Nepalese Chambers of Commerce and Industry. The International Development Association has agreed to provide a grant of \$ 25.28 million for development. The government sought \$ 107. 10 million to implement a three-year interim plan and \$ 471.5 million for post-conflict reconstruction. On February 3, the government has prepared a draft of a new Foreign Aid Policy which seeks to mobilize foreign assistance to address post-conflict development challenges through aid harmonization and proper utilization in inclusion, equity, peace and reconstruction. It tries to build a system for monitoring aid information, mutual accountability and transparency.

On February 21, Nepal's development partners pledged support to improve roads, water supply and sanitation in 30 towns. Speaking at the Nepal Donor Consultation Meeting (NDCM) Liqun Jin, Vice President of ADB, said that they agreed to work together with the government for peace, nation and state building and development in Nepal. He said, "We encourage political parties to support the role of the police and judiciary in an impartial way and with respect for the rule of law." While the government demanded more money to support post-conflict reconstruction, donors demanded democracy and political stability from the central to local levels. On February 25, UNICEF provided \$ 68,214,000 million, UNFPA \$ 28 million and UNDP \$ 98.34 million to the government of Nepal.

Foreign Policy

On February 7, Norwegian Prime Minister Jens Stoltenberg arrived in Kathmandu and held talks with leaders regarding the political situation in Nepal. On February 12, a five-member Indian team led by Congress leader Digvijay Singh visited Nepal. Singh said, "India wants the CA polls to take place as it will allow the people of Nepal to write their own constitution." On Tarai unrest, he said, "The just demands of the Madhesis should be addressed through dialogue."

The United Nations Mission in Nepal (UNMIN)'s mandate was extended for six more months to support Nepal's peace process through CA elections. On January 24, Chief of UNMIN, Ian Martin, said the security situation in central and east Tarai districts of Nepal is not "conducive for elections as armed groups are carrying out killings and abductions. While the government had responded with security measures, it was not just a matter of policing, but also of establishing a political context in which the great majority of marginalized groups would want to participate in the elections." On January 29, Matthew Kahane, UNDP chief in Nepal said, "India could help check the groups with suspected links in India that are fomenting unrest in Tarai region." China has said

that it will "not tolerate any foreign intervention in Nepal," and expressed anxiety about the events taking place in Tarai and asked the Nepalese leaders to take independent decisions depending less on outside forces.

Roads Ahead

If the CA election does not take place in time then "the constitution of 1991 will return," said Minister without portfolio Sujata Koral. Top Maoist leader Prachanda, however, visualized the possibility of a "democratic coup" led by a group of politicians backed by the Nepal Army but not by the king and offered a counter proposal of a "nationalist coup" or peaceful revolt. A group of civil society and opposition parties are opting for a broad-based national government to hold elections while small parties are demanding the caretaker government of independent persons to hold credible, free and fair elections. A lot of things depend on the move of the international community because Nepal is an aid-dependent country and legitimacy and power flow from it.

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