

News Update from Nepal

March 18, 2005

Donors Statement: On March 18, 2005 ten bilateral donors and the United Nations (UN) in Nepal in a joint statement stated:

- The UN and bilateral donors are reminding the Security Forces and Communist Party of Nepal/Maoist (CPN/M) that they have a duty to protect civilians caught up in the conflict, that every effort should be made to ensure that civilians have access to essential humanitarian supplies and that their medical emergencies are given free passage at all times.
- The UN and bilateral donor agencies in Nepal urge all parties to ensure that movement of supplies and vehicles intended to alleviate the suffering of civilian populations are not restricted.
- Common Article III of the Geneva Conventions says that civilians shall in all circumstances be treated humanely and not be subjected to violence towards life and person or other cruel treatment.
- Within the past few weeks there have been credible reports of women dying in childbirth because they could not reach medical treatment. In addition there have been incidents throughout Nepal of humanitarian and development activities being restricted, stopped or threatened by parties to the conflict.
- The conflict in Nepal has impacted significantly on some of the poorest and most marginalized people in the country. It is the duty of those who are in a position to control civilians to ensure their safety and their rights. There is particular concern for 100,000 Bhutanese refugees in the east of Nepal who are entirely dependent on the regular arrival of relief supplies.
- Insecurity, armed activity and CPN/M blockades are pushing Nepal towards the abyss of a humanitarian crisis. Children are especially threatened; supplies of vaccines, Vitamin A capsules, de-worming tablets and essential drugs must reach rural areas over the coming months to prevent wholly avoidable deaths.
- The UN and bilateral donors call on all parties to allow free, safe and unhindered access for all groups providing emergency, humanitarian and development assistance to the people at risk, and to provide the necessary protection for aid workers.

The statement was jointly issued by the Canadian International Development Agency (CIDA), Danish International Development Association (DANIDA), Department for International Development (DFID), European Commission (EU), German Technical Cooperation (GTZ), SNV (the Netherlands), SDC (Swiss Development Cooperation), USAID Nepal, the Embassy of Finland and the Norwegian Embassy.

New Political Developments in Nepal

Royal takeover

Nepal is reeling under an explosive synergy of Maoist insurgency, political agitation, authoritarianism, hunger, corruption and chaos. On February 1, 2005 King Gyanendra dismissed Prime Minister Sher Bahadur Deuba's government, assumed direct power for three years and declared a state of emergency across the country in view of the serious crisis posed by the nation's sovereignty, integrity and security. He put political leaders under house arrest, supported the role of the army, suspended civil liberties and censored the press. The government announced a ban for six months on articles, news and opinions against the "letter and spirit" of the royal proclamation and providing "direct and indirect support" to terrorism and destruction. The Royal Proclamation expressed commitment to multiparty democracy and promised to take action against crime. The next day he formed a council of ministers under his chairmanship to "fulfill the people's desire for the restoration of peace and security and to activate the democratic dispensation soon."

National reactions

"We will oppose this step. The move directly violates the Constitution and is against democracy", said the deposed premier Sher B. Deuba. The Nepali Congress (NC) reacted: "The King had pushed the country toward further complications" and called for a joint protest. Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) General-Secretary Madhav Kumar Nepal called it a "Royal Coup." Rastriya Prajatantra Party (RPP) chairman Pashupati S. Rana stated: "We want the immediate release of political party leaders after which the king and leaders should jointly work to resolve the Maoist problem through dialogue." Puspa Kamal Dahal (Prachanda), the top Maoist leader, declined the King's offer for talks and said that the King "pushed the country into darkness - there is no justification for immediate talks."

On March 8, coinciding with the International Day for Women Workers, five parties - NC, NC (Democratic), CPN-UML, People's Front Nepal (PFN) and Nepal Sadbhavana Party (Anand Devi) organized scattered protests against the Royal takeover. Nepal Workers and Peasants' Party (NWPP) did not participate as it demanded an apology from NC (Democratic) and CPN-UML for their past "betrayal" and wanted clear commitment from them that they would "not quit the movement until the final goal is met." These parties are also discussing the restructuring of the organizations of the parties and the state, electoral reform and mainstreaming marginalized groups into national politics. Civil society, media and the political parties are organizing every day protest rallies for creating a democratic space.

On March 17, the Vice-Chairman of the Council of Ministers Dr. Tulsi Giri, while defending the King's February 1 move, called upon political parties to reconcile on points of agreement, such as terrorism, corruption, strengthening of bureaucracy and improvement of the country's fiscal situation. He said: "I have heard from the "remote controls" of political parties that they are ready to join hands with the king. But, it seems no one is ready to bell the cat. Maybe they want the king to take initiative, but His Majesty has already called them for reconciliation in his proclamation to the nation." Giri accused India and the USA for "policing" in the name of democracy. He also accused the parties of being "remote-controlled" by countries policing in the name of democracy. He used the term "remote

control” several times during his first-ever press conference to indicate the influence of other countries on parties.

He said: “multiparty democratic forces” have been freed from the tussle for power as the king has himself offered to lead the government. He meant there is no jockeying for the position of prime minister. He said the parties and the existing government could negotiate over ministerial positions. On the Maoists he said: “They were terrorists like Al-Qaeda, Laskar-e-Toiba, LTTE, Naxalites and PWG. “I am not for talks with Maoists. We want them to understand that the situation has changed in Nepal and now they should come to terms.” He said the Maoists were a force that would not go for peaceful talks, they only understood the language of action.

Mocking India, he said: “India invited the King of Bhutan, the region’s greatest democratic King to their national day on January 26th and soon after that India postponed the SAARC summit because the Indian prime minister did not want to shake a dirty hand.” Hinting at the Western countries he said: “So-called democratic countries were trying to impose their political ideology. The donors seem to have more interest in the political system than the people,” adding that “despite His Majesty’s repeated commitment to multiparty democracy, they still showed disbelief. Giri added: “I am dissatisfied that their comments came without taking account of the situation and background.”

External reactions

The US State Department Spokesman, Richard Boucher called the king's action a "step back from democracy." He said: “We think that the king needs to move quickly to reinstate and protect civil and human rights, to release those detained under the state of emergency and to begin a dialogue with political parties.” The US Principal Deputy Assistant Secretary of State for South Asia Donald Camp argued that “Nepal confronts the real possibility of falling into deeper trouble. Unity among Nepal’s legitimate political forces is the key to preventing that possibility. This serious setback for the Nepalese democracy risks eroding even further the Nepalese government’s ability to resist the insurgency. It must be reversed.” Camp reiterated: “The Maoists have made clear their intention to impose a one-party people’s republic, collectivize agriculture, reeducate class enemies and export their revolution to neighboring states.” He urged the king to revive constitutional rule and multiparty democracy. The US Congressman James Leach urged “countries and organizations with the most extensive ties to Nepal - India, the US, the UK, EU and UN – to work together to forge a common agenda designed to bring the government back from an authoritarian precipice which could too easily accelerate a violent Maoist takeover of the government.” The Foreign Office Minister of UK, Douglas Alexander, said that “this action will increase the risk of instability in Nepal, undermining the institutions of democracy and constitutional monarchy in the country.”

The Indian government dubbed the king’s action “a setback to democracy.” The Indian Foreign Secretary Shayam Sharan said: “While democracy remains our concern, we have to engage with whichever sort of government is in power in our neighborhood.” The same day India’s external Affairs Minister K. Natwar Singh conveyed a message to the Nepalese Ambassador to India Karna Dhoj Adhikary stressing the need to “reinstate multi-party democracy, restore freedom of the media and take immediate steps to release political leaders, journalists, and human rights activists.” India’s anti-Maoist stance, however, continues.

On February 26 the European Parliament adopted a joint resolution underlining that “any search for a solution by military means will merely add to and prolong the suffering of the Nepalese people” and added “a negotiated and democratically based solution is the only sustainable way to end the current conflict.” The EU members called on the king to lift the state of emergency and restore all fundamental freedoms, urged all parties should work together to start a process to resolve the armed conflict and asked for freedom of media and full restoration of communication. It said, “EU is mindful of the impact the new political situation might have on security conditions in the country and on donors’ ability to provide development assistance to poor people in Nepal.” It urged “all those involved in the conflict to respect and publicly express commitment to donors’ Basic Operation Guidelines to ensure the safety of all those working for and with development agencies, and to allow them to continue to carry out their assistance activities without interference.” The UN Secretary-General Kofi Annan viewed this action as “a serious setback for the country and believed that it will not bring lasting peace and stability in Nepal. Steps should be taken immediately to restore democratic freedoms and institutions.”

China, Russia, Pakistan and Bangladesh, however, termed the king’s move as an “internal matter of Nepal.” The Chinese felt happy over the sudden closure (January 27) of the offices of the Dalai Lama’s Representative and Tibetan Refugee Welfare Office in Kathmandu. The Pakistani government expressed its commitment to support the “unity, sovereignty, territorial integrity and political independence of Nepal” as well as extend possible cooperation. The Chinese showed in several goodwill gestures Beijing’s strong support for the King. Chinese Foreign Affairs minister Li Zaoxing is coming to Nepal on an official visit on March 31. While the Western community is putting pressure on the king for the restoration of democracy, Japan has continued its profile. On February 2 the Asian Development Bank provided a Rs. 1.4b loan for skills and employment projects. On March 7 the government of Japan extended a grant assistance of over Rs. 1.20 billion for the execution of non-project grant aid and \$86,045 for medical care of conflict victims in the mid-western districts of Nepal.

Development actors coordinate their activities

On March 16 some of Nepal’s development partners have agreed to exchange information on the criteria used by donors to review their development activities in Nepal. A group of Nepal’s development partners met in London on March 10 to discuss development issues in the light of the changed political context in Nepal since the King's takeover. The meeting stressed that both the government and the Maoists must ensure that access to development for the poor is guaranteed. It emphasized the critical importance of donors being allowed to work in accordance with the "Basic Operating Guidelines", so that there is no harassment and intimidation by the parties to the conflict. To assist in protecting human rights and promoting democratic freedoms and institutions for peace and sustainable development, donors have asked their representatives in Nepal to consider options to take this forward. Donors also agreed to share strategies and plans for continuation of their support to the National Human Rights Commission of Nepal. They have also agreed to coordinate approaches at the 61st session of the UN Commission on Human Rights in Geneva in close interaction with the World Bank and Asian Development Bank. Senior officials from Canada, Denmark, Finland, Germany, The Netherlands, Norway, Switzerland, UK and the European Commission attended the meeting.

Pressure tactics

After the Royal takeover India pulled out from the SAARC summit in Dhaka scheduled on February 6-7 and indefinitely put off the meeting with Nepal on the Koshi High Dam project. The British withdrew from its parliament a gift package of non-lethal military equipment worth 2.5 million pound to Nepal. On February 22 British Foreign Secretary Jack Straw said: "The British government has decided to suspend a planned package of military assistance to Nepal, in the light of the disturbing situation there. We are now considering with key international partners what our longer term policy for providing assistance to Nepal should be, including assistance with a humanitarian purpose. We continue to urge the king to restore a representative government and democratic freedoms. These are essential steps towards a sustainable peace process." The Indian government has stalled military aid to Nepal since February 1, 2005. The US Ambassador to India David C. Mulford said his government wants India to play a "leading role" in facilitating restoration of democracy in Nepal and would support its efforts to bring the government and the Maoists to the dialogue table. Since 2001 India, the US and the UK are coordinating their policies in Nepal aiming to prevent Nepal turn into a failed state. These countries believe that the King's takeover has helped the Maoists. The EU parliament also called for suspension of all military assistance to Nepal until the restoration of democracy. Denmark has suspended plans to finance development projects (25.56 million dollars) in Nepal.

The donor community has placed three preconditions for the continuity of support: "the lifting of the state of emergency, release of political detainees and restoration of civil and political freedom" said Finance Minister Madhukar S. Rana after his return from a Paris meeting of Finance and Development Ministers of 127 countries.

On February 25 the World Bank suspended its US\$70 million budgetary support for the current fiscal year under the Poverty Reduction Strategy Credit (PRSC)-11. The WB told the Nepalese government that it has yet to take strong action against the willful defaulters, expedite governance reforms and enact flexible labor laws. Country director of WB for Nepal Ken Ohashi informed the Board of Executive Directors in Washington that it would need "ground level assessment" of whether the environment in Nepal allows space for the implementation of ongoing projects. The growing decline in aid commitment forced the government to revise foreign loans mobilization for 2004/05 to Rs. 9.09 billion from the initial target of Rs. 17.95 billion. Switzerland is planning to push for a resolution on Nepal during the 61st session of the UN Commission on Human Rights that began in Geneva on March 15.

The response of the establishment

On February 15 newly appointed Vice-Chairman of the Council of Ministers Dr. Tulsi Giri rejected international criticism of the royal proclamation of February 1. "Every country has a problem which it is trying to solve. But then it is not justice that you make comments on how Nepal is dealing with it." He told Nepal was acting no differently from the US after the World Trade Center attack in September 2001 or India in its fight against militants in Kashmir. The government would have no choice but to pursue the guerrillas if they kept rejecting peace talks. He also argued that the move to implement a state of emergency was necessary to stop the country sliding into chaos after years of bloody conflict with the Maoists.

On February 24 King Gyanendra, while speaking with the editors of daily newspapers said: "Terrorism is not accepted anymore in Nepal." He added: "The problem is not with the political parties or with the political leaders. The problem is with those disturbing peace. Peace is the path that the nation has chosen to go by, and whatever it takes to maintain peace is what we will pursue now. There is only two isms in the country now – terrorism and peacism. We have identified terrorism and so we are going to pursue to resolve it." When asked about the international reaction to his February 1 decision he said: "Once we have chosen a path not to accept terrorism anymore, we expect our friends to help in word and deed. The Nepalese people want to know what message they want to give – are they telling us not to fight terrorism? They must say what they must, and we must do what we must. As our objectives are the same, we are going to meet somewhere; it is only that we have chosen different paths." The king said: "The monarchy is committed to democracy, and it will conduct itself according to the wishes of the people." He reiterated: "A constitutional monarch must reign, not rule and that is exactly what I have said." He asserted: "We must pursue a democratic system that is suitable to the genus of the people of Nepal and to the soil of Nepal."

Government's policy innovations

The council of minister formulated a 21-point decision which stressed to empower the Commission for the Investigation of Abuse of Authority (CIAA), to facilitate its action against corruption. The government also introduced a Special Karnali Plan for the completion of the Surkhet-Jumal road next year, the upliftment of Dalits, backward and handicapped students, generate employment at home and abroad, decentralize authority from the central to local authorities, the creation of a land bank within 15 days to distribute those to landless peasants, promote religious tourism, give discounts for students at public transportation and hospitals and promote "positive discrimination" policies for Dalits, women and indigenous people. On February 2 Home Minister Dil Bahadur Shahi urged the Maoists to come for peace talks. He said: "The rebels have always said they wanted to hold talks with the king, now that the king is chief executive, they should have no problems coming for negotiations."

On February 7 the king issued various prohibitory orders under which buying and selling of assets and stays in the country are allowed if they do not disturb the sovereignty, integrity, peace and security and do not have an adverse impact on the state of emergency. But the local administrator can prohibit the above activities if needed. If the government feels it necessary, then the regional administrator, Chief District Officer (CDO) or any assigned official can temporarily or permanently transfer the ownership of any tangible and intangible asset after due compensation. Any activities like seminars, gatherings, meetings and interactions, which do not affect the sovereignty, integrity, peace and security of Nepal and do not go against the state of emergency, can be organized in a predetermined venue, after receiving prior permission from the regional administrator, CDO or any assigned official. The government can appoint, transfer, depute, delegate authority or place appointments in vacant posts temporarily to government employees for the period of the state of emergency. The government agencies are prohibited from setting up any kind of organization having political affiliations and any such existing organizations should stop all activities that affect the sovereignty, integrity or peace and security of the nation. The order also prohibits making any direct or indirect public comments regarding the work of security

agencies that could affect the morale of security agencies. During the state of emergency, if the security personnel, security official or any assigned official feels it necessary then he can monitor or ban the use of telephone, radio, fax, television, email or any other form of electronic media. Anyone violating the aforementioned points, disobeying orders, or non-compliance to the same thereof, can be immediately put under house arrest and action may be initiated against such persons.

On February 12 the government reduced the prices of kerosene and cooking gas to provide some relief to the people. Due to the prolonged Maoist embargo against Kathmandu a gas crisis hit the valley and markets outside Kathmandu run dry. On February 15 the government, through an Ordinance to amend the Local Self-Governance Act 1999, authorized government officials to run local bodies – District Development Committees (DDC), Village Development Committees (VDC) and municipalities – for the next three years. On February 16 the king has constituted a six-member Corruption Control Royal Commission (CCRC) for effective enforcement of works relating to corruption control. The commission can investigate and take action against any person on the basis of complaints or information received from any source in connection with smuggling or tax evasion, involvement in the dealing of illegal contracts and other works defined as corruption by the existing laws.

On February 17 the government introduced “Guidelines Rendering Effective Government Service and Facilities 2005” aiming to win the trust of people through an effective service flow and establishing government bodies as people-oriented institutions through effective service distribution. The government asked civil servants to display Citizens’ Charters, establish help desks in each office, provide prompt service to blind, disabled, kids and women, appoint a nodal officer to receive and redress complaints and behave politely to the public.

Human rights condition

The Chairman of the National Human Rights Commission (NHRC) Nayan Bahadur Khatri expressed concern over the deteriorating situation of the country. He said: “The security forces were ineffective at a time when there was rampant loot, rape and several other insurgency-related incidents due to their confinement in small areas. Ill-treatment of people has been fostering insurrection and is further inviting a big uprising.” The Amnesty International (AI)’s report “Nepal: Killing with Impunity” reveals: “Both the security forces and Maoists are deliberately executing civilians and unarmed fighters.” Asia Director of AI Ingrid Massaga said: “What is most chilling is that these killings are unpunished despite numerous promises by the government and Maoist leaders to uphold human rights.” The AI report mentions 2,000 cases of extra-judicial killings after the collapse of the second round of government-Maoist peace talks on August 27, 2003. Taking note of rising human rights violations from both the state and the outlawed Maoists, the United Nations High Commission for Human Rights (UNHCHR) urged both the government and rebels to immediately sign the Human Rights Accord (HRA) to ensure human rights protection. Luise Arbour, Chief of the UNHCHR said: “Fighting has escalated with no tactical advantage acquired by either side. Human rights defenders are subjected to harassment in the pursuit of their vital work.”

Out of 54, several political leaders were released from house detention and police custody (Krishna P. Bhattarai, Ms. Sahana Pradhan, Lokendra B. Chand, Pashupati Shumsher, Narayan Man Bijukchhe and Badri Prasad Mandal, Sher Bahadur Deuba). On February 21 the government has issued a circular to the security agencies preventing 200 political leaders, academicians, human rights activists and trade union leaders from leaving the capital. On March 3 the government has extended the house arrest of other senior leaders of various political parties by two months such as G. P. Koirala, Madhav Kumar Nepal, Bharat Mohan Adhikari and Amik Sherchan. The government has already provided three month detention orders to most of the 450 leaders and cadres detained in various dates in the past. On March 14, seven hundred political activists who were demonstrating against the February 1 royal proclamation across the country were arrested nationwide.

Insurgency

On February 8, the Army's spokesman Brigadier-General Dipak Gurung said: "We have to force the Maoists to come to the negotiating table, we are looking for them. Wherever they are we are going to launch offensive operations." He added: "Once their military capabilities go down, their political faction will gain the upper hand and hopefully they will come to the negotiation table." The Royal Nepalese Army (RNA) successfully foiled the Maoist's indefinite blockade in the highways that link Kathmandu to other districts from February 12 to 26. The blockade had paralyzed the day-to-day activities, causing shortages of food and essentials and hardship to the people. The offensive of the army has been successful to destroy the Maoists' arsenals in Doti and a bomb-producing factory in Chitwan. The government took action against the RNA Major Ram Mani Pokhrel, and jailed him for two years for his involvement in killing 17 unarmed Maoists and two civilians in Doramba on August 17, 2002 that led to the failure of a second round of negotiation.

Violent encounters continue in several parts of the country. On February 10 Maoist rebels were successful to set free 150 prisoners from Kailali prison. Their abduction of government officials, party workers, school teachers, students and villagers for indoctrination continues. Twelve districts in the far-western region are reeling under acute food crisis as the Nepal Food Corporation stopped selling food grains due to a lack of supply aircraft. Maoist rebels do not allow transportation by horse and mule and even roads are obstructed. Several times transportation of food grains have been looted by the Maoists. Resistance against the Maoists has also grown in some areas. Contradictions within the Maoists has surfaced. RNA sources reveal that the politburo member of the Maoists Dr. Baburam Bhattarai and his wife Hishila Yami have been expelled from the party. It found pamphlets and wall paintings in the Dang district with the slogans like "Down with Prachandapath," "hold peace talks immediately," "withdraw the blockade," etc.

Contact: Marei.John@fes.de, Tel.: 030 – 26 935 915
Ulrike.Ehnes@fes.de, Tel.:0228 – 883 508