

News Update from Nepal 3 April 2006

The brutal power struggle among the Communist Party of Nepal (Maoist), the state and the agitating Seven-Party Alliance (SPA) has worsened the condition of human rights in Nepal. A conflict, which lasted over a decade, has so far killed over 16,000 persons, displaced 300,000, crippled development and caused a livelihood crisis. The representative of the Office of High Commissioner on Human Rights (OHCHR), Ian Martin, appealed to the government to “restore the right to liberty and rights to freedom of expression, association and peaceful assembly” and the Maoists to renounce violence. He also pointed out the structural injustice inflicted on the Dalit communities “under the centuries-old caste system” and addressed human rights violations against Dalits, members of indigenous nationalities and other minorities.

On March 28, US-based *Human Rights Watch* urged the key actors - India, the US, UK, EU, China and the UN to step up pressure on both sides to the conflict to observe international human rights standards. It commended India, the US and the UK for withholding the transfer of weapons and ammunition to the government and called on other countries such as China, Pakistan and Israel to join the arms embargo. It added, “Nepal’s neighbors, in particular India, should also do more to stop the flow of arms to the Maoists.” Home Minister Kamal Thapa loudly drew the attention of India.

Government’s Moves

The government has provided “a carrot” to the Maoists to surrender. On March 13, it announced a fund of Rs. 10 million from which incentives will be given to those who will capitulate with or without arms before June 15. “Surrender and Rehabilitation Policy 2062” provides a high level surrendering Maoist Rs 1 million, rehabilitation and a plot of land. Similarly, those surrendering with an 81 mm mortar will get half million rupees while one surrendering with a plastic hand grenade will get Rs. 500.

Home minister Thapa criticized the SPA, “for their regular rush to New Delhi rather than paying heed to the call of the King,” termed SPA-Maoist second understanding a “heinous crime,” declared to take strong action against “criminals,” decided to foil the much-vaunted nationwide general strike of SPA on April 6-9 and warned of the possibility of declaring a state of emergency, even shoot order. The army source revealed that it has got “credible information” from the five captured Maoists that a special Maoist “task force” has arrived in the Valley to infiltrate the general strikes. The government has instructed the people to avoid unnecessary travel to Kathmandu, carry identity cards and avoid attending protest rallies. Police personnel have already arrested CPN-UML General-Secretary Madhav Kumar and civil society activists - Dr. Devendra Raj Panday, Krishna Pahadi, Dr. Mathura Shrestha and Shayam Shrestha - on charges of spreading rumors against the government. Security force has been put on high alert to arrest other leaders who are instigating civil servants, police, trade unions and professional groups to revolt.

Second SPA-Maoist Understanding

On March 19, SPA and CPN (Maoist) made public through separate statements that a second understanding was achieved between them, to agitate for *lok tantra* (democratic republic), peace, prosperity, forward reforms and national independence and establish a basis for dialogue with CPN (Maoist). As a result, CPN (Maoist) called off its blockade of Kathmandu starting from March 14 and indefinite nationwide general strike starting April 3 and lent support to SPA’s

general strike. NC central committee member Shailaja Acharya has criticized the party leadership for surrendering to the Maoist's demand of a constituent assembly, deviating from its historically-trodden moderate path and succumbing to the paralysis of democratic action. Another leader Dr. Ram Sharan Mahat blamed the Maoists' violence for increased international support to the King. United Left Front and Nepal Workers' and Peasants Party also fear that the Understanding has opened the possibility of foreign intervention in the nation's volatile geopolitics.

CPN (Maoist)'s Maneuvers

Acting on a strategic analysis, CPN (Maoist) has continued its guerrilla offensive as well as indoctrination program and fused rural insurgency with urban protest movements. On March 8, the Central Committee member of CPN (Maoist) Agni Sapkota said, "Due to a lack of proper trust of SPA in the 12-point agreement, the imperialists are maneuvering in Nepal. This is a favorable moment for a decisive movement to establish a democratic republic. The SPA and Maoists are now discussing the possibility of evolving a common front, common slogan and common program. CPN (Maoist) is making final preparations to capture Kathmandu for which military strength is not adequate. It is trying to develop a political front."

Major Maoist offensives took place in Palpa where 12 security men and 18 rebels were killed; 35 Maoists, three security men and two civilians were killed in Ilam and they freed 103 inmates from the prison. Maoists seized the ancestral land of Chief of the Army Staff (COAS) from Baglung, looted Rs 1.664 million from Banke Bank, abducted 300 people from Nuwakot, killed two civilians in Butwal and bombed the District Agriculture Development Office at Okhaldhunga. In Kavre, 13 soldiers and a Maoist were killed while 24 rebels and 10 security personnel and one civilian were killed in Jhapa and Dhading. Maoists abducted nine girls of the Dalit community. On March 3, Maoists bombed the UN World Food Program Office in Damak responsible for distributing aid to Bhutanese refugees.

The CPN (Maoist) is also gripped by a furious internal row. On March 13, criticizing top leaders for their deviation from the communist path, the central committee members of the party Rabin-dra Shrestha and Mani Thapa argued for an "open debate" within their organization. They criticized the leadership for developing a *Rayamajhi* (revisionist and pro-regime), *Lendup Dorjee* (leader who merged Sikkim into India), pro-Nepali Congress and pro-Constitutional monarchy tendency. They also accused Maoist Chairman Prachanda of giving his son double promotion in the party hierarchy and party ideologue Dr. Baburam Bhattarai for sending his daughter abroad to obtain a "bourgeois diploma" while the party has officially opposed bourgeois education. Prachanda expelled them from the party labeling Shrestha and Thapa "traitors and collaborators of the reactionaries."

Contending Approaches to Peace

a) Unilateral Government Action: On March 1, King Gyanendra has started consultation with some leaders to discuss the national political situation. Taranath Ranabhat, the speaker of the parliament, said that the King is trying to find a way out of the current crisis. On March 5, Foreign Minister Ramesh Nath Panday asserted, "Nepal will never seek military and diplomatic assistance from any international quarter, including India, for brokering peace and stability for resolution of the Maoist problem." The government wants to resolve the crisis according to its own preference - unconditional surrender by CPN (Maoist) and acceptance of the regime's legitimacy by SPA and its participation in the April 2007 general elections. Both opposed the government's preference.

b) Bilateral Action: The US considers the King as a bulwark against the Maoist's takeover of Kathmandu and prefers reconciliation between the King and SPA. The UK, China and Japan share this view. The US and UK have asked the Nepali Congress (NC) and Nepali Congress

(Democratic) to withdraw from their understanding with the Maoists. On March 8, the US Principal Deputy Assistant Secretary of the State for South Asian Affairs, Donald Camp, said in the aftermath of his two-day visit to Nepal, "We believe reconciliation between the king and political parties and a return to democracy is the only path towards an effective counter-insurgency strategy and the restoration of security, government services, exercise of political rights and respect for human rights. A Maoist takeover would certainly lead to instability in a region of great importance to the US" and added that the US had worked with India, the EU, the UK and others to keep pressure on the King, and Japan as well as China have also become more engaged on Nepal policy.

Meanwhile, Senior Director at the US National Security Council, Elisabeth Millard, states, "We are looking at the Maoists actions and their words cannot be believed until every one is convinced that the Maoists want to hold talks. A US analysis on Nepal matches with the Indian perspective; so Nepal was discussed during President Bush's meeting with the Indian Prime Minister. The US has interests in Nepal as Nepal lies strategically between China and India. We want to see statesmanship in the King and political parties." A three-member visiting American defense team has recently assessed the weapon requirements of the Nepalese army for fighting against the insurgency. The Indian side speculated that "the US is set on restoring military supplies." On March 17, China expressed its sincere hope that all constitutional forces will settle the difficulties through dialogue and reconciliation in the interest of all Nepalese. Nepal's internal affairs should not be interfered by any "outside forces".

c) *Tri-Lateral Action:* The Indian effort to facilitate an understanding between SPA-Maoist is based on the perception that Maoists can be brought into mainstream democratic politics and de-linked from Indian insurgents. The Nepalese government, however, thinks that India is trying to use the SPA and Maoist against the regime. On March 20, India's National Security Advisor, M.K. Narayanan, admitted that "India's policy vis-à-vis Nepal has not been very successful. Delhi is not putting as much pressure on King Gyanendra as is possible. Making efforts to persuade the monarch is not a successful strategy I concede. Delhi welcomes an understanding between political parties and Maoists but does not want to impose democracy on Nepal."

d) *Multilateral Action:* The Special Advisor to the Swiss government for Peace Building in Nepal, Dr. Gunther Baechler, said that the Nepalese know the "best way to solve the crisis. But, they need help. It is absolutely necessary that the SPA holds a second round of talks with the Maoists to define an architecture of a peace process in detail." To him a weak democratic center cannot negotiate with the Maoists from a position of strength. There is a need for an "empowered democratic center strong enough to call on the Palace to draw a road map based on political rather than military issues". He spelled out the role of "external third parties" by initiating and controlling talks among the political parties and the Maoists. This should be done to stop violence, promote an all-inclusive peace process and balance the asymmetry of power. "The international community should leave the king with only one option - to invite the SPA and the Maoists for talks to discuss all the major issues. Unity among the external actors is necessary for the progress of democratic movement and to "put pressure on the Palace to join in the process and on the Maoists to give up armed violence." Now, the external actors have "changed their approach." They should think about a third-party facilitation that is "process-oriented and non-interventionist." Jim Leach, the Republican Chairman of the House of Representatives International Relations Sub-Committee on Asia, suggested that Nepal needs a multinational process similar to the efforts by five countries in North Korea. Leach mentioned China, India, Britain, Russia and Japan as countries that might join the US in a similar effort in Nepal. Obviously, he is thinking of a strategy that relates power to peace.

Poly-Centric and Poly-structural Civil society Engagements

Due to the continuous failure of political leaders to break the deadlock, Norwegian experts (March 5) said that civil society can play an important role in resolving conflicts and added that a third party could be very helpful in increasing “contextual confidence.” The Norwegian Ambassador to Nepal, Tore Torang, said, “Norway is ready to work towards negotiations if it is invited by both parties to Nepal’s conflict.” The International Advocacy Mission for Press Freedom in Nepal lent support to their affiliates in Nepal for media freedom and peace. On March 23, the mission met Maoist leaders in a village in Palpa and discussed journalists’ problems posed by them. Maoist leader Prabhakar conceded some mistakes in the past and agreed not to repeat such mistakes.

International Cooperation

While some bilateral donors have frozen their aid to the government now, multi-lateral donors, such as the World Bank and Asian Development Bank, and bilateral donors, such as the US, China, Japan and Germany, continued their assistance. The government showed its reservation on \$ 3.5 million *Rights, Democracy and Inclusion Fund (RDIF)* created by the UK and Switzerland to support human rights groups, civil society and NGOs in Nepal. The King had instructed officials to be vigilant about overseas funds which he said are being spent on “unnecessary activities.” He also declined to meet the visiting six-member British parliamentary mission headed by Sir John Stanley.

Nepal and China (March 16) signed an agreement on duty free access for “all” Nepalese goods to the Chinese market, on the first day of the official visit of Tang Jiaxuan, State Councilor of China, to Nepal. China also provided Rs 180 million to invest in “mutually agreed” projects in Nepal. This amount is a part of the 80 million yuan that China has been providing annually for Nepal’s development. Nepal has been listed as one of China’s target countries for the \$ 10 billion soft loans it has announced for developing countries. On March 31, the Nepal-India transit treaty has been renewed for seven years. Instead of 15 transit points, seven of them have been agreed for the transportation of goods under a “sensitive” list.

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