



News Update from Nepal

2 April 2008

Security Environment

The regular clashes among the ruling parties continue to vitiate the environment for the Constituent Assembly (CA) election on April 10. On March 29, Premier G.P. Koirala feared that there would be a disaster in the nation if this situation continues. The same day the General Secretary of the Communist Party of Nepal Unified Marxist-Leninist (CPN-UML), appreciating the role of the Nepal Army (NA) in protecting nationalism and national sovereignty, threatened CPN (Maoist) not to dream of a Maoist takeover of state power. The CPN (Maoist) chairman Prachanda, fearing a deteriorating security situation, canceled his CA related tours in Chitwan and Butwal. He said that top Maoist leaders may be the target of an assassination attempt by "the external and internal forces" and warned that he would launch a peaceful, urban-centered people's war if his party lost. He added, "I am not confident the CA election will be held on the stipulated date." On March 31, in a meeting leaders of three parties - NC, CPN-UML and CPN (Maoist) - signed a 10-point deal to assure civil society members that they will instruct their party members to create a favorable climate for the elections.

On March 24, the National Human Rights Commission (NHRC) said, "A free and fair election is not possible if the security situation does not improve." The UN Office of the High Commissioner for Human Rights (OHCHR) added, "Law enforcement agencies have a special role to play in ensuring the creation of a climate for elections that are free of fear and intimidation." Reacting to the threat of numerous armed actors in Tarai to disrupt CA elections, head of United Nations Mission in Nepal (UNMIN), Ian Martin, stated, "The international community will have no sympathy with any group which carries out acts of violence in pursuit of its grievances or in attempts to disrupt the electoral process." On March 22, the UN report revealed, "There has been an upsurge of killings, violence and intimidation against candidates and voters in the past two weeks in the Tarai region due to marked distrust and hostility among political parties." It also suggested the government to initiate a dialogue with the armed groups for political accommodation.

The Election Commission (EC) made all the technical preparations for the election and has asked the government to ensure an effective security in some districts of Tarai region and political parties to control their cadres, comply with the code of conduct, not to misuse government resources in their campaign, stop terrorizing the people and improve relations between them. The UNMIN, NC and CPN-UML have said that NA can be used in the election with the mutual consent of the ruling parties.

Peace Process

On March 1, the government and agitating Federal Republic National Front (FRF) signed a five-point deal on: a complete federal autonomous system of governance based on the historical background, language, geography, region and economic resources and viability of the Limbuwan, Khambuwani, Tamangsaling, Tharuhat, Madhesh federal states and nation-

alities; declaration of the country as a federal, democratic republic; CA to decide the division of power and rights between the autonomous region and the central government; declaration of martyrs of those killed during the agitation and compensation to kin of the deceased; and withdrawal of legal cases against agitators. The government has declared 32 persons killed during the Madhesh agitation and two policemen as martyrs.

On March 19, the government and the Federal Limbuwan State Council (FLSC) Sanjuhang Palunga faction reached a five-point deal: grant a Limbuwan federal autonomous state, declaration of those killed in police action as martyr, withdrawal of all cases filed against the agitators, ensure its representation in the state restructuring commission and withdrawal of strike by FLSC.

The government's initiation of talks with the Madhesi Mukti Tigers (MMT), Tarai Cobra, Janatantrik Tarai Mukti Morcha (JTMM) and Smayukta Janatantrik Mukti Morcha (SJTMM) has not progressed. These groups asked the government to release their cadres before talks. Another armed group - All Tarai Liberation Front (Goit) - preferred UN mediation. It has called a general strike on the Election Day and vowed to target candidates of hill origin, their supporters and associates and disrupt the CA elections. JTMM (Singh) expressed readiness for talks if the government releases its cadres, dissolves the parliament and forms a new government.

Factionalism and Adjustment

The factionalism within the mainstream parties and defection of their cadres to join regional parties has considerable impact on the split of civil society groups, NGOs and trade unions. Twenty dissident NC leaders close to former NC president K.P. Bhattarai in a statement appealed to all political parties and the public to save the country from political extremism and protect national sovereignty, integrity, freedom and unity. It said, "The decision to divide the country into many states would spoil national unity and invite new forms of conflicts in the country. A handful of leaders from a few political parties are imposing their decision on the people without a clear people's mandate on crucial national issues like constitutional monarchy, republic, unitary state or federal state, Hindu or secular state." It urged the public to support a middle-path ideology, favoring reconciliation with the King. On May 25, CPN (Maoist) and Unity Center (Masal) have agreed to unite. The CPN (Maoist) also made a seat adjustment with Janamorcha Nepal in the CA election. On March 26, Tarai Madhesh Loktantrik Party (TMLP) and Nepal Sadbhavana Party (NSP) forged an electoral alliance in 40 constituencies.

CA Election Figures

The total number of registered voters in Nepal is 17,609,408. These voters will elect a 661-member CA. Of the total voters 7,829,262 are female and 8,880,146 male. 224 seats will be directly elected through first-past-the-post system, 335 on proportional representation (PR) system and 26 will be nominated by the council of ministers. Altogether 4,021 persons filed their candidacies for the 240 seats in the CA under the first-past-the post election system. Of them 373 are women. 54 political parties have filed 5,998 candidates under the PR system. Among them 3,068 are women. Seven parties - NC, CPN-UML, CPN (Maoist), Jana Morcha Nepal, RPP, Rastriya Janamorcha and CPN (United) - are contesting for all 335 seats. The EC has allowed the Nepal Army and Maoist people's Liberation Army (PLA) to cast their ballot papers in their respective barracks.

For CA election observation 810 international observers from 29 international organizations are invited while 148 national organizations are dispatching over 90,000 observers to monitor it. The European Union (EU) will have a 120-member strong team for this. Former US president Jimmy Carter will be among the few dignitaries monitoring the CA election. But, the EC has expressed doubt about the transparency of national level organizations' funding source. The EC has named 66 underage PR candidates and sought clarification from 227 candidates for not submitting their citizenship certificates. The EC stated that so far it has punished 30 government offices and six media houses for violating the code of conduct. Despite the election code of conduct candidates from incumbent parties are using inflammatory speeches, carry weapons, use official vehicles and vehicles with Indian number plates.

Party Programs of Key Parties

The NC manifesto proposed to introduce a fully democratic federal republican system. It proposed that the country would have a president elected democratically by the national and regional parliament. The Premier will be the executive head and the president would be ceremonial. It proposed a bicameral legislature at the center and unicameral legislatures in the regions. New autonomous federal units will be based on geography, democracy, language, culture, political and administrative feasibility. Nepali will be the official language at the center and the regional parliament will decide which language should be used as the official language of the region. It defined the Madhes region South of Chure. There could be autonomous regions like Mithila, Awadh, Bhojpur, Tharuhat states in the Madhes region. It has proposed a presidential election through first-past-the-post. There will be a bicameral parliament at the center and state assembly. The lower house in the center will be elected directly by the people and the upper house will comprise members elected from the lower assembly and state assemblies. The party has suggested the Chief Minister as the head of the state government and that state government and central government will be inclusive of all of people.

The CPN (Maoist)'s party manifesto announced its priority for a presidential form of government, a three-tier political system at the center, 11 autonomous federal states and two other sub-states, local bodies, nationalism, federalism and economic transformation. The 11 federal and two sub-states will be formed on the basis of ethnic composition, geographical contiguity, linguistic base and ethnic viability. It has proposed Seti-Mahakali and Bheri-Karnali federal states on the basis of their geographical suitability while the rest - Magarat, Tharuwan, Tanuwan, Newa, Tamsaling, Kirat, Limbuwan, Kochila and Madhesh - are based on ethnicity. Within the Madhesh autonomous state, three sub-states - Mithila, Bhojpora and Awadh - have also been proposed on a linguistic basis. It said that the president will be directly elected by the people while the prime minister will be elected by national legislators.

There will be a bicameral legislature at the center and unicameral legislature in the federal states. Members of the Lower House on the central legislature shall be elected on the basis of population of the given districts while the Upper House shall have equal members from all the federal states. The president shall act as head of state, commander-in-chief of the NA and the chief executive. The prime minister shall bear the responsibility of the government and its daily administration. There shall be a governor and a chief minister in each of the federal autonomous states. There shall be three-tier judicial structures: Supreme Court,

High Courts and district courts followed by civil courts and reconciliation centers. The center shall have control over the security of the international border, military management, foreign relations, inter-state trade and commerce, monetary policy and central bank, custom revenues, mega hydro-power projects, railways, airways, national highways, central universities, etc.

The CPN-UML's manifesto proposed that the country's prime minister should be directly elected by the people while the president remains ceremonial. The president should be elected by both the Houses - central legislatures and members of the federal assemblies. The president must get 51 percent to get elected. It proposes a constitutional provision of referendum to get the people's mandate before taking a decision on issues of national importance. Nepali language should be the lingua franca of Nepal. Federal assemblies shall have the right to determine the official languages of the states, the NA should be accountable to the parliament, public ownership, cooperatives and the private sector would remain the economic backbone of the nation.

The TMLP proposed a single Tarai province with several autonomous units governing it. It defined sub-states under different categories: geographical similarities, cultural and linguistic proximity, ecological similarities and uniformity in economy. It has not mentioned how many sub-states will be there in the region. It has proposed a ceremonial president and executive prime minister, judicious proportionate electoral system and mixed economy. Madhesi People's Rights Forum unveiled its manifesto proposing to divide the nation into different states on the basis of geographical similarities and proposed a presidential system of government. These parties have adopted a mixed economic policy.

The RPP-Nepal unveiled its election manifesto with particular stress on a Hindu monarchical state, the king as head of the state and the prime minister with executive powers, referendum to decide the fate of monarchy, an autonomous federal governance system, and reservation for marginalized communities, a liberal, open-market economic policy. Central President of Chure Bhavar National Unity Party (Nepal) said that his party is taking part in the election in order to wage a battle from the streets to the parliament aimed at preserving the national unity and integrity, scrapping the citizenship certificates distributed to the non-Nepalese and thwarting the conspiracies to disintegrate Tarai. He also said that the open border between Nepal and India should be regulated for ensuring better border security.

Electoral Violence and dissidence

Nepalese businessmen are demanding the formation of an Industrial Security Force to quell the rising threat to the business sector. On March 28, the government, the EC and UNMIN expressed serious concern over the massive walkout by Maoist combatants from the UN-monitored cantonments for election campaign, terming this a blatant violation of the Comprehensive Peace Agreement. Electoral violence, kidnapping and clashes have increased. Eight Maoist cadres are killed in various places while over hundreds of cadres of political parties were wounded. On March 1, an Indian businessman and his wife were killed by armed groups in Kathmandu. JTMM (Goit) killed an NC general convention member in Butwal and kidnapped a number of people. A CA candidate of Janamoracha Nepal was killed in Nepalgunj by cadres of JTMM (Singh). Maoist-affiliated Young Communist League (YCL) threatened RPP chairman P. Rana at his constituency stating that monarchists cannot canvass villagers. Maoists disrupted a RPP-N rally in Pokhara. In certain

pockets of the hill districts, CPN (Maoist) cadres prevented the entry of other parties to canvass voters considering that those are their base areas.

MPRF supporters prevented an election campaign of NC leader Sujata Koiral and also NSP leaders. Curfews were cracked down in Rajbiraj, Biratnagar and Dadeldhura due to clashes. Major clashes between NC and CPN (Maoist) took place in Okhldhunga, Solukhumbu and Rsuwa where even candidates suffered injury.

Major clashes between CPN (Moist) and CPN-UML took place in Sirha, Chitwan, Dhading, Dolakha, Ramechhap and Baitadi. A series of bomb blasts took place in Birgunj. On March 21, a local businessman and his wife were killed inside their shop in Sunsari. In Dang NC men attacked Maoists. In Tanahu NC cadres attacked CPN-UML cadres while Maoists attacked NC cadres. A Janamorcha candidate has been injured by CPN (United). CPN (Maoist), CPN-UML and Janamorcha Nepal cadres jointly clashed with NC cadres in Dadeldhura. On March 27, clashes took place between the cadres of Madhesi Peoples Right Forum and TMLP in Nepalgunj. A bomb explosion in a mosque in Biratnagar killed two persons and Jajarkot another two persons.

Foreign Policy

On March 1, Indian Foreign Minister P. Mukherjee said, "All necessary steps will be taken to ensure the security and safety of Indian citizens in Nepal." On March 2, the government signed a memorandum of understanding (MOU) with India-based Sutlej Jal Vidyut Nigam for the construction of 402 MW Arun-III hydro-projects. As per MOU, Sutlej will complete the construction of the project within five years.

On March 2, visiting Chinese Assistant Minister of Foreign Affairs He Yafei said that Nepal should seek a development path that is suitable for itself." Every day police detain agitating Tibetan refugees for a few hours after they clash with the police in Kathmandu while demanding liberation of Tibet and free movement between Nepal and Tibet. On March 14, China told Nepal to halt an Everest trip till May due to the fear that Tibetans might disrupt its plan to carry the Olympic torch up to the Everest's summit. On March 16, China has put its security officials in high alert in its border facing Nepal. On March 26, while NHRC expressed serious concern about the intervention and security forces' action against Tibetan refugees in Kathmandu, political parties like CPN-UML and CPN (Maoist) expressed concern over the anti-Chinese protest in Nepal.

On March 20, Germany committed to provide UNICEF over Rs. 50million to support children associated with armed forces in Nepal.

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