



## **News Update from Nepal**

30 July 2008

### **Violence and Lawlessness**

On July 1, an identified armed gang killed Johan Prakash, principal of Don Bosco School in Morang. The same day, the manhandling of a junior clerk by the Communist Party of Nepal-Unified Marxist Leninist's newly formed Youth Force (YF), accusing him of accepting bribes, evoked the rage of the Nepal Civil Service Employees Union. It asked the government to take action against YF for attacking a civil servant on duty. The YF stopped 13 government vehicles alleging that they used them on a public holiday for personal purpose. On July 3, at Jhapa and Mahottari districts two traders were killed and one abducted by Janatantrik Tarai Mukti Morcha-Rajan (JTMM-R). On July 25, JTMM killed an NC worker in Mahottari. The Maoist-affiliated Young Communist League (YCL) bundled two youths in sacks in Pokhara and thrashed them. The YCL's manhandling caused the death of the District Education Officer in Rajbiraj although the former denied it.

On July 12, curfew was imposed at Udaypur district as a clash occurred between the Nepal Army and locals. The Nepal Defense Army bombed Jyoti Church in Banke. A nine-year old girl was killed in Sarlahi when two socket bombs went off. In Bardiya, a gang killed an old lady. The cadres of Kirant People's Workers Party set ablaze documents of the Bhainsepankha Village Development Committee and asked the VDC secretary to quit. The youth wing of Madhesi Jana Adhikar Forum (MJAF) vandalized the office of the local daily Kripa at Parsa for writing critical news about it. The VDC secretary of Bastipur has been abducted by an armed group. The agitation of eight student unions has been intensified all over the country against the Vice-President Permanand Jha for taking the oath of his post in Hindi language instead of Nepali or his own mother tongue, Maithili. They also vandalized the office of MJAF, and the Madhesi Youth Forum torched CPN-UML Saptari office. The Home Ministry urged all parties to help maintain law and order and preserve communal harmony. The CA also urged the public to stay calm and the Vice-President Jha in an appeal said, "He did not mean to hurt the national language." The Supreme Court issued show cause notices to the Vice-President, the Office of the Prime Minister and the cabinet to clarify why Jha took the oath of office and secrecy in Hindi. Strikes called by various groups in different parts of the country made delivery of public goods and services difficult.

On July 12, after Gorkha, Banke and Parvat, over 500 police personnel in Nepalgunj took eight senior officers hostage claiming "rampant ill-treatment and discrimination." On July 13, after the cabinet ordered action, the rebels surrendered. 26 police were held and 40 others suspended. On July 16, a three-member Special Police Court probe committee recommended action against 20 Nepal Police Personnel of Gorkha for their night-long protest on June 19.

On July 6, Chief Justice K.P. Giri expressed concern about the increasing tendency of violating precedents set by the Supreme Court. He pointed out the inconsistency in adminis-

trative decisions due to frequent changes of administrative laws and criticized the order and directives of the government for flouting the rule of law.

### **Governance Deficit**

Almost four months after the CA elections, the CPN (Maoist) as the single largest party has been unable to muster consensus to form a new government. Its power-sharing negotiations with NC and CPN-UML have failed as it opposed the candidature of their top leaders G.P. Koirala and Madhav K. Nepa for President and MJAF's candidate for Vice-President.

Smaller parties in the CA accused the three largest parties - NC, CPN-UML and CPN (Maoist) - of undermining their role and bypassing the people's representative body while debating issues of long-term national interest. These parties termed the disruption of the CA meetings in the first two weeks of July by Madhesi parties for "one separate autonomous Madhesh province and group entry of Madhesi in Nepal Army," a violation of their right to discuss constitutional issues and people's concern at the CA. Twenty-four organizations of Tharus and indigenous people organized their general strike in Tarai against Madhesi demands from July 8.

On July 10, Chief of Army Staff (COAS) R. Katwal said that the patience of the Nepal Army (NA) should not break as there are no threats to the national sovereignty. He added, "NA has always maintained a national character and is inclusive of all castes and groups of people. It will not compromise on any issue that affects national sovereignty, national unity and territorial integrity and hinders promotion and strengthening of the democratic system in the country."

### **Stubborn Resistance**

On July 3, the bilateral dialogue between the three major parties and three Madhesi parties made some progress to end the deadlock and facilitate the work of the CA. The major points of agreement are: endorsement to multiple autonomous states even in Tarai-Madhesh, NA will be made inclusive through an amendment to the existing military law, Madhesi parties agreed to use the word Tarai instead of Madhesh and regular business of the CA will begin. On July 4, NC, CPN-UML, Nepal Sadbhavana Party (A) and CPN (Maoist) signed Fifth Amendment Supplementary bill designed to amend the constitution to address the autonomy issue of Madhesh. The content of the agreement will become a part of Article 138 (2) of the constitution. This article says, "A high-level commission shall be formed to recommend restructuring of the state." On July 8, the government registered a new bill at the CA pledging autonomy for all future provinces and guaranteeing equality and inclusiveness for all communities in the NA. Madhesi parties turned down this bill and threatened to hit the street if they are defeated by a numerical majority in the CA.

### **CA Passed Fifth Amendment Bill**

On July 13, amidst boycott of the meeting by Madhesi political parties, the CA passed the Fifth Amendment Bill on the 18-month-old Interim Constitution, paving the way for the election of President, Vice-president, Prime Minister and CA Chairman by consensus if possible, if not, by the simple majority of the existing members of the CA. 442 of the 601-

member assembly voted for the amendment. Under the new provision, the Premier can be removed from the office through simple majority of the CA while President and Vice-President will require impeachment by a two-third majority. It also provides for opposition leader as member in the Constitutional Council that makes recommendations for important appointments on behalf of the state. CPN (Maoist) and CPN-UML, however, rejected the government's proposal for opposition leader's space in the National Security Council that is responsible for mobilizing the NA. The coalition led by NC bagged only 124 votes against the Maoist-led coalition of 337 out of 461 CA members present in the meeting. A special committee consisting of major parties will be formed aiming to integrate and rehabilitate Maoist combatants within six months. The growing amity between CPN (Maoist) and CPN-UML pushed Premier Koirala to the Madhesi parties to bargain for the presidential post. His tilt to Madhesi parties also alienated MJAF from CPN (Maoist). The Maoist effort to forge an agreement with the CPN-UML also collapsed when the latter demanded that along with the president, it should be given the Home Ministry.

### **End of Consensus Politics**

The politics of consensus defined by previous agreements collapsed as three parties - NC, CPN-UML and MJAF - formed a new coalition and made a power sharing deal among them whereby NC got the President, MJAF Vice-President and CPN-UML Chairman of CA. On July 19, the CA elected MJAF candidate Permanand Jha as the country's first Vice-President. Jha bagged 305 votes out of 578 cast. His contender Shanata Shrestha of the Maoist secured 243 votes. For the president, out of the 578 votes cast NC candidate Dr. Ram Baran Yadav scored 283 votes less than required to win. His rival from Maoist Ram Raja P. Singh secured 270 votes. In the second voting for president on July 21, Dr. Ram Baran Yadav got elected as the first president of republic Nepal. Of the total 590 votes cast, Dr. Yadav got 308 votes against his rival Singh of CPN (Maoist) who scored 280. Two votes remained invalid. CPN (Maoist), Tarai Madhesh Loktantrik Party and Sadbhavana Party were in one side while the rest was in the other side. Four members of Rastriya Prajatantra Party-Nepal boycotted the election.

The Chairman of RPP-Nepal Kamal Thapa said, "CPN (Maoist), NC and CPN-UML are acting under the grand design of India to weaken nationalism by overthrowing monarchy, issuing citizenship on the basis of birth, sudden emergence of the demand for a single Madhesh state with the right to self-determination, adoption of secularism, and increased foreign intervention." Upon his victory Dr. Yadav said, "This is a victory for democracy. This is a victory for all Nepalis." On July 23, former Speaker and CPN-UML leader Subash Nembang has been elected unopposed as the CA chairman. The same day, Premier Koirala formally submitted his resignation before the president.

On July 21, Maoist ideologue Dr. Baburam Bhattarai reacted, "The apolitical and unholy alliances between the three parties is the result of the status quoist mindset...we will nevertheless go to the people on our own with the forward-looking ideas. We call upon the nationalist forces of Nepal and the forward lookers to join hands with the Maoists." On July 22, the CPN (Maoist) has formally decided to remain in the opposition due to the defeat of its presidential candidate. But, on July 24, it put three conditions for taking the initiative to form the next government: a) the recent alliance of the NC, CPN-UML and MJAF must end; b) the Common Minimum Program (CMP) of the 25 political parties must feature the majority

agenda of the Maoists; and c) all the political parties must give a written commitment that the next government will function unhindered for at least two years. The NC and CPN-UML rejected the Maoist preconditions but suggested it to form a national government. As the government decided to ensure the participation of Premier G.P. Koirala in the 15th summit of South Asian Association for Regional Cooperation, from August 1 to 3 in Sri Lanka, both CPN (Maoist) and CPN-UML told Koirala not to go to Colombo and favored the President to attend the meet.

Meanwhile, President Dr. Yadav has begun consultation with parties to form a new government. The newly elected President Dr. Yadav addressing the nation on July 27 appealed to all citizens to endeavor for peace and prosperity by maintaining national unity, regional and communal harmony and national integrity. He added that the new government will move ahead by taking all the stakeholders into confidence. The rule of law, the implementation of the policy of inclusiveness and social justice could change the face of the nation for better. He added that fulfilling the basic needs of the citizens, building infrastructure and completing the task of reconstruction and durable peace should be the priority of all. On July 29, he invited CPN (Maoist), as the largest party, to form a government within seven days. The cozying up of the two left parties - CPN (Maoist) and CPN-UML - is an indication of left alliance government.

## **Foreign Affairs**

On July 1, police detained dozens of Tibetan monks and nuns marching to the Tibetan border to protest against the Chinese authorities. On July 15, the UN Secretary General Ban Ki-moon said that Nepal has failed to clarify the scope of UN support in its letter requesting the extension of UNMIN's tenure. After clarification from the Nepali side, it extended the tenure of UNMIN for 6 months. Japanese government provided a grant assistance of \$ 2.60 million for the improvement of the Kathmandu-Bhaktapur road. On July 18, the British Foreign Minister for Africa, Asia and the United Nations, Lord Malloch-Brown said his country would continue assistance to any of the Nepal government chosen by the Nepali people. On July 18, the visiting Japanese Vice-Foreign Minister Osamu Uno said that Japan wants to see a unity government in Nepal. He also said that Japan will continue its support to the new government but "if power is seized by force, Japan will have to reconsider its aid." He however clarified that his concern was not directed at the Maoists and expressed his confidence that such a situation will not arise in Nepal.

## **Economy**

On July 14, a meeting of the CA passed a special bill that authorizes the government, in the absence of a fiscal year budget, to incur expenditure totaling \$ 1.8.14 million in the new fiscal year that begins from July 16. This interim budget will be replaced by a full-shaped budget to be presented by the new government later. The anti-graft body, Commission for Investigation of Abuse of Authority instructed the government to recover more than \$0.206 million from the King's ministers.

Contact: [Daniel.Reichart@fes.de](mailto:Daniel.Reichart@fes.de), Tel.: 030 – 26 935 769  
[Ulrike.Ehnes@fes.de](mailto:Ulrike.Ehnes@fes.de), Tel.: 0228 – 883 508