



News Update from Nepal

3 September 2007

Security Situation

Prime Minister G.P. Koirala's direction to the chiefs of the security wings to begin work to make the Constituent Assembly (CA) elections a success has little effects. Nineteen armed non-state actors are carrying out violent activities due to the inability of the ruling parties to act. General strike, killing, kidnapping, communal riot, extortion and clash between armed groups continue unabated. On September 2, three bomb blasts in the capital city, Kathmandu, which killed two and wounded 19 people, demonstrate the fragile security situation in the country. This year's heavy monsoon added another dimension to the problem. Flood and landslides caused the death of 200 people and affected 200,000 persons. Government has sought \$1.5 million from the donors to assist flood victims.

The Election Commission (EC) seeking security assurance for CA elections asked the leaders of the ruling political parties to go to the villages and run election campaigns. On August 30, Chief Whip of CPN (UML) said, "Mobilization of the Nepal Army (NA) would improve the security situation and create their ownership in the CA process and future constitution." NC (Democratic) lawmaker Purna B. Khadka also suggested the government to mobilize the NA now confined to barracks so that it does not have to appoint some 70,000 temporary policemen during elections. The CPN (Maoist), however, argues this is not possible unless the integration process of the People's Liberation Army (PLA) with the NA begins and the PLA is also deployed for the CA elections.

Government's Initiative

On August 3, the parliament made public the Rayamajhi Commission Report which has recommended action against 201 individuals found guilty of suppressing the April 2006 movement. The coordinator of the commission K.J. Rayamajhi said, "The government made it public after it lost its importance."

On August 3, the parliament passed a Bill amending the Civil Service Act 1993. This act guarantees time-bound promotion, seats reservation for discriminated people and backward regions and provides trade union rights. Of the total posts in the bureaucracy 33 % will be distributed to women, 27 % to *Janajati*, 22 % to *Madhesi*, 9 % to *Dalit*, 5 % to the disabled and 4 % to backward regions. The government employees up to the post of section officer can join a trade union. On August 6, it passed the Working Journalists Bill 2007 which states that media houses can keep only 15 % journalists on a contract basis, journalists on contract are entitled to a provident fund, the government will form a 13-member committee to review and fix a minimum salary for them, ensures treatment compensation for working journalists, appoints the Press Registrar to supervise and monitor media houses and includes a mandatory provision for media houses to allocate 1 % annual income for capacity building for journalists. Management found violating this act is liable to penalty. It also passed the Foreign Employment Bill 2007 which requires depositing property worth US \$ 4615.85 in cash and a bank guarantee to get an operating li-

cense to supply workers for overseas jobs. On August 16, the parliament ratified the ILO Convention on Abolition of Forced Labor. On August 22, it ratified the ILO Convention 169 which guarantees participation of indigenous peoples and tribes in the formulation, implementation and evaluation of development plans.

On August 20, the government formed a five-member committee headed by Home Minister K.P. Sitaula to nationalize within 15 days the property of the late King Birendra and his family and property inherited by King Gyanendra, all the seven palaces of the royalty and all the lands these palaces occupied.

Constituent Assembly

On August 15, Indian ambassador to Nepal Shiva Shankar Mukherjee strongly urged the ruling parties, "The CA elections must be held in time at any cost. Nothing can be used as an excuse for not holding the election in time." The Chairman of Chure Bhawar Ekta Samaj (CBES) K. Mainali said, "We firmly believe that the CA polls conducted under the shadow of the guns will have no credibility and legitimacy."

On August 12, the EC suggested the political parties to take polls as a crucial step towards conflict transformation rather than a matter of victory or defeat. On August 17, the parliament passed the Constituent Assembly Court (CAC) Bill to set up a three-member CAC comprising justices of the Supreme Court to expedite the election procedure. On August 19, the EC made public the election schedule for first-past-the-post (FPTP) as well as the proportional election system for the CA elections. All candidates who wish to contest for 240 seats in the FPTP should file nominations at the respective District Election offices on October 5. The EC will publish the final name list of candidates on October 10, and provide election symbols on October 11. Each candidate will be able to campaign for 39 days. However, the EC has given only 17 campaigning days for the 240 posts in the proportional election system. Political parties should submit a closed list of their candidates at the EC on September 30. It will publish a final list and provide election symbols on November 2. It has finalized the Code of Conduct for the CA poll.

Negotiations

The official peace talk team's (consisting of RC. Paudel, R.C. Yadav, G.B. Karki, J.N. Khanal, Dev Gurung and Dr. P.S. Mahat) initiatives yielded mixed results. On August 7, the government negotiated with the Nepal Federation of Indigenous Nationalities (NEFIN) and the ruling eight-party aligned with the Indigenous Nationalities Joint Struggle Committee (INJSC) and signed a 20-point deal. The government agreed to make 240 CA seats under the First-Past-the-Post system proportionately inclusive, and decided on a constitutional guarantee of at least one representative from all 59 indigenous groups in the CA, an alternative arrangement for representation of groups failing to get elected, the creation of a State Restructuring Commission (SRC) to define the federal state, taking into account ethnicity, religion and geographical position, the representation of all groups in the SRC, the adoption of the ILO convention number 169; the ratification of UN declarations on the rights of indigenous people, the giving of priority to women from indigenous nationalities in development plans and the recognition of local languages as official languages in government offices. The meeting of the federal council of students of NEFIN called this pact a betrayal to the indigenous peoples. And the talks with the Federal Limbuan State Council, Khambuan Rastriya Mukti Morcha (KRMM), Federal Democratic Na-

tional Forum (FDNF), Tamangsaling Autonomous State Committee (TASC) and Joint Dalit Struggle Committee (JDSC) failed.

On August 30, the peace talk team also negotiated with Madhesi Jana Adhikar Forum (MJAF) leader Uprendra Yadav and signed a 22-point deal where the government agreed that the CA will decide the nature, boundaries, and rights of autonomous states under a federal structure on the basis of suggestions received from the SRC. The MJAF dropped its demand of a proportional election system, withdrew all its protest programs and agreed to make the CA elections a success. The government has agreed to declare all those killed during the Madhesi movement as martyrs and compensate their kin, provide free treatment and relief to the wounded, return the seized land and arms by the CPN (Maoist), etc. The MJAF vice-president Kishor Bishwas, however, rejected the deal saying that Yadav cannot compromise over a fully proportionate election system, a republic and federal state structure with the right to self-determination, sacked Yadav and is planning to announce new protest programs. Maoist leader Prachanda dubbed this accord "mysterious, non-transparent and non-consultative even with coalition partners." Saying that it is a "clear violation of the Comprehensive Peace Accord" he demanded its immediate revocation. The Central Committee meeting of JTMM (Goit) sacked its coordinator Jaya Krishna Goit from general membership of the party for corruption and is remaining indifferent to the "plight of martyrs." JTMM-Singh rejected the government's offer of dialogue and announced protest programs demanding federal autonomy and a proportional representation in all organs of the state.

CPN (Maoist)

On August 2, the central committee meeting of the CPN (Maoist) proposed that the CA elections could not be held unless Nepal was declared a federal democratic republic and adopted a fully proportional election system. It also threatened a "fresh revolt" if these demands are not addressed prior to the CA polls. It also criticized the UN Mission in Nepal (UNMIN) for demoralizing the spirit of the Maoist combatants during the verification process and charged that the UN is trying to implement a Decommissioning, Demobilization and Reintegration (DDR) modality as against the party's Security Sector Reforms (SSR). The party has formed a committee to initiate dialogue with all left parties to form a republican front.

On August 16, the CPN (Maoist) formed separate committees for eight different ethnic-based states under a federal structure of the country. They are: Seti-Mahakali, Tharuwan, Bheri-Karnali, Magarat, Tamuwan, Tambashaling, Newa and Madhesh states. On August 18, the Maoists presented a 18-point demand at the eight-party task force pressing for immediate abolition of the monarchy by the interim parliament. It stressed the nationalization of property of the late King Birendra and his family and property acquired by Gyanendra in his capacity as king as per the peace accord, immediate removal of Nepali Army (NA) troops from the Palace and separate and ordinary security arrangements for the king and royal family members, formation of a Security Council, expedition of the democratization of the NA and adjustment of the PLA into it through a "special committee," taking action against the guilty found by the Rayamajhi Commission, action against the Gaur carnage, ensurance of proportional representation in the CA polls from the marginalized and oppressed people, a comprehensive roundtable meeting, formation of local bodies to speed up development through people's participation, appointment of all officials in the

university and commissions, release of all Maoists prisoners, relief fund of US \$ 1538 for the families of all those killed in people's war and improvement of PLA's conditions. On August 20, Maoist Chairman Prachanda floated a 22-point demand to ensure that the CA elections are held on November 22. He warned of strong protests including people's action, political strikes and public meetings in case there is no action on their demand.

Party politics

Chairman of the Rastriya Prajatantra Party (RPP) P.S. Rana warned of a revolt if "autocracy of the eight political parties failed to solve problems plaguing the country." Similarly, senior leader of Nepal Sadbhavan Party (A) Hridayesh Tripathi accused the Premier of not having an interest in holding the CA elections. On August 31, NC leaders have rapped the government for failing to maintain law and order, criticized Maoists for its unchanged behavior and demanded the government to ensure safety of the people's life and property.

Speaking at a program Maoist ideologue Dr. Babu Ram Bhattarai said, "Our goal is to end the current feudalistic economic system as well as agro-based economy and create an industrial-capitalist economy. We have to attract both the foreign and domestic investment to develop infrastructure. Heavy doses of investment must be made on health and education sectors to boost the economy. The investment of the private sector is not enough. The government must lead." NC leader Mahesh Acharya focused on economic growth and rural infrastructure development. NC (D) leader Dr. Prakash S, Mahat favored "community-based development" while CPN-UML leader Dr. Dilli Khanal favored "social and human development."

Foreign Affairs

On August 3, the UN High Commission for Human Rights in Nepal called the government to draft a Truth and Reconciliation Bill to form an independent and impartial commission. It expressed deep concern over the provisions which would amnesty the perpetrators of gross human rights violations and violations of international humanitarian law including extra-judicial execution, torture and disappearances. Another concern is the lack of safeguards regarding the independence, impartiality and diversity of the Commission, both in relation to the selection of Commissioners and in relation to operational and financial matters. On August 9, the European Union has expressed serious concern over the proposed TRC bill saying that it does not meet international standards and will not advance democratic principles because it grants amnesty for "human rights violators including those guilty of grave crimes of torture and murder. This is not the basis to built lasting peace."

On August 19, the UN Under-Secretary-General for Political Affairs B. Lynn Pascoe at the conclusion of his visit to Nepal said, "At this point we think elections can be carried out quite fairly, that people will feel secure and that in the end the result will reflect the will of the Nepalese people." He added the UN is ready to do everything it can make to make a huge progress. On August 2, the EU has warned that there would be a question of legitimacy for both the coalition government and the interim parliament if the CA elections did not take place in November.

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