

## **News Update from Nepal**

October 23, 2005

### **Establishment**

On September 19 King Gyanendra, while talking to a British Television Journalist, said, "We don't believe the solution is only force. Talks are necessary. There is room for us all constitutional forces to bring peace together and solve problems that we have in our country today." Responding to a query regarding how he sees the riots in the streets of the capital, the king said, "We allow these things to happen because in democracy these things take place. What is going on in Kathmandu does not reflect what is going on in the rest of Nepal. But that is important because there are opinion makers."

The same day opening the two-day conference of District Development Committee (DDC) chiefs at Biratnagar, the Vice-Chairman of the Council of Ministers Dr. Tulsi Giri said that the people were enthusiastic after the historic February 1 step of the King to turn this country into a peaceful and prosperous nation. He said, "The people, who were afflicted by the bad governance of 14 years, had heaved a sigh of relief after February 1. His Majesty has never violated or overstepped the constitution, but has always remained its protector and patron. It is those calling themselves democrats who have violated the constitution time and again. It is them, who recommended the dissolution of the parliament and removed the unalterable provision of the constitution from their statutes." He expressed confidence that the people will not follow "the anarchic path despite the political parties making noises for a republic state being instigated by the foreigners. Foreign powers are flirting in Nepal from 1950 to 1959 and 1990 till now. We must remain vigilant against this." He accused the political parties of pushing the country into the huge debt trap, which was Rs. 29 billion before 1990, and reached Rs. 2,045 billion in the last 14 years. He asserted, "As the parties, including NC and UML who drafted the constitution have already deleted the principle of constitutional monarchy from their statutes and programs, *the government is not obliged to abide by the constitution.*"

On September 22 King Gyanendra directed the chairmen and vice-chairmen of eight districts in Bagmati zone to guard against "unnecessary activities." He said, "I have heard of unnecessary activities taking place with the backing of foreign money." Party leaders, however, said that they have not received any money from the foreigners. Instead, they have asked foreign governments and the UN to stop aid to the current government. RPP leader Roshan Kari, however, asserted, "Political parties and NGOs have misused school children for their shows and civil society is getting money from foreign sources for their rallies."

On October 9 the Election Commission (EC) announced that the election for the 58 municipalities would be held on February 8, 2006 and invited all political parties and organizations to register their names with the EC within 30 days. On October 13 the King

directed the EC to hold parliamentary elections by mid-April 2007 and called upon the international community for active support to conduct the elections in a free, fair and dignified manner. Major political parties termed the elections “illegitimate” and decided to boycott it. They said that it is “another ploy of the King to prolong the regime.” General Secretary of Nepali Congress (NC), Ram Chandra Paudel, however, said that his party should renew its registration with the EC so that NC would not lose its legality and party symbol. President of Janashakti Party, Surya B. Thapa said, “parliamentary election is impossible without resolving the political issue.”

### **Human Rights**

On September 16 the visiting Special Rapporteur on Torture Manfred Nowak said, “We receive repeated and disturbingly frank admissions by senior police and military officials that torture was acceptable in some instances and was indeed systematically practiced.” The Royal Nepalese Army (RNA) objected Nowak’s remarks and said, “We will take action against the guilty if they give us proof of systematic torture.”

On September 29 a delegation of the International Commission of Jurists (ICJ) headed by the Commission’s General-Secretary Nicholas Howen arrived in Kathmandu to assess the human rights situation in Nepal. Howen said, “The international community should make it clear to the government that the only path is to return to respect the constitution and human rights and not to step up oppression of legitimate political dissent and human rights activities.”

On October 14 in its report to the UN General Assembly the Office of the High Commissioner for Human Rights (OHCHR) said, “Nepal has been experiencing a grave human rights crisis.” The report added, “The OHCHR will provide to the UN Department of Peace Keeping Operations information regarding individuals and units of the RNA implicated in human rights violations and officers who do not cooperate in accordance with the Agreement between the government and OHCHR or who intimidate victims or witnesses, so as to facilitate a review of their sustainability for deployment under the UN flag.” It also blamed the CPN (M) for “violations of international law that include abductions, kicking of civilians, torture, bombing of civilian buildings and recruitment of children.” On September 20 Ian Martin, the representative of the OHCHR in Nepal has conveyed to the authorities serious concern over reports of excessive use of force by the police in their bid to quell public demonstrations. He also criticized violence used by some participants on the demonstrators of the rallies.

### **Media**

On October 9 the King issued a Ordinance making amendments in the Acts Relating to the Media 2005.” Its provisions are: increment on the fine on materials deemed “helpful for terrorists”; limiting the FM stations to information-oriented programs; branded those activities “disrupting security, peace and order in the country as criminal; prohibited the criticism of royal family members and made a provision for a fine to the editor or publisher up to Rs. 100,00; media houses are restricted to only two means of communication, not three among the radio, television and press, etc. It also restricted national and international news agencies from distributing any news items without prior permission

from the government. Similarly, broadcasting institutions cannot broadcast a program transmitted from one place simultaneously from other places without the government's consent. The Indian Embassy statement on October 14 said, "We hope that the Ordinance would not be used to curb the freedom of expression and of the press in Nepal." Education Minister R.K. Mainali criticized the Indian government's statement against the Ordinance. The UNESCO Director-General Koichiro Matsuura said, "All of these acts represent attacks on the independence of the media, and therefore on the democratic progress. The new curbs on media rights contained in this Ordinance would indicate that the situation is getting worse." The government, however, says that the Ordinance has been brought to check irresponsible media. Nepal ranks 160 among 167 states in the Press Freedom Index in the annual World Press Freedom Index prepared by Reporters Sans Frontiers (RSF). Journalists are protesting against the Ordinance and have formed a struggle network. On October 23 security agencies seized satellite up-linking equipment of Kantipur FM on ground of defying the Ordinance and transmitting news from Bhedetar tower as well as Kathmandu. The FM has decided to move to the Supreme Court against the government.

### **Governance**

The 2005 Corruption Perceptions Index (CPI) of Transparency International (TI) placed Nepal in the 117<sup>th</sup> place indicating a growing corruption problem, with 2.5 scores out of 10, among 159 countries. The TI said, "The poor performance of Nepal can be attributed to a large extent to the continuing political instability in the country. The royal coup in February 2005, the sacking of elected government in October 2002 and the bloody civil war have all weakened the country's governance systems and public trust in them. Despite constitutional protection of freedom of expression, in practice, the ability of the media to report on corruption is curtailed and other democratic freedoms are severely threatened."

### **Opposition Politics**

The seven-party alliance is united to oppose the establishment, but divided on political issues, such as the relationship with the king, the question of having an alliance with the Maoists and the support of India for their political agitation. On September 22 General-Secretary of the CPN-UML Madhav K. Nepal stressed the need to organize a broader political conference, with the presence of the UN, for resolving the political stalemate in the country. Political forces themselves should take the initiative to draft a new constitution. He added, "Since the UML has decided to struggle against monarchy, there is no possibility of negotiation, cooperation and understanding with the king. So, political parties had taken the initiatives to hold dialogue with the Maoists." The Maoists have indicated to the political parties that if the nation decides to go for constituent assembly elections, they would hand over their weapons to the United Nations." NC, Nepali Congress (Democratic), Rastriya Prajatantra Party (RPP) and Nepal Sadbhavana Party (NSP), however, do not feel comfortable unless CPN-Maoist surrenders its arms and participates in peaceful politics. On September 27 NC President G. P. Koirala said, "We don't join hands with the armed forces of either side." The seven-party alliance staged protests against the government across the country before the Dasain festival and

pledged to do the same after the Tihar festival and issuing bluff that they are moving closer to the Maoists.

On September 28 a group of nationalists greeted Indian leaders with black flags when they arrived in Kathmandu to express their solidarity with the agitation of the seven-party alliance. The Indian mission to support democracy was headed by Sitaram Yechuri, a politbureau member of CPI (M). Other members were: Chandra Sekhar Shahu of Indian National Congress, D. Raja of Congress Party of India, Surendra Mohan of Janata Dal (S), Nationalist Congress leader D. P. Tripathi, Dr. Sunilam of Samajwadi Party, Manju Mohan of RJD, Santoshi Singh of NCP and Rahul Baua. The invitation of Indian leaders by NC and CPN-UML created some rift within the seven-party alliance as NeWPP leader Comrade Rohit and Janmorcha Nepal leader Lila Mani Pokhrel opposed foreign intervention. Rohit did not participate in the meeting. On September 29 visiting Indian leaders said, "We would like to express our utmost support and solidarity to the democratic movement launched by the democratic parties. But it is for the Nepali people to decide which political system they want to establish in the country."

#### **European Parliament:**

On October 1 the European Parliament (EP) called on the international community to establish a Contact Group, made up of Nepal's key partners and international organizations - the EU, the US, India and the UN - to coordinate international action on Nepal. The members of EP in a resolution passed on Nepal on September 29 proposed that the EP appoint a Special Rapporteur to monitor the situation. It called for a follow-up to the 2002 London International Conference, to be organized by the Contact Group of key partners, "which should set out the principles and values needed to underpin a peace process in Nepal and bring together all major players from the international community, as well as the King, the Maoist rebels and the main political parties." The members of the EP called on "the King to guarantee the full sovereignty of parliamentary democratic authorities." Urging the Maoists to indefinitely extend their three-month unilateral ceasefire, the EP also asked the king to reciprocate the ceasefire and "engage in constructive talks with political groups, which should include the Maoist rebels with a view to restoring democratic processes in Nepal."

The EP called on member states to continue suspension of military aid to Nepal. They asked the member states to scrutinize closely all development assistance to Nepal and to make sure that it was used for poverty alleviation. Noting that municipal elections have been promised to be held by April 2006, the EP called for parliamentary elections to be held at the same time. "Parliament calls for the EU to send an election observation mission to monitor these elections." It added all political parties must be able to participate fully in the elections. It has asked both the king and Maoists to sign human rights accords to curb abuses. It asked the government to lift restriction on media freedom and that all political prisoners in detention should be either released or charged. It asked the King to provide rehabilitation for the 30,000 Kapilvastu villagers displaced by violent conflict. The Parliament has called on the Nepal government to re-establish the Tibetan

refugee Welfare Office in Kathmandu and to allow the representative office of the Dalai Lama to resume operations in providing relief services to Tibetan refugees.

On October 4 the EU troika visited Nepal and met all parties to the conflict. The troika was led by Tom Phillips, Director of South Asia and Afghanistan at the UK Foreign and Commonwealth office. Other team members were: Herve Jouanjean, Deputy Director-General of EC and Nikolaus Scherk, Director of Asia and Oceania. "Unless all involved parties move quickly to address the country's problems effectively, there is a strong risk of political collapse," Phillips, leader the EU troika said. Terming the King's February 1 takeover as a "self-defeating" move, the troika supported the agitation of political parties and encouraged them to "prepare carefully for a future role in a democratically elected government and to work to restore the people's faith in the parties by recognizing and correcting past mistakes. This includes full transparency and accountability." The EU statement said, "We believe there may be a third-party support for brokering and monitoring the arrangements for a formal ceasefire agreement." The EU has earmarked 6 million euros as aid for victims of the conflict in Nepal as well as Bhutanese refugees in the kingdom.

### **Prospects for Peace**

While the Royal Nepalese Army (RNA) doubts the motive of the unilateral declaration of ceasefire by the Maoists, political parties, civil society and international community are searching ways for the solution of the armed conflict. The RNA has termed the Maoists' ceasefire a drama and continued operation against rebels. RNA Spokesperson Deepak Gurung said, "The Maoists' continuous terrorist acts were the reason behind the army's decision to continue its operation. The ceasefire is part of their strategy to prepare for another attack. We should be prepared as they can launch attacks any moment. They have expedited forced recruitment and abductions. So, they will intensify violence if and when our troops stop operations." The RNA has begun raising companies for the recruitment of *Tarai Janajatis*, the indigenous people of south and mountainous ethnic groups. Each company will have 150 to 200 soldiers.

On September 15 Deputy Executive Director of UNICEF, Kul Chandra Gautam, said that the UN is working with Nepal's neighbors and the international community to find a solution to Nepal's insurgency. In an interview with BBC Nepali Service, Gautam disclosed that Lakhdar Brahimi, Special Advisor to UN Secretary-General Kofi Annan, is holding discussions with India and the US to mobilize their support to this end. "The UN is aware of the geopolitics of Nepal and is working quietly consulting her neighbors." He also said that the UN could help in disarming and demobilization.

On September 22 US Ambassador to Nepal James F. Moriarty said that the US has cautiously welcomed the unilateral ceasefire declared by the Maoists. The US welcomes any measures taken to reduce violence. He, however, expressed doubts over the Maoists' seriousness on their commitment, pointing out that their words and actions do not match. He said, "We are also concerned that the Maoists have not talked about negotiating with the government."

On September 23 the US Principal Secretary for South Asian Affairs, Donald Camp said that the US is working with India and the UK to persuade King Gyanendra to reconcile with political parties and lay the groundwork for national elections. He said that even though the Maoists have declared ceasefire and asked for UN mediation, they will not be seen as a “legitimate political force in Nepal unless they give up violence.” “There is a prevailing fear that if the Maoists win the political power, they are likely to eliminate the other parties and form a totalitarian state. The seen legitimate political parties in Nepal are not united in seeking a common stand against the Maoist insurgency or in determining how power should be shared with the king.”

On September 19 civil society has formed a “Civil Society Committee on Ceasefire Monitoring” (CSCCM), led by the Nepal Bar Association President Shambhu Kumar Thapa to monitor violations of the unilateral ceasefire called by Maoists on September 3. The committee formed on the initiative of NBA comprises Laxman Prasad Aryal, Krishna Jung Rayamajhi, Daman Nath Dhungana, Padma Ratna Tuladher, Nilamber Acharya, Dr. Sudha Sharma of the Nepal Medical Association, Dr. Bhupati Dhakal of Nepal Professors’ Association, Bishnu Nisthuri of the Federation of Nepalese Journalists, Subodh Pyakurel of INSEC, Dr. Arjun Karki, Charan Prasain, Sindhu Nath Pyakurel, Harihar Dahal, Tara Nath Dahal, Dr. Om Gurung, Prof. Birendra Mishra, Malla K. Sundar, Harihar Birahi, Shiv Gaunle, Padma Lal Bishwokarma and Madhav Banskota. On September 26 the (CSCCM) has sent a fact-finding team to Palpa to investigate the killing of six Maoists by security forces. It urged the government to announce a ceasefire and begin the peace process immediately.

The National Human Rights Commission of Nepal (NHRC) said that several human rights teams including NHRC officers would travel to 10 districts to monitor the rights situation there in the context of the ceasefire declared by the Maoists. The commission also requested political parties, security forces, civil society, NGOs and locals to cooperate with the monitoring teams. As part of its consultation process for transforming the unilateral ceasefire into lasting peace, it held meetings with top leaders of NC, RPP and Rastriya Janashakti Party.

On September 26, the Citizens Movement for Democracy and Peace (CMDP) urged leaders of the seven-party alliance to intensify their ongoing pro-democratic movement. Dr. Devendra Raj Panday said, “The parties should review their ineffective agenda to intensify their agitation to establish a democratic republic that will not be hindered by autocratic monarchy. The parties should not eye an invitation from the palace for power and at the same time also seek public support.” Prof. Krishna P. Khanal said “the CMDP’s movement is aimed at supporting the parties’ movement until such time as a people’s movement begins. A democratic republic set up can be possible when mainstream parties and Maoists forge a collaboration.”

On September 23 leading industrialists of the nation organized a “National Business Initiative (NBI).” The NBI, which has incorporated 13 leading business organizations, also aims to create a conducive environment for a sustainable settlement of the conflict. The NBI coordinator Padma Jyoti said, “NBI is a voluntary association which aims to create

synergies and bring all members of the business community under one organization and create a conducive environment for building peace.” Addressing the rally Jyoti said, “although the business community cannot play a role as the principal actor in the political settlement of the conflict, it can act as a facilitator and make significant contributions towards peace building process.” A traveling peace concert has organized a song program in several places of the country in favor of extending ceasefire.

While central level leaders of political parties state that they are holding dialogue with the Maoists, district level leaders of the seven-party alliance in Rolpa have accused the Maoists of still obstructing their mass meetings and other political programs organized against the government. Abduction of peasants, teachers and students by the Maoists for indoctrination has not abated. Newspapers report that during the ceasefire they have intensified extortions. On September 22 Maoists abducted 2,000 persons from Achham, in Rolpa they made it mandatory for every one to take permission from the Party while going outside the district, in Darchula it ordered immediate halt of activities by the government and INGOs and NGOs and made it mandatory to register them with their party offices, and in Chitwan they started to collect forced donations. Newspapers speculate that the military wing of Maoists is questioning the utility of ceasefire as it neither helped to bring the seven-party alliance in a common platform, nor changed the attitude of the government and not even received a concrete dividend from the international community.

### **Second Global NRN meet**

On October 8 the Second Global Non-Resident Nepalese (NRN) meeting took place in Kathmandu, where more than 350 participants from 50 countries participated. They floated a proposal to establish a Nepal Investment Fund worth US \$ 100 million to support Nepal's development.

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