

News Update from Nepal

3 October 2007

National Security and Human Rights

On September 6, Richard Bennett, Chief of the Office of UN High Commissioner for Human Rights in Nepal said, "There is almost total impunity for those who have committed torture in Nepal. No one has been prosecuted for such acts although Nepal has ratified the Convention against Torture." Five days later he added, "Violence in Tarai and the lack of appropriate response from security forces in many cases, along with the readiness of many armed groups to use violence and intimidation has questioned an environment conducive to free and fair Constituent Assembly (CA) elections. Inadequate law enforcement and an unfair justice system are major human rights challenges. The lack of a consistent response by the state to illegal activities in Tarai has created a crisis of confidence among the key actors and a state of fear among the general public."

The security plan of the Nepal Police to involve 40,000 police and five to 20 armed police in each election booth is inadequate as ten districts of Tarai are highly sensitive while another ten are sensitive. The Election Commission (EC) has urged the government to maintain law and order so as to guarantee the CA polls on November 22. Several bomb blasts in the capital Kathmandu expose the fragility of the security situation. On September 9, the Nepal Army (NA) briefed the government that if elections do not take place as scheduled or the results do not appear as per the liking of a particular group then civil war is triggered. To this, Maoist leader Dr. B. Bhattarai reacted, "By blaming the Maoists the NA is trying to come out of barracks."

Premier G.P. Koirala seized all powers of the king including attending religious functions. The government denied providing security to the king when he showed an interest to visit the Krishna Temple in Patan. But, the king visited living Goddess Kumari on September 30. In reaction Premier Koirala asked the Chief of Army Staff to reduce the strength of the security personnel of the palace by half from its current strength of 4,000.

On September 12, the government approved the names of the National Human Rights Commission (NHRC) drawn from four political parties - NC, CPN-UML, NC (D) and CPN (Maoist) - and ambassadors for various countries. On September 10, it formed a high level committee to monitor all the accords reached between the Seven-Party Alliance and CPN (Maoist). The committee is headed by Prof. Birendra Mishra. The Supreme Court has quashed a law brought by the Koirala government barring certain people from contesting the elections and earlier asked the government not to withdraw the criminal cases.

Party Politics and CA Elections

On September 8, CPN (Maoist) chairman Prachanda directed party cadres to be ready for another "revolt" and threatened that the CA polls can be held only after the government concedes the 22-point charter of demands put forward by his party. The CPN (Maoist) defied the Election Code of Conduct for the CA. The Code would be effective in the case of

government and non-governmental organizations from September 18, political parties from September 30 and the election candidates following the registration of their candidacy and media after providing election symbols to the candidates.

The NC's party's General Assembly on September 23-24 endorsed the agenda of a "federal democratic republic" and decided the unification of the two NCs. The only founding member of the NC, K.P. Bhattarai, favored reconciliation with the king. Koirala slammed Bhattarai's appeal for a national reconciliation with the king under B.P. Koirala's policy. General Secretary K.B. Gurung felt that the party has been giving in to Maoists' blackmail. He asked the party men to put nationality, territorial integrity and sovereignty on the top while making crucial decisions. On September 25, five years after the split, NC and NC (D) endorsed the unification. Forty district presidents have been taken from NC and 35 from NC (D), Sushil Koirala became the acting party president, Sher B. Deuba is no. 3 in hierarchy after G.P. Koirala and Krishna P. Bhattarai. A 27-member powerful central work performance committee and separate parliamentary committee will be formed comprising 55 percent of the members from NC and 45 from NC (D). Prakash Man Singh and Gopal M. Shrestha from NC (D) have become Vice-President and R.C. Paudel, K.B. Gurung, Ram Baran Yadav and Bimlendra Nidhi became general secretaries. The General Assembly meeting of NC, however, declined to announce a republic from the parliament. NC's adoption of a federal democratic republic led Bhattarai to resign from the party. 29 ex-district presidents dubbed the unification process a faulty one as the party did not care about the "sincerity, loyalty and contribution of leaders in seat adjustment" and warned to go on fast-ing unto death.

Nepal Sadbhavana Party (NSP) faced another split. Laxman L. Karna-led NSP's general convention on September 13-15 faced boycott by the Anandi Devi faction. On September 14, the convention of the NSP unanimously elected Rajendra Mahato as the chairman of the party and removed Anandi Devi as chairperson. The EC recognized the original party led by NSP-A. In reaction the minister for civil supplies Mahato resigned from his ministerial position to launch a protest against the CA.

On September 24, CPN (Maoist) and CPN (Marxist-Leninist-Maoist) led by K.D. Shrestha got united. Senior Maoist leader Dr. Bhattarai said, "Electoral alliance among leftists would become possible only after the interim parliament declares the country a republic."

Non-state actors

On September 5, former Madhesi People's Rights Forum (MPRF) central vice-president Kishor Biswas warned the government of waging an agitation if a republic is not declared before the CA elections. The other group of MJAF led by Upendra Yadav approved the pact signed with R.C. Paudel and decided to go for the CA. Madhesi Mukti Tigers' call for an indefinite strike crippled life in Tarai. Killing, kidnapping and extortion of JTMM (Singh) continue. On September 14, Tamang National Liberation Front Nepal (TNLFN) threatened to call a strike in nine districts surrounding Kathmandu if the government failed to fulfill its demands of a federal republic and proportional representation. On September 16, local administration clamped an indefinite curfew in various places of Kapilvastu and Butwal after violence erupted following the murder of Mohit Khan, leader of a former anti-Maoist group. In reaction 123 houses were burnt, 140 vehicles wrecked and more than 30 people killed. On September 20, the government formed a three-member judicial probe commission led

by Judge Lokendra Mallik, and announced immediate relief, appealed to people to maintain communal harmony and deployed special security for violence-hit areas. CPN (Maoist) considered Kapilvastu violence a conspiracy.

CPN (Maoist)

On September 28, the CPN (Maoist) along with the Left Front and CPN (United) registered a motion at the Prime Minister's office demanding a special session of the parliament to move a parliamentary resolution to abolish monarchy and to ensure a proportional elections system. Maoist commanders had submitted a memorandum to Koirala and the UNMIN stating: "As the peace agreement has secured the rights of PLA and NA to cast votes, we have demanded that the PLA be allowed to conduct political activities and also play a role in order to make an environment for the CA elections." A meeting of the Revolutionary People's Council (RPC) decided to reactivate its "people's courts across the country to provide justice to the people and penalize the corrupt and criminals, reactivate the municipalities and villages to prepare for a people's movement through a broad alliance of nationalists, republicans and leftist forces."

The CPN (Maoist) leadership's effort to hold a comprehensive national dialogue on the 22-point demand, however, failed as there was a lack of response from the political parties. On September 14, one thousand PLA in Nawalparasi came out of their cantonment demanding the fulfillment of their six-point demand - medical allowance, right to campaign for the CA, equal payment to PLA, make public the whereabouts of the disappeared and compensate the families of martyrs. The CPN-UML, however, seems flexible to the declaration of a republic if all agree.

On September 18, CPN (Maoist) pulled out of the government and announced a three week-long peaceful agitation. Maoist ideologue, Dr. Babu Ram Bhattarai said, "We would not let the drama of the CA elections happen. If our programs are suppressed violently we would retaliate." He said, "The Indian expansionists and American imperialists have threatened us that Nepal would become another Iraq and Afghanistan and we would collapse if we did not go to the polls. But we want to warn them that we will make Nepal the 21st century Vietnam and drive away all the imperialist and expansionist forces."

The struggle programs involved: September 19-21 door-to-door awareness program; September 22 mass meetings and demonstrations all over the country, September 23 (the date for the nomination of the first list of candidates) gherao of District Election Offices and demonstrations, September 29 to October 3 exposing those persons indicted by the Rayamajhi report and also corrupt persons; and October 4-6 nationwide general strike (October 5 is the date for the registration of candidates. On September 28, as the Patan Appellate Court directed Maoist-affiliated trade unions not to disrupt the Kantipur publication, the union strongly protested and disrupted its publication on the grounds that the publications are violating the rights of workers and exploiting them.

Negotiation

On September 3, the Minister for Peace and Reconstruction Ram Chandra Paudel said, "The government will not talk with those who do not want CA polls. He is in contact with JTMM (Singh) and talks will be held very soon." On September 4, Madhesi Mukti Tigers

(MMT) said that if the government adopts a proportional election system it is ready to lay down arms and go for CA polls. On September 12, the United Tharu National Front Nepal (UTNF), an umbrella organization of 15 Tharu organizations, demanded that the government make an amendment to the interim constitution, which has mentioned all districts in the plains as "Madhesh." It does not reflect the identity of the Tharu community. On September 13, Chure Bhavar Unity Society Nepal (CBUSN) withdrew all its protest programs following the nine-point agreement with the government. As per the agreement the government will start legal procedures to withdraw the murder case against nine cadres, provide basic service to the village people, provide \$ 15,400 to its cadre who died and relief and compensation to all those killed during the Tarai agitation.

Foreign Affairs

Nepal has established its new embassy in Canberra of Australia. On September 10, Germany has provided over \$7 million assistance for Nepal's ongoing peace process for 2007. Of that amount more than \$6 million is fresh money. In addition the German government has provided an additional \$4 million under the Nepali Peace Trust Fund (NPTF). The new German project, "Support of measure enhancing the peace process" is meant for improving the living conditions in the cantonments of the Maoist combatants and the surrounding communities. On September 11, Canada, Denmark and Norway approved a grant of \$ 0.5 million for the National Election Observation.

To bridge the infrastructure gap, the Asian Development Bank and three leading international financial institutions - India's Infrastructure Development Finance Company (IDFC), DEG-KFW and the International Finance Corporation (IFC) - signed a memorandum of understanding with the Private Equity Group (PEG) and a consortium of 10 Nepali banks to constitute an Infrastructure Development Bank. On September 19, the visiting UK Minister for International Development Shahid Malik announced \$ 8 million to the NPTF as well as for the CA elections. On September 20, EU ambassadors urged all political parties to immediately resolve their differences and find common ground to ensure the CA elections as scheduled. A press statement issued by the UK on behalf of the EU added, "If the elections cannot be held on time with the full support of all parties this will be a betrayal of the people's aspirations and damage the credibility of the peace process in their eyes and in the eyes of the international community." The US Assistant Secretary of the State for South and Central Asia Richard Boucher said, "To decide the sensitive questions of constitutional change and the role of monarchy in Nepal, it is essential to consult the voters. ... Trying to trash this election is trying to trash the whole process." The US State Department has issued a travel warning for Nepal because of worries over sporadic incidents of terrorism and politically motivated violence. On September 5, the EC allocates € 2 million as emergency aid to Nepal. The EU Humanitarian Aid Department has granted half a million dollars to flood victims. The World Bank agreed to provide \$100 million to the Poverty Alleviation Fund.

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