



News Update from Nepal

5 November 2007

Suspension of Constituent Assembly Elections

The suspension of all Constituent Assembly (CA)-related programs by the Election Commission (EC) on the request of the government since October 5 intensified the level of political uncertainty in Nepal and questioned the legitimacy of the regime. This is the second time the seven ruling parties postponed the CA elections - first one was on June 20 and second now on November 22, 2007. In a joint statement the parties said it is not possible to go into polls at a time when 87 legislators, 84 of them Maoists, have appealed to the Prime Minister G.P. Koirala to call a special session of parliament.

On October 8, founder leader of Nepali Congress (NC) and former Prime Minister K.P. Bhattarai suggested the "older generation" of party leaders to step back and hand over the reins of leadership to the dynamic and younger generation with a new spirit to save the country's sovereignty, integrity and nationality. He said that the older generation failed after it postponed the CA election twice and suggested the leaders to rise above party interests and even ignore the party line for the greater good of the country.

A majority of CPN-UML central committee members concluded that the G.P. Koirala led government has no moral authority to stay in power for its failure to conduct elections. Maoist leader Prachanda has been insisting with the left parties to explore an alternative leadership. The Madhesi People's Rights Forum (MPRF) asked the prime minister to step down. The two parliamentary parties - Rastriya Prajatantra Party (RPP) and Rastriya Janashakti Party (RJP) also questioned the legitimacy of the regime.

Party Politics

On October 10, CPN (Maoist) registered three separate proposals at the parliament secretariat - declare the country a republic before the CA elections, adopt a fully proportional election system and amend the Interim Constitution to incorporate the provisions once the first and second proposals get passage from the parliament. If there is a consensus on the political agenda, the CA poll can be held by mid-April 2008. The Maoist parliamentary party leader Krishna B. Mahara said, "We fulfilled our commitments but the parliamentary parties are forcing us to join their traditional way of politics." He said that the Maoist People's Liberation Army (PLA) confined to cantonments was a major component of the conflict but none of the parties have made their views public on how to adjust the PLA in the Nepal Army (NA). He said, "We will not accept the plan to dissolve the PLA or to surrender." But, he added, "The party will not quit the peace process and the parliament."

Premier Koirala has initiated his meetings with the leaders of various political parties and foreign diplomats to resolve the political standoff. He met the US, German, Chinese, Indian and British Ambassadors. Premier Koirala said to Prachanda "if it is difficult for you to withdraw, let us follow the democratic process of voting in the parliament." In response, CPN (Maoist) ideologue Dr. Baburam Bhattarai said that they could think of settling for 70 to 80 percent of the total number of the CA seats on a proportional representation basis, if the NC agreed on declaring the country a republic before the CA elections.

The CPN-UML invented a middle way by tabling its amendment proposals on the two Maoist-sponsored motions. The Nepal Workers and Peasants Party (NeWPP) also registered an amendment proposal for announcing a "socialist republic" instead of the "federal democratic republic." The Nepal Federation of Indigenous Nationalities (NEFIN), however, urged the CPN (Maoist) not to relinquish its demand for a fully proportional election system and even submitted a memorandum to the Premier demanding an end to the current impasse, the adoption of a fully proportional election system, guaranteeing the declaration of the republic, preparing bases for the establishment of a federal state, etc.

On November 4, the special session of parliament by a majority voice vote decided for a federal democratic republic prior to the CA elections and for a fully proportional election system. However, these proposals failed to garner the two-thirds majority to immediately declare the country a republic by changing the interim constitution. Therefore, with passing of one motion tabled by the CPN-UML as an amendment proposal to the CPN (Maoist) motion, and with the support of CPN (Maoist), the interim parliament has instructed the government to proceed with making the necessary arrangements for announcing the country a republic prior to the CA elections. Under the other motion tabled by the CPN (Maoist) and supported by CPN-UML, the interim parliament decided to adopt a fully proportional system for the CA polls. The voting showed left unity and reciprocity: the Maoists withdrew its motion for an immediate declaration of a republic and supported the CPN-UML proposal for a federal republic and, in return, the CPN-UML supported the Maoist for a fully proportional electoral system. The NC opposed both the proposals but Premier Koirala chose not to vote himself claiming as leader of the parliament. The smaller left parties too chose not to side with any blocks. All sides agreed to maintain the unity of the seven ruling parties. But, CPN (Maoist) threatened, "if the parliament instruction is not implemented it will organize a peaceful revolt." It also hinted at the possibility of a leadership change in the government.

Non-State Armed Actors

On October 24, the Home Ministry has raised serious concerns over the burning of the national flag in Siraha and Saptari districts by armed non-state actors and threatened to take strong action against them. Ninety-eight Village Development Committee secretaries of Bara district have decided to quit *en masse* for a lack of security. Leaders of Nepal Sadbhavana Party (A) decided to launch a stir from mid-November. Its leader Rajendra Mahato revealed that he is discussing with various armed groups of Tarai for a united front.

The weakening of the state has inspired the unity of several groups of non-state actors to fill the vacuum of power left by the government and struggle for primacy. Madhesi Mukti Tigers, Janatantrik Tarai Mukti Morcha (Singh) and Samyukta Tarai Janatantrik Mukti Morcha (STJTMM) have begun talks of unification for a combined agitation. The security outreach of the state in the periphery continues to erode due to the rise in killing, kidnapping, extortion and strikes by non-state actors.

Amidst increasing national and international concerns over the fate of Birendra Shah kidnapped by Maoist cadres, Premier Koirala and Prachanda promised to the Federation of Nepalese Journalists (FNJ) to make known his whereabouts within three days. But, their failure provoked nationwide protests. Newspapers report that he is already killed by the kidnappers.

Foreign Affairs

The US, the European Union (EU), India and the UN expressed dissatisfaction over the suspension of the CA elections. The EU urged all the stakeholders to work together in support of the peace process and to honor commitments. It said that an agreed road map is vital. The roadmap should include reestablishing public security, delivering on an agreement made with marginalized groups, addressing unresolved issues posed by the Maoist army and their cantonments and cooperating fully with the Office of the High Commissioner for Human Rights and National Human Rights Commission to stamp out the ongoing rights abuses and address past violations. It added "A clear roadmap for the peace process, set out publicly, with united seven-party backing, and covering both peace and development, will give the necessary momentum and will build public confidence in the peace process." The Indian government reacted, "It is disappointed at the repeated postponement of elections that erodes credibility and affects the processes of democratic transformation and legitimization in Nepal."

On October 9, a few day after the Bharatiya Janata Party (BJP) of India protested any move by the Nepalese parliament to declare Nepal a republic, 25 Indian leaders from various political parties supported the "people's demand for republic." In a joint statement they said, "We express solidarity with the people of Nepal and support their demand for declaring Nepal a republic." Concerned over the indefinite postponement of CA polls in Nepal, India sent the Prime Minister's Special Envoy Shyam Saran on October 10 to resolve the differences among the ruling parties. On October 12, Sharan revealed that India is committed to help the peace process in everyway possible to achieve the goal of a "democratic, stable and prosperous Nepal." He added both CA and peace processes are linked. On the abolition of monarchy through parliament he added, "India will not have a problem with what the people of Nepal decide but the only way to decide on that is through the CA elections." Immediately after he left for India the Chinese ambassador to Nepal Zhen Xianlin suggested Premier Koirala and other Nepalese leaders to "take independent initiative to solve their own problems without depending on outside forces." The Indian Ambassador Shiva Shankar Mukherjee invited the top Maoist leaders to the Indian Embassy and went to see Premier Koirala to suggest them to go for consensus politics.

On October 10, Chief of United Nations Mission in Nepal (UNMIN) Ian Martin said that the current crisis is a "reflection of deeper differences in perception and approach, and a result of weaknesses in the overall management of the peace process." He said the lack of progress within the government in discussing the failure of Maoist combatants, ensuring adequate conditions in cantonments and commencing serious discussions on a security sector reform, have all contributed to CPN (Maoist) concerns that the government is not fulfilling its commitments. "And the reluctance of the CPN (Maoist) to ensure that its Young Communist League ends its use of intimidation and sometimes violence has badly eroded public confidence that the Maoists are indeed willing to enter a genuinely democratic process." There is frustration among all communities of the Tarai, and indeed across Nepal, about the poor state of public security. He urged the political parties to focus on sustaining and deepening the peace process as a whole and develop a road map of measures that are necessary to create conditions for a credible election. He added that the UN is firm to assist the peace process but "this requires dialogue not only among the seven parties but also with marginalized groups, civil society and all democratic forces."

On October 24, the UN Secretary-General Ban Ki-Moon observed, "Nepal stands at the crossroads. The peace process is facing its most difficult challenges. The deferral of the CA polls has been a major disappointment for the people of Nepal and the international community." He urged the parties to reach an agreement on future steps, including a realistic time table for elections. On November 2, Ian Martin said that if the Nepal government wanted, UNMIN could play a further role, in reforming the security sector, implementation of the peace process and civilian security. But the government is not happy about the role of UN officials in coordinating the mass meeting of certain ethnic groups, crossing the border to meet Madhesi rebels and remaining silent over the Maoist combatants frequently coming out of cantonment. The government source reveals that it has decided to ask the UN to extend the term of UNMIN by a year. But, due to the sensitivity of India and China there would be no expansion of its mandate.

On October 26, the UN Security Council urged the government to promptly set a date for the CA elections. The same day, Carsten Nilas Pederson, a Special Envoy for the Danish Minister for Foreign Affairs, proposed a peace monitoring mechanism with the assistance of UNMIN to ensure the effective implementation of a peace accord, to end the culture of impunity and ensure an accountability for human rights violations.

On November 2, the visiting US Assistant Secretary for Population, Refugees and Migration, Ellen Sauerbrey stated that the US would put pressure on India and Bhutan to resolve the Bhutanese refugees crisis. She said, "As India has influence on both Nepal and Bhutan since long, the permanent solution of the refugees crisis will depend on the role of India." She said, "The US would continue its effort to resettle 5,000 Tibetan refugees in the US. The US has agreed to take 60,000 Bhutanese refugees to the US. For resettling refugees, the host country, Nepal, has to cooperate."

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