



News Update from Nepal

1 December 2008

Security, Law and Order

Nepal's security and law and order situation continues to deteriorate. On November 13, Deputy Prime Minister and Home Minister Bam Dev Gautam admitted that the government has been unable to "maintain peace and security as expected by the people. The party youth wings are a threat to peace." On November 30, Chairman of the National Human Rights Commission (NHRC), K.N. Upadhyaya suggested the parties to ban their youth wings as they "are giving protection to criminals" and are "responsible for the country's poor human rights record." Media frequently report the clashes between CPN-UML's Youth Force and the Maoist's Young Communist League (YCL). Two youths of Kathmandu abducted by YCL about a month ago were found buried in Dhading. The affected family members demanded justice and the student wing of Nepali Congress (NC) and CPN-UML formed a Citizens' Struggle Committee (CSC) and called a general strike in the valley. After the government agreed to compensate the bereaved family, the strike was called off. Maoists denied its involvement in killing.

On November 10, a pregnant woman died in Saptari district for want of treatment due to the indefinite Madhesh strike called by Federation of Nepal Backward Class (FNBC) demanding the formation of a national committee for their development. One armed gang killed a college student in Janakpur, another killed a police in Sirha and Tarai Cobra detonated bombs in Sarlahi. Another explosion took place at Kapilvastu. In Dang, an armed gang robbed passengers. Another gang torched 13,000 copies of *Himal magazine*. NC and Madhesi Jana Adhikar Forum (MJAF) cadres looted paddy in Gaushala of Mahottari District. On November 23, the Federal Democratic National Forum (FDNF) warned the government of an armed revolt if the government failed to implement in two weeks the five-point pact on federalism it signed.

On November 19, the Commission for the Investigation of Abuse of Authority (CIAA) asked government secretaries to take the issue of corruption control seriously. Nepal ranks 131st position in the Transparency International Corruption Perception Index. The CIAA argues that among its 180 directives to the government last year, 143 were never implemented while 37 are still under consideration in the court. The CIAA directed the government to prepare a Technical Assessment Regulation in order to assess various development projects in the country. On November 16, the Office of the Auditor General submitted an audit report of the fiscal year 2007-08 to president Dr. R.B. Yadav, showing \$12.46 million government spending unaccounted for.

Official Initiative

On November 19, the cabinet formed a nine-member Commission on Administration Reform and Restructuring (CARR) under the convenorship of Minister for General Administration Pampha Bhusal to prepare a report and recommend on an overall restructure of the administration to the government. It sacked the Social Welfare Council (SWC) office bearers and endorsed a bill drafted to form a high-level commission to probe Enforced Disappearances.

The government asked the Nepali Congress (NC) to join the Army Integration Special Committee (AISC). NC is objecting to the presence of the Minister for Peace and Reconstruction in the committee as an ex-officio member. Tarai Madhesh Loktantrik Party (TMLP) expressed its reservation to the committee. Both parties believe that the committee was constituted unilaterally. On November 9, NC warned that it would start agitation if the government did not address its demands, such as returning the property of 1,400 families, transformation of YCL and abolition of double security system for Maoist leaders immediately. NC is organizing a public awareness program in major towns. Koirala said, "I would not let the management of Maoist fighters begin, until the YCL is dissolved. NC will not co-operate with the Maoists because they are trying to uproot democracy."

The government team formed to hold talks with armed groups has not been able to contact JTMM (Goit and Singh) since one-month of its formation. They asked the government to appoint a facilitator. On November 13, Chairman of Akhil Tarai Mukti Morcha (ATMM), Jay K. Goit stated that he has not received any letter for talks. He asserted, "It is pointless to hold talks with underground groups without creating a conducive environment. At a time when parties like CPN (Maoist), CPN-UML, NC and MJAF are forming their own militias in the guise of youth wings it will be a huge mistake to go for talks." On November 17, Minister for Peace and Reconstruction Janardan Sharma held "informal talks" with leaders of five underground armed groups collectively known as Madhesh Rastriya Janatantrik Party (MRJP) at Saptari. So far 15 groups have shown their readiness to talk.

Maoist Meet

On November 10, Prime Minister Puspa Kamal Dahal has reiterated the need to find an alternative to multiparty democracy. He said, "The remnants of feudalism and those in favor of status quo are still in a position to jeopardize the peace process." From the same meeting CPN-UML leader Madhav K. Nepal said they were committed to "ending the remnants of feudalism and discriminatory practices with the help of Marxism." On November 11, after intensive discussions with NC leaders, Prime Minister Dahal agreed to return the property seized during the conflict to rightful owners by mid-December, compensate for property loss, end impunity, create a parliamentary committee to monitor the agreements, dismantle the para-military structure of YCL, employ government security for political leaders, seek consensus on the formation of LPCs and peace process, etc. The NC agreed to support the government budget as the latter decided to give each CA member one million Nepalese rupees to be spent on his or her constituency.

The Central Committee (CC) meeting of CPN (Maoist) clearly demonstrated a division between the Prachanda-Baburam faction and Kiran Baidya faction. The former preferred a transitional republic before a People's Republic as the party's goal while the latter insisted

on the immediate adoption of a People's Republic through people's revolt. After heated discussions Prachanda averted the leadership crisis by agreeing to include ideas of nationalism coming from the other side. The 33-member CC has deliberated these issues with 1200 cadres from 13 state committees to define the party's course in the future. Party leaders and cadres discussed two proposals respectively presented by Prachanda and Baidya about the future course of the party to achieve a People's Republic, take the social transformation forward and maintain the unity of the party. Latter both sides agreed to synthesize contesting opinions, give continuity to the peace process, institutionalize a transitional republic and draft a new constitution to ensure political stability.

Constituent Assembly

On November 28, Purna Kumari Subedi, a CA member, from CPN (Maoist) has been elected as Vice-Chairman of the CA with a majority of 345 votes against her nearest rival Leela Neichyain of Nepal Workers and Peasants' Party who scored only 115 votes.

On November 9, the fifty-member task force unanimously finalized the draft for the Constituent Assembly Regulation. The main constitutional committee will compromise 61 members. The statute will be written, based on the feedback from ten subject committees. Each sub-committee will have 43 CA members. There will be three administrative committees which will interact with civil society and seek suggestions from citizens. The main Constitutional Committee will have representation from all parties on the basis of their strength in the CA. The Committees are: Committee for Fundamental Rights and Directive Principles, Committee for Protection of Rights of Minorities and Marginalized, Committee for Restructuring the State and Sharing State Power, Committee for determining the Structure of the Legislative Body, Committee for Determining the Structure of Forms of Governance, Committee for Judiciary, Committee for Determining the Structure of Constitutional Bodies, Committee for Natural Resources, Economic Rights and Sharing of Revenues, Committee for Determining the Basis of Cultural and Social Solidarity, and Committee for Preserving National Interests.

On November 14, the CA unanimously endorsed both the CA Regulations and Legislative-Parliament Regulations. On November 16, the meeting of the CA decided to draft the constitution within 82 weeks by the end of 2010. It drew a plan: the Committees to draft the statute by December 15, work plan submission by December 31, public opinion on statute concept papers by February 26, CA to dwell on preliminary draft till May 14, Constitution Committee to table first draft before CA by September 10, public can opine on first draft till December 10, 2009, CA to discuss public reactions from January 7-21, 2010, Bill on the constitution be discussed in CA till April 28, 2010, and New Constitution will be promulgated by May 28, 2010.

Foreign Affairs

On October 31, the visiting UN Secretary-General Ban Ki-moon pledged the UN's continuing support for the consolidation of peace and reforms in Nepal. Ban asked the political parties to overcome differences in their positions and look beyond party lines to the future of their country and people. On November 1, he said that the most immediate challenge ahead is to integrate and rehabilitate the Maoist combatants and the UN could also provide experience and know-how from the example of other countries. Asked about the future role of the UN in

the peace process after UNMIN's term expires in January, he said "I understand that the Nepali government wants to see the extension of the mandate of UNMIN for a certain period of time, which needs to be discussed at the Security Council. He listed out the tasks before Nepal's political parties: clarifying the fate of the disappeared and compensating victims, enabling the return of displaced people to their homes, ending impunity, and drafting a new constitution that empowers different groups while maintaining national identity.

Minister for Foreign Affairs Upendra Yadav told that diplomats must take permission from his ministry before meeting the Prime Minister and other political leaders. On November 12, Prime Minister Dahal attended the second summit of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation in New Delhi. During his talks with Indian Prime Minister Man Mohan Singh both sides discussed bilateral cooperation on water resources, cross-border crime control, construction of embankment at Koshi river and generation of 10,000 MW of electricity in the next ten years, climate change, etc.

The Indian irritation has increased of late since Defense Minister Ram Bahadur Thapa and Minister for Information and Communication K.B. Mahara secretly visited Tibet in October to watch the parade of the Chinese PLA. On November 20, a Chinese high-level PLA delegation led by Major-duo, Jan Win and Wang Sun, arrived in Kathmandu for a five-day visit. During their meeting with Home and Defense Ministers they formally sought the Chinese support to solve the border dispute in the Kalapani area between Nepal and India. Kalapnai-Limpiyadhura, a tri-junction of Nepal, India and China, in the district of Darchula -- comprising of 37,840 Hectares of Nepali lands is currently being occupied by India. India's Foreign Minister Pranab Mukherjee and British Minister for International Development Mike Foster arrived in Kathmandu on a three-day and four-day visit respectively on November 24 to express their support to Nepal's efforts to eradicate poverty and expedite the peace process. Mukerjee said that long-standing issues of Kalapani and Susta would be resolved through bilateral talks. India wanted the signing of an extradition treaty.

British minister Foster announced an assistance of \$ 2.075 million for flood-affected people, 20 million pounds for development activities for the next two years and 102 million pounds for Peace Trust Fund. The UK army Chief Richard Dannat visited Nepal on November 28 and expressed willingness to support Nepal's security reforms. Danish Foreign Minister Per Stig Moller arrived in Kathmandu on the 28th on a three-day visit to support Nepal's peace process. Three major donors Asian Development Bank, DFID and World Bank pledged assistance up to \$1 billion and 50 million between 2009-2011 for agriculture, employment, social sector and infrastructure development. The UNDP provided Nepal \$1.3 million and DFID \$875.000 to combat the climate change. The US Agency for International Development's South Asia Regional Initiative for Energy announced a hydropower deposit fund worth Rs. 300 million to develop hydro power projects in Nepal.

On November 30, the employers' organization and unions agreed to the scale of wages to be provided to workers at various levels. The minimum salary for unskilled workers is US \$ 57.50 --- \$ 38.12 as basic salary and \$ 19.38 as allowance. The minimum daily wage is \$2.38. The semi-skilled will get \$58.13, for skilled \$59.50 and highly skilled \$ 61.88.

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