

News Update from Nepal July 14, 2005

Government Goes its Own Way

On June 15, King Gyanendra said, before leaving for Doha (Qatar) to participate in the second summit conference of the G-77 nations, "Countries hit by terrorism need to be considered as countries with 'special needs' by the international community and this is not the case at present. Recent efforts in Nepal intended as they are to safeguard democracy, peace and development, we believe, are yielding encouraging results." The Royal government took a number of initiatives to consolidate the regime. In June it appointed new members for the National Planning Commission (NPC). The NPC is a policy think tank of the government. Similarly, it also appointed Chairmen and Vice-Chairmen of the District Development Committee (DDC) in 25 districts of the country. The position of local bodies have been left vacant since the former Prime Minister Sher B. Deuba dissolved them in 2002. On July 8, the government passed a Civil Service (Amendment) Ordinance, having far-reaching consequences for the bureaucracy. The main points of the ordinance are: ban on professional unions for government employees; automatic creation of post if a secretary is transferred to the reserve pool; no seniority basis for the appointment of secretary; provision of contractual appointments for lower level posts; no life time pension for those appointed on a contractual basis; and no reservation for women, *janajatis* (ethnic) and *dalits* (untouchables) but only "positive discrimination." Bholu Pokhrel, General-Secretary of Nepal Civil Service Employees Organization criticized this move saying that the government has violated ILO Conventions 87, 98 and 151, to which it is a signatory and warned the government to be prepared for "unpleasant consequences." Similarly, Nepal Federation of Indigenous Nationalities has expressed dismay over the removal of reservations for women, dalits and indigenous people in public service.

On July 2, Sachit Shumsher Rana, former chief of army and advisor to the King, demanded that the agitating political parties should be declared "anti-national elements." "Why should not political parties, who join hands with the Maoists and dance to the tunes of foreigners, be declared anti-national elements?" he questioned. On July 6, Vice-Chairman of the Council of Ministers Dr. Tulsi Giri contended, "The country is facing a crisis because of the futile attempt to take monarchy and multiparty democracy together as the two pillars. Sovereignty should rest with the monarch. Political parties should come forward to reconcile with the king and make only one of the pillars strong so as to fight terrorism and restore peace. But, even if political parties ignore the king's call, the nation will still go ahead. I ask the political parties to unite with the King in order to fight

terrorism, do away with corruption and bring back the democratic process.” On CPN (M) he asserted, “Maoists are now losing strength and have been forced back to adopt hit and run strategy. Negotiation is possible only if the Maoists are really ready for talks and surrender their arms.” This indicates that neither reconciliation with the parties nor negotiation with CPN (M) will begin in the short-run.

Democracy and Rule of Law

On June 16, the British Ambassador in Nepal, Keith Bloomfield, said, “Post February 1 situation has “no reference in the constitution. National human rights bodies in Nepal are subjected to intimidation by both parties to the conflict. A culture of impunity prevails on both sides. National human rights monitoring institutions have failed. That is why international monitors have come.” He said, “I believe there should be a middle path, which guarantees human rights and civil liberties. Political parties could play a mediatory role between Maoists and the constitutional monarch but they should not allow the Maoists to win. The Maoists’ social, economic and political demands would be legitimated within the context of a democracy whether one happened to agree with them or not. But their lack of commitment to democracy and their use of violence for political ends were fundamentally illegitimate.” He reiterated the long-standing claim that the “Maoist insurgency could not be solved through military means.” He questioned the status of the Royal Commission for Corruption Control (RCCC), saying that the government should have strengthened the Commission for the Investigation of Abuse of Authority (CIAA) rather than forming RCCC.” On June 20, Foreign Secretary Madhu Raman Acharya summoned the British Ambassador to Nepal, sought clarification over his recent remarks on democracy and rule of law in Nepal and expressed “displeasure over his interference in Nepal’s internal affairs.”

In a retaliatory move, the Royal Nepalese Ambassador to UK, Prabal Shumsher Rana, was summoned on June 22 by the British Foreign Office and was told that the remarks of its envoy in Nepal, Keith Bloomfield, deemed “objectionable” to the Nepali government are well within the broad framework of the British policies vis-à-vis democratic values in general and the derailment of democracy in Nepal in particular. British Foreign Office told Rana that ambassador Bloomfield’s observations represent London’s considered points of view on the current situation in Nepal and the need for Nepal to return to democratic normalcy, restoring people’s fundamental rights and ensuring unhindered exercise of freedom of expression as early as possible. Rana was told that Bloomfield’s remarks need not be mistaken for “interference in the internal affairs of Nepal.” On the contrary, the remarks may be viewed as “an expression of friendly concern.”

On July 8, the Supreme Court (SC) has warned the government against unlawful and arbitrary preventive detention and arrest of citizens, reminding the latter of its

commitment to national and international laws guaranteeing people's civil and political rights.

Politics of Bluff, Confusion and Resistance

In the second half of June, all political leaders returned from their self-exile in India. The government also released all political leaders, journalists and human rights activists from detention. On June 14, NC president G.P. Koirala called for intensifying the agitation with a view to put pressure for the revival of parliament, reactivation of the constitutional process and a negotiated settlement of the Maoist insurgency. He said, "There cannot be a military solution. We believe that only political parties and not the King can initiate a credible dialogue with Maoists. Political parties should take the initiative to involve the Maoists in the political mainstream and push for restoration of democracy in the country." Describing the movement for democracy as "a fight between modernity and feudalism" he warned, "The King has no role in the future dispensation unless he accepts a ceremonial role." The meeting of seven-party alliance asked the Maoists to "join the mainstream," adopt a "positive attitude" towards the agitation and enunciate a clear stand on a host of issues, including multi-party democracy and human rights, civil liberties and democratic values. It decided a boycott of the proposed municipal election and a social boycott to the nominated DDC authorities.

To assuage the fear of parliamentary parties, on June 19 CPN (M), leader Prachanda expressed his party's commitment to "multi-party competition, human rights, rule of law and democratic republic through interim government and the election for a constituent assembly." Maoist Chairman Prachanda called on the parties to form a negotiation team immediately to settle differences between them. The meeting of NC President Koirala and NC (D) president Sher B. Deuba decided to give the Maoists the benefit of the doubt that they were serious. Koirala asked Deuba to join the NC General Convention scheduled for late September. Deuba, however, remained non-committal on the issue. On June 30, Koirala said, "I will hold open dialogue with the Maoists. I am ready to face a jail term if our initiative to stop the killing of innocent people every day becomes unacceptable to the government." NC leader Ram Chandra Paudel, however, said there was little chance of any political alliance with the Maoists at the moment. "The parties cannot accept the dictatorship of another coercive force while they are already being tortured by the tyranny of one force." Another NC leader Nara Hari Acharya concluded, "I have found the king eager to take advantage of the ideological confusions prevailing among political parties."

The CPN-UML General-Secretary, Madhav Kumar Nepal, claimed that there was no possibility for patch-ups with the palace under the present circumstance due to monarch's refusal to remain merely as a ceremonial head of state. Rastriya Prajatantra Party Chairman, Pashupati S. Rana, however, held a different view, "Dialogue between the King and pro-constitutional forces is essential to overcome the present crisis. Otherwise, the result will be devastating." On July 2,

leaders of seven-party alliance cautiously welcomed Prachanda's call to the parties to form a team for talks with the Maoists, but asked the rebels for concrete action in order to build confidence. They also wanted a clear commitment from the Maoists to respect multi-party principles, work towards settling the question of weapons and accept the results of the constituent assembly elections whatever the outcome may be. So far, CPN (M) has shown no sign of surrendering arms. The senior leaders of the party know clearly that moving closer to the Maoists would open up fault-line conflicts within the parties for leadership position and weaken their bargaining position.

Humanitarian Concern and Crisis Prediction

On June 15, assessing that armed conflict in Nepal would only exacerbate the risk of serious human rights violations, Amnesty International (AI) called on principal arms donors - India, the United States, the UK, Belgium and South Africa not to supply any arms to Nepal. It has asked the UN to review deployment of the Royal Nepalese Army (RNA) in UN Peace Keeping mission abroad if the "conduct of the RNA does not improve." It has even recommended non-supply of non-lethal and dual use equipment to Nepal fearing "the danger of being abused."

On June 22, the Geneva-based International Commission of Jurists (ICJ) questioned the independence of the new National Human Rights Commission of Nepal (NHRC), since its appointed procedure "does not comply with the mandatory Paris principles." In an open letter to the King ICJ Secretary-General Nicholas Howen said, "It can no longer be viewed as an independent national human rights commission. It resembles more of an institution of the executive akin to human rights committees and cells set up by the government." He expressed concern at the composition of the three-member committee, constituted through an ordinance issued by the King by amending the National Human Rights Commission Act on May 23 adding, "it has placed in doubt the independence, representation and accountability of the current NHRC."

Speaking at a public function at the East-West Center in Honolulu on June 24, the US Ambassador to Nepal, James F. Moriarty warned, "Next year will be absolutely critical for Nepal." Within the next 12 to 14 months, Nepal is "clearly going to be going down" on one of two paths: one is the path of reconciliation between the palace and the parties to come up with a functioning game plan to get the country back to democracy and also to deal with the insurgency. The other path is bleaker - no reconciliation, increasingly large demonstrations in Kathmandu, and Maoist rebels destabilizing the situation with more violence." He suggested three conditions to convince the rebels to shun violence and participate in a multiparty democracy. First, there has to be a fair degree of unity among legitimated political forces. Second, there need to be pressure from the international community on the Maoists to join the negotiating table and re-enter into the political mainstream. Third, the insurgents must believe that they will not be able to win militarily. He warned that a victory for the Maoists would not only

be a “humanitarian disaster of huge proportion” for Nepal but also a destabilizing force in India. He predicted it would see an influx of millions of refugees into neighboring India. “Should we give \$2 million security assistance this year or \$500 million to refugee camps scattered throughout Indian in the not-too-distant future?”, he questioned. “That is the choice we have to make.”

Media on Solidarity Move

“The appalling safety and press freedom conditions for journalists in Nepal and the Philippines are priority areas for solidarity action for the International Federation of Journalists (IFJ) in the Asia-Pacific,” says the conference of over forty journalist leaders representing the IFJ Asia-Pacific group, which just concluded in Taipei, Taiwan. On June 17, NHRC has stressed that the state should make its media monitoring mechanism effective. Its member Gokul Pokhrel said, “We are for the freedom of press but freedom is not absolute.” On July 3, Save Independent Radio Movement (SIRM) presented a 12-point concept paper, outlining its agenda of ongoing movement. Top among them is broadcasting news bulletin, lifting of economic blockade on independent media, waiving of renewal fees, removing ban on acquiring spare transmitter and protection of professional rights of radio journalists. On July 10, an international mission of journalists headed by Dr. Abdul Khan, information and communication assistant general director of UNESCO visited Nepal to express its solidarity with the Nepalese journalists. During their 10-day stay the mission will examine the state of media in Nepal after February 1 Royal move. The other international organizations participating in the mission include: International Federation of Journalists (IFJ), Article 19, Committee to Protect Journalists (CPJ), Reporters Sans Frontieres (RSF), World Association of Newspapers (WAN), International Media Support (IMS), World Association of Community Radio Broadcasters’ 9AMARC), South Asian Free Media Association (SAFMA), World Press Freedom Committee, International Press Institute (IPI) and Press Institute of India.

Mediation Prospect and Parties’ Position

While the seven-party alliance ruled out the possibility of reconciliation with the King until he reverses the takeover, its rapprochement with the CPN (M) will be less likely because their means and goals are fundamentally dissimilar. This means mutually hurting deadlock will continue for some time. On June 13, the UN’s senior political affairs officer for Asia and Pacific Division, Samuel Tamrat, held discussions with political leaders on democracy and human rights situation in Nepal. The same day condemning the June 6 bomb attack on a private passenger bus in Chitwan that killed dozens of innocent civilians, the European Union (EU) reiterated that there can be no military solution to the Maoist conflict. It said, “The EU urges all parties to recognize that there cannot be a military solution to the conflict and instead commit themselves to a joint approach towards re-establishing dialogue and peace based on a negotiated settlement.” On July 10, Lakhdar Brahimi, Special Advisor to UN Secretary-General Kofi Annan, arrived in Nepal for his six-day visit to expedite Annan’s efforts to help find a peaceful resolution to Nepal’s conflict.

The CPN (M) renewed its stance of engaging the UN in Nepal's peace process. Top Maoist leader Prachanda said, "We are ready to hold talks with any global organization, including the United Nations, which are in favor of democracy, peace and progress of the Nepali people." He renewed his call at a time when Lakhdar Brahimi was in the capital on a six-day visit to expedite Annan's efforts to help find a peaceful resolution of Nepal's conflict. CPN-UML leader Jhala Nath Khanal said, "We are in favor of some form of international involvement, specially that of the UN." NC leader Dr. Ram Sharan Mahat, however, added, "Involvement means their playing a facilitation and supporting role to reach a consensus." During Lakhdar Brahimi's meeting with NC president G. P. Koirala, the latter said, "Nothing can be achieved even if the King, the Maoists and the seven-party alliance come together. The need of the hour is that India and the international community must cooperate." RPP chairman Pashupati S Rana believed that, "the solution of the crisis should be sought internally." On July 13, Vice-Chairman of the Council of Ministers, Kritinidhi Bista, flatly ruled out any such international mediation. He said, "We are capable and competent enough to solve our problems. We have neither welcomed UN mediation nor that of India's."

Foreign Affairs

On June 12, following the government's decision, several Indian news channels blocked after the February 1 royal move, resumed broadcasting. On July 5, the first consignment of non-lethal military aid supplied by India has arrived in Nepal. The supplies consist of some vehicles, bulletproof jackets, security wires, bunker protection devices and mine-proof vehicles.

On June 26-28, the US Principal Deputy Assistant Secretary for South Asian Affairs, Donald Camp, met the government and mainstream political leaders in Nepal. Foreign Minister Ramesh Nath Panday told the press that the "US has understood the ground reality here. Areas of cooperation have been widening and new areas of cooperation have been opened up between the US and Nepal. On June 28, Camp said, "The world and the United States would find unacceptable a return to pre-1990 Nepal." Reiterating the US stance that the King's February action was a "big step backward" for democracy he said, "In today's world, leaders who stand in the way of democracy do no service for their people." Despite the state of emergency being lifted ...and subsequent release of most detainees, we continue to see curbs on political freedom and other civil liberties. Camp said, "We believe the King should respond to parties' initiatives and reach out to them."

Escalation of Conflict

The confrontation between the Maoists and security forces continued causing the deterioration of human rights. On July 11, Indian security forces have destroyed a joint training center of the Nepalese and Indian Maoists located in the border area. A total of 2,689 Maoists have surrendered so far. To refurbish its image, the military court of the RNA sentenced two soldiers to 10 years in jail for

extorting money from civilians. The RNA has ordered troops not to board civilian vehicles while on duty and the officers who had ordered soldiers on duty to travel by a civilian bus in Kavre are being brought to book. The RNA has formed six teams - one each in all the five development regions and one in the Kathmandu valley led by colonels to probe into human rights abuses by the army.

On June 13, eight security men and 10 Maoists were killed in Kavre. Maoists have killed the wives of three Armed Police Force personnel, a one-year old child and two others in Kailali and bombed two schools in Myagdi. On June 20, twenty persons - five policemen and twenty-three Maoists - were killed in a clash that followed simultaneous attacks by Maoists on various government offices in Diktel, Khotang. They destroyed 14 offices and freed 66 prisoners from the district prison. They also abducted 12 security personnel from Bhojpur. On June 25, clashes took place in Arghakhachi and Bardiya where 12 security men and 12 rebels were killed. On June 26, Maoists bombed a private school in Salyan district, abducted 90 students in Gulmi and 250 villagers in Kanchanpur for indoctrination. They also killed a veterinary doctor in Bardiya on duty. On July 5, two passengers were injured when Maoists ambushed a bus in a jungle area in Ramechhap. A day later, 35 civilians and three soldiers were killed in Maoist landmine while two passengers were killed in a similar incident in Kavre on June 10. This happened despite Prachanda's statement that civilians would not be attacked. On July 4, Maoist rebels released 25 civilians, including two women and an employee with a UNDP funded project, from a month long house arrest after the efforts of the representatives of media and human rights organization. Maoist abducted two army men in Sarlahi and displaced 24 families of security men in Panchthar district.

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