

News Update from Nepal

August 14, 2005

Government

As the parliamentary political parties are relegated into the margin, the mainstream media speculates about the deep polarization between monarchists and the republicans, between the old and new generation of leaders within the mainstream political parties and between the government and the Western donors. The government has made claims that the security situation in the country has improved since the Royal takeover of February 1, 2005. To improve internal law and order it appointed chairmen and vice-chairmen in all the District Development Committees (DDC). The positions of DDC authorities have been left vacant since the dissolution of local government in 2002. The government also transferred and posted District Superintendents of Police (DSP) in various police stations across the country.

On August 11, the government has constituted a Human Rights Protection and the Promotion of National Coordination Committee headed by the Foreign Minister, a Human Rights Public Relations Committee headed by an Attorney-General and a Human Rights Steering Committee headed by the Chief Secretary of the government. The King also appointed the Chief Justice, and 4 temporary justices of the Supreme Court were appointed at the recommendation of the Judicial Council. On August 5, Finance Minister Madhukar S. Rana said that the nation could go for a "referendum" to test the popularity of monarchists and republicans if Maoists surrender their arms. He also charged that Nepal has been marred by the "double standard" policy adopted by donors. The government has overhauled the Social Welfare Council and has been given powers through royal ordinances to issue "directives and supervise NGO activities." The Ministry of Women, Children and Social Welfare is preparing a Code of Conduct to this effect. About 25,000 NGOs and over 100 INGOs bring in more than Rs 7 billion annually to support Nepal's development.

For the year 2005-2006, the government has approved ten major programs proposed by the Peace Secretariat related to relief and rehabilitation for conflict victims, initiation of development work in conflict-hit areas, creating awareness on peace and negative impacts of conflict on women, children, Dalits and ethnic minorities. Preparing a policy on Internally Displaced People (IDPs), it revealed that during the nine years of conflict, state infrastructure at a value of Rs 1.07 billion have been destroyed. The secretariat revealed that USAID and DFID have supported the Secretariat, while JICA and DANIDA are ready to provide assistance. The secretariat is assigned to monitor and evaluate relief programs lunched by different ministries in order to maintain a "One Window"-policy to study

and coordinate with the non-governmental organizations working in conflict-hit areas to avoid the duplication of work.

International Community's Concern for Democracy

During her visit to Nepal in May, US Assistant Secretary of State Christina Rocca told Nepali politicians that Washington would promote democracy through National Endowment for Democracy (NED). The former American senator Tom Daschle said during his visit to Nepal (July 21-27) that the American government would support the decision of Nepali citizens whether they go ahead with a "democratic republic" or "constitutional monarchy." He also supported the possible UN mediation, as "a positive step, but the process should begin immediately." On July 29, the US Senate Appropriation Committee Chairman Patrick Leahy, while addressing the Congress, said, "We unequivocally reject the king's ambitions and support the political parties. Whether that means restoration of the Parliament or the formation of a constituent assembly is for the Nepalis to decide, but there should be no doubt we support a political process that is open, inclusive and accountable to the people."

Speaking on the occasion of founding of the European Economic Chamber of Trade, Commerce and Industry-Nepal, the British Ambassador to Nepal Keith Bloomfield said, "there is no room for moderation and compromise. I leave it to you to judge how far His Majesty's very laudable aim of restoring peace and strengthening democracy has been achieved in the last six months. But, I cannot help but notice that a new and a very different mentality seems to have set in over that period - a mentality in which those who argue for a negotiated peace with the Maoists are publicly attacked for advocating giving in to terrorists, where democracy is presented as something that has to wait until the Maoists have been dealt with militarily, where there is no room for moderation and compromise - you either support those in power or you are seen as being sympathetic to the Maoists."

The August 9 statement of American Ambassador to Nepal, James F. Moriarty, was equally critical. He said, "Six months after the imposition of direct rule on February 1, with a questionable cabinet full of Panchayat-era politicians and even a convicted criminal, the government seems to have gone back on its own core principles." He added, "On paper, the government's four-point plan *cleaning up corruption, attacking terrorism, imposing fiscal discipline and ensuring good governance is laudable.*" But he asked, "How can the government say it is imposing fiscal discipline when two of its ministers are loan defaulters? How can the government say it is serious about fighting corruption when it willfully ignores the Asian Development Bank's own report regarding the alleged corruption by the former Prime Minister Deuba? How can the government say it is operating with good governance under the rule of law when the extra-judicial RCCC's recent verdict looks more like a political vendetta than a serious exercise of judicial authority, and when people who exercise their constitutional right to freedom of expression are imprisoned for sedition?" He urged the government to restore all

civil liberties, including freedom of the media and freedom of personal expression, the Palace to reach out to the political parties with sincere proposals that reflect their common agenda of multiparty democracy and constitutional monarchy and a return to full electoral democracy and the parties to keep an open mind and accept a hand, if offered. He said, "Continuing divisions between the Palace and the political parties help only the Maoists and their plans to turn Nepal into a brutal and anachronistic state. The Maoists have done nothing to indicate that they are prepared to change and they do not abide by democracy." He also warned, "If the Maoists have become stronger, they would pose a threat to the whole of the South Asian region."

On August 3, *Nepal Democracy Solidarity Forum*, a forum of nine leftist groups and socialist parties of India - Communist Party of India (CPI), CPI-Marxist, CPI-Marxist Leninist, Revolutionary Socialist Party, All India Forward Block, Congress, Nationalist Congress, Janata Dal (Secular) and Rastriya Janata Dal - in a joint statement asked the Indian government "not to give legitimacy to the King's actions." The Chairman of the Forum, Sitaram Yechuri, said, "The US should not be allowed to intervene in Nepal in the name of democracy and the just-announced "Indo-US democratic initiative." On August 26, the Forum is also organizing a convention on democracy.

Political Parties' Dilemma

Nepalese political parties are caught in a cross-pressure of the international community, which is asking them to reconcile with the King, and their young leaders, who prefer a decisive agitation to establish "complete democracy", which also means the restructuring of the leadership. NC President G.P. Koirala held, "Communists and we have no significant ideological differences. Both of us are fighting against the deep-rooted feudal structures of the society." The CPN-UML leader Bam Dev Gautam endorsed it saying, "The differences between Maoists and political parties are gradually decreasing. The nation should go for a republic." The next day, the seven-party alliance has initiated a formal discussion over Maoist leader Prachanda's proposal for forming a negotiating team and appealed to the Maoists to create a confidence-building environment. The response from the government has been a serious warning to parliamentary parties. The spokesman of the government Tanka Dhakal said, "If the parties join hands with the Maoists, the government will be forced to see them from the same viewpoint."

The new generation of party leaders is, however, critical towards its leaders. "The king is clear in his mission that he will use oppressive means to serve his interest. But the parties are still undecided on declaring a decisive battle against the king," said Chandra Bhandari, youth leader of NC. In a similar tone CPN-UML leader Shankar Pokhrel said, "Both the extremists - Maoists and active monarchists - are clear with regard to their agenda but the political parties are still confused. Since the Maoists are a force that has emerged from among the people, we should be closer to them." He added, "Parties should democratize and identify the real enemy and make a clear road map for resolving the Maoist problem." N.P. Saud of NC

(Democratic) suggested, "The king must bow before the parties in the present situation since he has missed several opportunities to join hands with the parties and has betrayed the people." Ghanashayam Poudel of Samyukta Janamorcha Nepal also stated, "We will be talking to the Maoists to find out how they can help us in our fight to restore the rule of law." He suggested that the alliance could set up the pressure on the government by forming "an alternative government in the street." On August 6, two hundred CPN-UML affiliated youth leaders of All Nepal National Free Students' Union (ANNFSU) demanded a special session of the party for restructuring the party organization and leadership. They concluded, "All parties including CPN-UML have deviated from their principal ground in the past 12 years and it must be rectified." Protest against the NC leadership is going on in front of the party office against the manipulation of election results for national convention members.

The student unions are protesting against the "nationalist education policy" and demanding the release of their leader Gagan Thapa from police custody. A three-member bench of judges permitted the police to detain him for seven days to investigate charges against him under the Offense Against State Act, 1989. Thapa was chanting "objectionable slogans" against the members of the royal family during a rally organized by the Civil Society. Amnesty International (AI) called Thapa "prisoner of conscience."

The mock session of parliament organized by seven-party alliance (on July 26) stressed the need for intensification of the agitation. It voted out the budget, denounced the Civil Service Ordinance and Social Welfare Council Ordinance and the ban on employees' unions and NGOs activities, passed a proposal to hold talks with the Maoists, supported separate movements for democracy launched by professional organizations and civil society, denounced the government's control on press and conspiracy to divide them, denounced the government's protection to smugglers, the corrupt and defaulters, condemned police action against civil society members, demanded immediate release of former Premier Sher B. Deuba and ex-minister Prakash M. Singh and condemned "prejudiced action" against them and immediate dissolution of Royal Commission for Corruption Control (RCCC). The newly established Rastriya Janashakti Party (RJP) warned of further political crisis if constitutional forces do not patch up with the King soon. RJP leader S. N. Sukla said, "The crisis was compounding since February 1" and added that his party had taken serious note of the unfolding scenarios in which the "distance between the monarch and parties was growing and thus causing frustration." The joint-general secretary of the Rastriya Prajatantra Party (RPP), K.R. Pandit, urged the king to stop ruling alone and open talks with the political parties. He said, "All three political forces - the king, political parties and the Maoists-should give up their egos and seek a compromise."

Civil society's Movement for Democracy and Peace

Human rights activists and members of civil society have staged series of demonstrations in Kathmandu for the restoration of democracy. "Political parties

are on the right track as they are resenting the deteriorating scenario in the country. We will see continued agitation,” said Dr. Devendra Raj Panday, who was leading the demonstration organized by the *Citizens’ Movement for Democracy and Peace* (CMDP). On August 5, civil society organized a huge demonstration in Kathmandu and suggested the King to abandon the path of “authoritarian regime” and the Maoists to renounce violence and join mainstream politics. Side by side, ethnic and indigenous peoples and Dalits have also organized their meetings demanding their cultural and linguistic development and social justice. The Supreme Court’s recent decision to allow FM stations to air news has boosted the morale of journalists fighting for media freedom.

On August 5 Citizens’ Peace Commission (CPC) in a meeting with the Vice-Chairman of the council of ministers Kritinidhi Bisht requested to initiate the peace process. In response, Bisht said that the government was ready to “resolve the Maoists problem through negotiation. The government expects support from CPC in this regard. Since the government also believes that the ultimate solution to the existing crisis is possible only through dialogue, I am happy with this proposal to materialize the goal.”

On August 3, Yadav Kant Silwal, former secretary-general of the South Asian Association for Regional Cooperation (SAARC) argued, “All the institutions will remain safe if the UN is engaged in resolving Nepal’s conflict. Hence Nepal should invite UN Secretary-General Kofi Annan immediately. Time is running out.” Former diplomat S.R. Simkhada supported this view, “Engaging the UN does not mean that Nepal is a failed state.” He said the UN could help in the process of conflict transformation. CPN-UML leader J.N. Khanal said a third party is needed in resolving Nepal’s conflict, and that the best choice would be the UN.” NC leader Chakra Banstola put this question differently, “If we are to take the country towards a timely solution, we should engage a third party.... though we may be able to sort out the political issue, the third party may play the most crucial role for disarmament.”

Polarization within civil society is sharpening. On July 5, a pro-government new trade union, Independent National Democratic Confederation of Nepalese Trade Union (INDECNT), was announced, saying it would be an apolitical and independent organization without any party affiliation. Announcing the union, its president Bam Bahadur Dewan Rai said that it was established because the other trade unions have failed to look at the plights of the workers and were only involved in fulfilling the vested interests of the political parties. Similarly, on July 16, a National General Convention Committee had been formed under the chairmanship of P. Kharel to establish a National Journalist Federation (NJF). Media speculate that the growing polarization of politics will have similar effect on bar, teachers and students associations and their partisanization will weaken their capacity for collective action.

Maoist maneuver

On July 18, CPN (M) chairman Prachanda reinstated three of its central committee members, including party ideologue Dr. Babu Ram Bhattarai in the party's standing committee. He uttered, "Our party is ready even to take extreme decisions and exercise maximum flexibility." Current Maoist strategy involves unity-struggle-transformation. Ruling out the possibilities of resumption of peace talks with the government, Dr. Bhattarai declared that his party was "not attempting a final military victory right now, but is working for a negotiated political settlement either directly for a democratic republic or for the election to a Constituent Assembly." While talking to *Washington Times* on July 30, he said, "We feel constrained to settle for a compromise due to the sensitive geopolitical setting of the country sandwiched between the two huge states of India and China."

On July 14, leaders of seven-party alliance sought the CPN (M) to fulfill five conditions for a talk: stop harassing political activists, stop obstructing their political activities, ensure smooth running of schools, not obstruct anti-regression movement and express clear and institutional commitment to multiparty polity, human rights and rule of law. On July 27, Prachanda made it clear that an end to "dictatorial monarchy," election to a constituent assembly, multi-party democracy in a republican set up, compliance with human rights and bringing the army under the elected representatives constitute their core political agenda. He also said that his party had already issued orders to the rank and file to stop attacking workers of other political parties. Any substantive understanding with the Maoists, however, remains remote unless they first "lay down their arms" said NC leader Dr. Ram Sharan Mahat. But, CPN-UML general-secretary Madhav K. Nepal insisted that they can "lay down their arms during election time."

To refurbish their image, CPN (M) has dropped ideological criticism of India and the US, released 18 security personnel captured by them from Khotang and Bhojpur in mid-June with the facilitation of International Committee of Red Cross (July 18) and allowed the operation of several INGOs (that were forced to withdraw earlier) from the rural areas of Dadeldhura. Their other tactics, however, continued.

Its recent attacks in Banepa, where they killed two policemen, and August 8 raid in Pili army camp in Kalikot district frightened however the political parties and international community about the implication of Maoist-political parties alliance. In Kalikot battle, the death of 26 Maoists has been confirmed. Spokesperson of the RNA said that 43 soldiers were killed, 112 are in contact and 60 security men are in Maoist control. The Pili barrack was recently set up for the construction of Karnali Highway. The RNA claimed that about 15 soldiers were lined up and shot from behind. The UN High Commissioner for Human Rights in Nepal (UNHCHR), Ian Martin called for human treatment of the hostages. In response, Prachanda said his party is committed to provide cooperation to the envoy. He said the CPN (M) has a policy of allowing him to meet all party units, inspect sensitive places and meet the captives. "The policy is already in practice dealing with ICRC. He also denied having killed the soldiers in captivity". Martin urged a "full forensic

examination by independent experts, of the slain troops in the Kalikot clash and promised to get all the security persons released. The RNA spokesperson Brigadier-General Dipak Gurung said that one of the reasons of RNA's setback was the use of Indian assault rifles INSAS which were of substandard quality. Indian Embassy in Kathmandu, however, refuted this charge.

On August 7, Indian Defense Minister Pranab Mukherjee made critical remarks against the RNA: "The RNA is trying to contain the Maoists. But its efforts are not effective. We hope it successfully tackles them; otherwise, the situation will go out of hand. We are trying to impress upon the Nepalese government to tackle the Maoists. But, unfortunately, certain recent developments in that country like the suppression of its constitution and multi-party system had set back anti-Maoist initiatives." Stating that the Nepalese Maoists have close links with many militant left groups in India, he said "many of them have the fancy idea of setting up a liberated corridor starting right from the Tarai region and going through parts of West Bengal, Jharkhand, Chattisgarh, Karnataka and Maharastra."

Human Rights Situation

People's Front Nepal (PFN) has decided to launch an "exposure campaign" against Maoists in the field for abducting six persons including its local leader. On July 25, around 2,500 locals of several villages located on the border of Dhading and Makwanpur districts killed seven Maoists. Amnesty International (AI) has held the formation of Village Defense Force (VDF) responsible for further deterioration of the human rights situation in the rural areas. Its other report "Nepal: Fractured Country, Shattered Lives" states that villagers are terrorized by the groups, who are forcibly recruiting them, beating them, searching their houses and sexually harassing local women. "Torture by the military is both systematic and routine. Military officials who operate in an environment of complete impunity admitted to using ill-treatment to extract confessions." The RNA refuted the charges of promoting vigilante groups and the use of children for information gathering.

On July 28, Ian Martin, Representative of the Office of the UNHCHR in Nepal said that OHCHR has remained in touch with rebels. In Nepal's context, Martin added, "the human rights situation should be looked at under three categories: a) violation of human rights and international humanitarian laws relating to conflict; b) human rights situation in post-February 1; and c) long standing human rights issues such as discrimination on the ground of caste, social and economic rights. He said that certain things are yet to be fulfilled by the government as per the agreement. There are specific commitments like, "HMG will use all the official media" to publicize the agreement to the population in general.

On August 4, the National Human Rights Commission of Nepal (NHRC) revealed that a total of 1545 cases of disappearance have been filed at the commission. Of them, 816 cases are against the state, whereas 275 are against the Maoists and the rest are against unknown groups. On July 26 AI report "Nepal: Children Caught in the Conflict" revealed that 400 children lost their lives since the conflict started.

On August 12, the EU Troika (UK, EC and Finland) has strongly condemned the abuse of children by Maoists in the conflict and asked the government for clarification on policies and resources with respect to children and armed conflict.

US Sets Tough Terms on Arms Supply to Nepal

On July 31, the US has set certain terms for military assistance to Nepal. The first among them are that Secretary of State C. Rice must certify that Nepal has met defined conditions by October 1, 2005 when the next US fiscal year begins and all political detainees are released. The Congress reiterated the assistance would be made available only after the Secretary of the State certifies that Nepal has restored civil liberty, including due process under law, freedom of speech, freedom of the press, right to protest and has demonstrated through dialogue with Nepal's political parties a commitment to a clear timetable for a return to a multi-party democratic government consistent with the Constitution of 1990. Conditions include ensuring that the Commission for Investigation of Abuse of Authority is receiving adequate support to effectively implement its mandate and that no other anti-corruption body is functioning in violation of the 1990 Constitution and other International Standards, restoring independence of Human Rights Commission (NHRC), granting civilian prosecutors and judicial authorities, NHRC, Office of the UNHCHR, and international humanitarian organizations unannounced and unimpeded access to detainees, witnesses, relevant documents, and other solicited information. That apart, the Nepal government will be required to take effective steps to ensure that security forces comply with the Geneva Convention. Congress, however, has also given authority to the Secretary of State to waive such requirements if it certifies to the Committees on Appropriations "to do so is in the national security interests of the US."

Politics of Corruption

On August 4, N.B. Khatri, Chairman of the NHRC said, "The matter of RCCC filing a case, prosecuting and handing out a verdict on its own is not justifiable." The ADB has asked the Ministry of Finance to provide details of the July 26 verdict of Royal Commission for Corruption Control on a case of alleged financial irregularities in the Melamchi adit access road construction contract award. The RCCC has provided a copy of the verdict to defendant lawyers Ram Prasad Bhandari and ADB on August 12. After reading the verdict Bhandari said, "It is a strange verdict. It does not cite any evidence of corruption. The verdict is based on wild guesses."

Contact: Marei.John@fes.de, Tel.: 030 – 26 935 915
Ulrike.Ehnes@fes.de, Tel.: 0228 – 883 508