

News Update from Nepal

4 December 2007

Human Rights and Security Challenges

On November 6, the National Human Rights Commission of Nepal criticized the government and CPN (Maoist) for not abiding the peace accord. It claimed that in the last nine months 115 persons have been killed by various groups: Madhesi People's Rights Forum (MPRF) killed 30, Janatantrik Tarai Mukti Morcha (JTMM-Singh) 11, JTMM (Goit) 9, Maoists 9, Security Personnel 10, Tarai Kobra 1, Tarai Bagi 1, bomb planted by unidentified persons killed 15, Kapilvastu riot 14 and cause unidentified 19 persons. The security situation in the Tarai is getting worse with one person killed every other day and two people abducted every day. The secretaries of the Village Development Committee have resigned *en masse* due to insecurity, violence and extortion.

On November 8, the government made the 12th amendment to the Nepal police regulations with the provision for recruiting 32 percent indigenous nationalities, 28 percent Madhesis, 15 percent Dalits, 20 percent women and 5 percent from backward regions. It tabled two ordinances - the Nepal Trust Ordinance and the Arms and Ammunition Ordinance - in Parliament. The first one provides for the transfer of the property of the late King Birendra and his family into a trust. The second one increases jail terms for the illegal possession of arms. It also decided to recruit 2,500 Armed Police Force (APF) and set up a special taskforce of 50 security personnel under the command of Deputy Superintendent of the Armed Police Force (APF). This task force has already been deployed in the Kathmandu Valley and eight Tarai districts – Siraha, Saptari, Bara, Parsa, Rautahat, Mahottari, Dhanusha and Sarlahi - with the authority to arrest and initiate legal action against those suspected of being involved in criminal activities and possessing arms.

The Ministry of Peace and Reconstruction has unveiled two new projects - Post Conflict Reconstruction and Peace Memorial and Peace Honor. Under the first three-year project nine programs - e.g. peace and reconciliation, institutional strengthening of democracy and awareness, training and self-employment of conflict-hit people and Cooperative Town Planning - will be implemented.

CPN (Maoist)

On November 5, a day after the CPN-UML and CPN (Maoist) got each other's proposals on a republic and proportional election system passed in the interim parliament, Maoist leader Ram B. Thapa (Badal) declared, "The NC has lost its right to lead the government. If it still wants to lead the alliance it must obey the

parliament's directives right away. If it does not then the movement will continue." Another leader Barshaman Pun stressed, "If the interim parliament becomes reluctant in implementing the parliamentary decisions, his party would form a new parliament and government through a roundtable conference of all political parties, civil societies, intellectuals and hold the CA polls." Ideologue Dr. B. Bhattarai concluded, "The NC failed to bring changes in the livelihood of the poor as per the popular aspirations. Fundamental rights to education, health and employment as enshrined in the interim constitution should not be shelved for implementation after the CA elections or when the assembly introduces a new constitution. CA election is linked to the peace process and the election would be impossible until relief is provided to the families of a conflict victim." General-Secretary of CPN-UML Madhav K. Nepal in line with this statement claimed, "The government has failed to deliver."

On November 29, CPN (Maoist) proposed the democratization of the Nepal Army (NA) and the adjustment of the Peoples Liberation Army into the NA before the CA elections, the formation of the commission to determine the cases of those disappeared, relief assistance to the families of martyrs, rehabilitation of the displaced, holding of roundtable conferences of all political parties, Madhesis, Dalits, women and ethnic groups, conversion of the Peace and Reconstruction Ministry into a High-Level Peace Commission, restructuring of the government and allocation of portfolios of Home, Defense and Finance to them. In line with the CPN (Maoist), the Nepal Federation of Indigenous Nationalities (NEFIN) demanded the government to implement resolutions passed by the parliament.

Party Politics

Influential leaders in the CPN-UML and NC opposed the idea of implementing the proposals passed by the parliament. Senior NC leaders Govind R. Joshi, B.D. Chand and Sunil Bhandari warned Premier Koirala, "If you go beyond what the party's general assembly has mandated you for, we are going to defy the party whip." They advised him not to yield to the Maoist's pressure just to stick to power. CPN-UML leader K.P. Oli reacted, "There is no way the parliament directive will be accepted, it will be overturned in the party." Oli and Education Minister P. Nepal accused the Secretary-General Madhav K. Nepal and Speaker of the Parliament Subash Nembang for their inconsistent line in current politics. They said, "These are issues which warrant constitutional amendment through due parliamentary process and any short cut to that will be illegal and unacceptable." On December 1, in a meeting Chairman of Rastriya Janashakti Party Surya B. Thapa advised Premier Koirala "not to compromise on people's sovereign rights on major issues and let the people decide on such issues through CA polls."

On November 17, NC Central Committee Member Sujata Koirala emphatically said, "Since the Interim Constitution 2006 created lots of problems, the government should restore the 1990 constitution. The Premier is not in favor of the present constitution but accepted it only for the sake of the peace process." She also blamed Home Minister K.P. Sitaula for failing to maintain law and order. To these assertions, Premier

Koirala said, "I congratulate CPN (Maoist) for tabling motions in the parliament, which shows its commitment towards the parliament." He added, "The CA poll will be held by mid-April." CPN-UML and CPN (Maoist) endorsed this. To break the deadlock, the leaders of the major parties - NC, CPN-UML, CPN (Maoist) and Jana Morcha Nepal - agreed to review previous agreements reached between the ruling parties and find a new ground of unity.

Non-State Actors

On November 18, CPN (Maoist) United Opposition Front, the breakaway faction of CPN (Maoist), held its first meeting at Kailali district aiming to form an army called Red Guard very soon and tie Adivasis, Janajatis and Dalits for the formation of a parallel government within a month and hold the CA elections. The coordinator Laxman Singh Tharu said, " Many PLA fighters in the cantonments are in touch with them." He blamed the ruling seven parties for saving the monarchy. On November 5, JTMM (Singh) men burned Dilbar Shah alive. The CPN (Maoist) admitted that their cadres killed journalist Birendra Shah. A criminal group killed NC members Bechan Yadav and Ram Balak Singh in the Tarai.

The Madhesi Peoples Rights Forum-Nepal organized a "Broader Madhesi National Political Convention" in Kathmandu on November 19-20 to form a joint front of all Madhesi factions and parties. It said that all the Madhesi factions would be compelled to write their own constitution if the government failed to go for a federal republic, adopt a fully proportional electoral system and give autonomy to the Madhesi region with the right to self-determination.

External Dynamics and Peace Process

On November 9, Mac Maharaj, a close aide to South African leader Nelson Mandela, met Maoist top leaders and shared the experience of the peace process of both countries. On November 20, the cabinet decided to extend the term of UNMIN by another six months from January 22, 2008. Chief of UNMIN Ian Martin said, "There are a number of areas where it has been suggested that a more active UN support to the peace process would be of value, if desired by the government and the parties." He outlined three areas: support to the implementation of the peace process and agreements reached, assistance in a discussion on the future of the country's security sector, including a managed transition of the Maoist armed force from the current temporary cantonments and restrictions of the Nepal Army inside the barracks. And greater advisory support for promoting public security. "Without this, there is no exist strategy from UNMIN's arms monitoring." Refuting the government allegation that UNMIN has not met or sought to meet the leadership of armed Madhesi groups, he asserted, "Of course, UNMIN has met and will continue to meet with a wide range of representatives of traditionally marginalized groups."

On November 22, former US President Jimmy Carter met many political actors of Nepal. CPN (Maoist) chairman Prachanda said that his party's relations with the US

government have become "better since Carter's visit to Nepal in June." The US Embassy's treatment of the Maoists in recent days indicates that there has been improvement in our relations with the US." He also assured Carter that the Maoists are not in favor of breaking the peace process but would like to have an effective management of cantonments, relief to the martyrs' families and settling the cases of disappearance before polls and check the unlawful acts of the YCL. Carter suggested the ruling parties to go for a republic only after the CA elections. On the election system he preferred a 70:30 ratio - 70 percent of candidates on a proportional basis and 30 percent on first-past-the post.

On November 22, the office of the High Commissioner for Human Rights in Nepal urged CPN (Maoist) to cooperate with the reintegration of minors below 18 years of age associated with armed forces and armed groups. It said that forcing or pressuring young people under 18 to return to cantonment sites violates the rights of children, as well as the commitment made by the CPN (Maoist) and the government of Nepal in the peace accord.

On November 30, Foreign Minister Sahana Pradhan requested the visiting Chinese delegation led by the Minister for International Department of the Central Committee of the Communist Party of China, Wang Jiarui, to link Nepal with the Chinese rail network through Lhasa hoping that it will facilitate the import of petroleum products from China. She also sought Nepal's observer status in the Shanghai Cooperation. The Chinese counterpart assured to provide all sorts of assistance to make the peace process successful. On December 3, the visiting seven-member EU troika expressed its support to Nepal's government to put in place "key building blocks of the peace process to enable credible elections at the earliest opportunity. These include the improvement of public security, discussion on the future of Maoist combatants, an end to impunity for human rights abuses, progress on development and dialogue with marginalized groups."

Development

The UN Human Development Report for 2007/2008 says that Nepal's life expectancy at birth has increased to 62.6 years from 62.1 years of last year. The gross enrollment for primary, secondary, and tertiary education rose to 58.1 percent from 56.1 percent. Nepal's adult literacy stands at 48.6 percent. Nepal's HDI stands at 141st out of 177 countries. The human poverty index puts Nepal 84th among 108 developing countries. In the gender related development index (GDI) Nepal's position is 134th. On November 13, the Global Fund for AIDS, TB and Malaria has approved a grant of over \$76m to Nepal. Similarly, the World Bank is providing a grant assistance of \$ 25m for poverty alleviation and rural infrastructure expansion. This, however, has come with conditions" said Praful Patel, WB's Vice-President for South Asia, adding that a reform in labor laws was the foremost condition for Nepal to get the additional assistance.

Contact: Daniel.Reichart@fes.de, Tel.: 030 – 26 935 769
Ulrike.Ehnes@fes.de, Tel.: 0228 – 883 508