

NEPAL | Trends in Conflict and Cooperation

POLITICAL

Although some important steps were taken with regards to the peace process, Nepal is facing increasing instability with a deteriorating law and order situation in the South and a deadlock over the Constituent Assembly (CA) elections. After an intensive debate between the Communist Party of Nepal (Maoist) (CPN-M) and the Seven Party Alliance (SPA), an interim government of 22 ministers was formed on 1 April. While the key ministries (Ministries of Home, Defense and Finance) plus two other ministries remain in the hands of the Nepali Congress (NC), the CPN-M received five posts; the CPN-UML six; the Nepali Congress (Democratic) four; and the NSP (Ananda Devi) and the ULF one post each. Interestingly, the eight parties (SPA & CPN-M) did not nominate a deputy prime minister for the ailing Prime Minister Girija Prasad Koirala (NC). Home Minister Sitaula (NC) remains in office despite earlier demands by *Madhesi* (inhabitants of the southern plains) groups and NC party members for his resignation. At the same time as the interim government was formed, the eight parties announced that the Constituent Assembly (CA) elections would be held on 20 June; they also declared a common minimum program for the new cabinet. The international community – including India, China, the US (while maintaining the terrorist tag on the CPN-M), the UK, the UN and the EU – welcomed the formation of the interim government and promised financial support for the peace process.

As a consequence of the popular uprising by the *Madhesis* in the Terai at the beginning of the year, the interim parliament on 9 March altered the interim constitution. The amendment to the constitution – although vague in its wording – declares Nepal a federal state and increases the number of electoral constituencies in the southern plains in order to allow for better representation of its population. An Electoral Constituency Delineation Commission, formed by the government on 15 March without the consultation of the CPN-M, presented its recommendations on 12 April. The recommendations call for the introduction of 28 new constituencies in the Terai and seven in the hilly region (at present, there are 205 constituencies country-wide, out of which 88 are in the Terai). The Madhesi People's Rights Forum (MPRF) rejected the recommendations of the commission and *Madhesi* parliamentarians – from all parties except the CPN-M – boycotted the decision by the interim parliament on this matter.

On 13 April, the Election Commission announced that it was technically impossible to hold CA elections by 20 June. This announcement, which did not come unexpected, was met with protests by the CPN-M and other leftist parties and led to mutual accusations amongst the leftist parties and the NCs. As of today, the eight party government has been unable to agree on a new date for the CA elections. With the CA elections remaining uncertain, the issue of the monarchy has moved to the forefront and polarized the ruling parties. The CPN-M, highly suspicious of the “royalist and reactionary forces,” and the CPN-UML have asked for the immediate declaration of a republic, either by parliament or through a referendum. The NC and the NC-D, on the other hand, welcomed the shifting of the CA elections to a later stage and insisted that the democratically elected CA should decide over the fate of the monarchy, as stipulated in the November peace agreement. On 1 April, the eight parties had already agreed to introduce a second amendment to the interim constitution, which contains a provision to depose of the monarchy by a two-thirds majority if the latter is found to be derailing the CA elections. The CPN-M has declared that it will hold peaceful agitations from the third week of May if parliament does not declare Nepal a republic by then. The congress parties are considering unifying, while the leftist parties might agree on an electoral understanding for the CA elections (the leftist parties already have a majority in the cabinet and the interim parliament).

On 19 March, the Federation of Nepalese Commerce and Industries (FNCCI) decided in a bold move to shut down all industries and businesses in Kathmandu, in protest against the latest attack of the CPN-M on a hotel owner in Kathmandu. The CPN-M had reportedly abducted and beaten the owner on the previous day because he refused to pay donations to the CPN-M. The strike was called off on 23 March after assurances by the CPN-M that such incidents would not re-occur, and promises by the eight parties to address the business community's problems.

SOCIAL

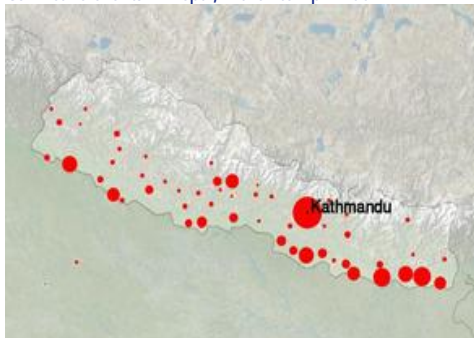
Apart from the CPN-M ministers, the new cabinet shows the traditional male Brahmin-Chetri-Newar bias, and *Madhesis* only account for around one-fourth of the ministers. Although the government has sought to address some of the legitimate grievances of ethnic actors by legislative means, it has failed to hold meaningful negotiations with these groups or to establish an inclusive mechanism for dialog. Proportional representation will remain elusive for as long as the main political parties – which will field the candidates for the CA elections – cannot overcome their traditional structures and increase intra-party inclusiveness. Apart from the *Madhesi* groups in the South, the Nepal Federation of Indigenous Nationalities (NEFIN) also staged protest programs in March and April, demanding ethnic autonomy, a federal state system, linguistic freedom and proportional representation in the CA elections. However, the protest programs remained relatively peaceful and NEFIN generally responded positively to government offers for talks, although such talks have yet to show results.

SECURITY

Unrest continued in the southern plains of the Terai – particularly in the eastern and central part, in the Rupandehi district in the West, and in the Banke district (Nepalgunj) in the Mid-West (see map). Over 34 people died in related violence in the past two months. On several occasions, members of the amorphous pro-autonomy MPRF clashed with enemy CPN-M cadres and the police or civilians defying MPRF protest programs. While unable to mobilize larger groups

of civilians for demonstrations, the MPRF called for a series of strike programs (transportation strike, lock-out of customs and other government offices) in the South, which were particularly effective in the central region. However, these strikes

Conflictive events in Nepal, March to April 2007



Source: FAST event data

also met with increasing local resistance from transport entrepreneurs, farmers or the chambers of commerce. Apart from the MPRF and the secessionist armed group Janatantrik Terai Mukti Morcha (JTMM), various other (armed) groups such as the Nepal Defense Army (pro-Hindu group), criminal gangs or the Madhesis Tigers have entered the stage, adding to the anarchical situation in the South. The political agenda of these various groups has become more and more blurred and they primarily appear in the media for their violent acts. In spite of several offers for talks by the government, these groups have so far stayed away from dialog by setting ever-changing conditions for talks. The government, on the other hand, has shown little imagination and political will for confidence building measures and for creating an environment conducive for talks. Both factions of the JTMM have continued attacks on government officials, security personnel and political opponents, and committed abductions of government officials. The state security forces are unable to handle this law and order situation adequately and often either fail to intervene or react with excessive use of force. In March and April, the *Chure Bhawar* society – another new group emerging in the South – has called for a series of bandhs (strikes) and protest programs. The *Chure Bhawar*

society has also been demanding federal autonomy for the Chure belt along the highway in the eastern and central regions, compensation for damages caused by the MPRF, and improved security. This group is a direct response to the *Madhes* uprising as it represents the interests of the Tamang, Magar and other hill-ethnic groups. This group has agreed to talks and called off its strike program on 30 April. Despite the formation of this hill-Nepali dominated group, the risk of increasing division and violence between *Madhesi* and hill-Nepali in Nepal is still minimal; they generally cohabitate peacefully in most parts of the country.

On 26 March, 26 persons linked to the CPN-M and one other person were killed as the MPRF clashed with the CPN-M, which was trying to hold simultaneous rallies at the same place in Gaur, Rautahat district. Clashes erupted after a group of young men attacked the unattended CPN-M stage and the CPN-M started to go after MPRF supporters. 26 persons linked to the CPN-M were chased and beaten to death with bamboo sticks by the overwhelming MPRF crowd of 1,500-4,000. Allegations that some of the five female victims had been raped before being killed, could so far not be substantiated (source: UNOHCHR); most of the victims killed were of hill-Nepali origin. The state security forces once again failed to intervene and prevent these killings, even though the clash was foreseeable. The CPN-M held nation-wide protests after the killing, but refrained so far from retaliating with violence. Despite the Gaur incident and CPN-M demands to ban the MPRF, the latter registered as a political party with the Election Commission on 26 April and announced the establishment of a talks team. The MPRF has clearly lost ground over the past weeks due to the Gaur incident and because many of its members, who are affiliated to political parties, have abandoned the movement.

From 10-13 April, the United Nations Mission in Nepal (UNMIN) oversaw and completed the storing of Nepalese army weapons in an army camp in Kathmandu – a major component of the Comprehensive Peace Agreement. Conditions in the cantonment sites of CPN-M fighters remain poor and risk further deterioration during the summer monsoon period. The second phase of verification of CPN-M combatants by UNMIN, which aims at handing over underaged combatants to UNICEF has not yet commenced.

The recently revived Young Communist League (YCL) of the CPN-M, which largely corresponds to the former CPN-M militia but also includes former People's Liberation Army (PLA) members, has increasingly acted as the CPN-M's pressure group and engaged in law enforcement in Kathmandu and other areas. Members of non-ruling pro-King parties, such as the Rastriya Prajatantra Party (RPP), have faced harassment and intimidation from members of the YCL and students of the eight parties. Apart from law enforcement, the CPN-M has revived a de facto People's Government in some areas in the form of People's Revolutionary Councils, even though such parallel structures violate the November peace deal.

OUTLOOK

With the uncertainty over the CA elections, the situation in Nepal will remain fluid and instable. CA elections can be expected in October/November 2007 at the earliest. A decision on this issue by the eight parties will be vital for the future of the peace process. The reasons for the delay in the CA elections primarily lie in the SPA's inability to agree on proportional representation within their own parties and to pass the necessary electoral laws related to that issue. A major challenge for the government will be to develop a clear strategy to bring the various ethnic pressure groups in the South into the mainstream and to re-establish law and order. A cabinet reshuffle might be undertaken to create a condition for talks with these groups. The MPRF, whose image has been tainted by the Gaur events, has recently signaled some openness for talks. Trust and commitment between the eight parties might dwindle as the parties start engaging in vote banks politics. The relationship between the CPN-M and NC, which was vital for the peace process so far, risks being weakened over the issue of the abolition of the monarchy. Most likely, the NC will concede to officially campaigning for a republic during the CA elections, while the leftist parties will drop their demands for the declaration of a republic prior to the elections. An environment for free and fair elections has yet to be created.

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