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## NEPAL

### Authoritarian rule in a conflict-ridden country: What comes next?



Building of Village Development Committee (VDC) destroyed by Maoists, Dhaibur in Rasuwa District, Central Region of Nepal (photo taken by HRWF Int., Nov. 2004)

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# Nepal

## Authoritarian rule in a conflict-ridden country: What comes next?

### Table of Contents

Executive summary and recommendations

Background to the current political crisis

The impending political crisis

Freedom of expression severely restricted

Documented cases

Why freedom of expression is so crucial in conflict situations

Suspended freedoms and human rights: Repercussions on the political situation

*Lack of local governance*

*The climate of fear*

Suspended freedoms and rights: Repercussions on the humanitarian situation

*Landmines*

*Internally displaced people (IDPs)*

Lack of informed analysis: Repercussions on the security situation

*Proliferation of security threats: Factionalism, warlordism, separatism*

Conclusions

## Executive Summary and Recommendations

At the end of November and beginning of December 2004, a two-member team of *Human Rights Without Frontiers Int.* conducted a 10-day fact-finding mission in Nepal with the objective of taking stock of events in the country with regard to its deteriorating security situation, increasing governmental crisis, and escalating human rights violations on the side of both the Government and the Maoist insurgents. In cooperation with and with the valuable help of *Human Rights Without Frontiers – Nepal*, the mission travelled across the country into a number of districts located in the Western Hill region, the Central Mountain region, the Central Tarai and Eastern Tarai regions, as well as in Kathmandu and the Kathmandu valley. A series of interviews were conducted with government officials (Chief District Officers, army officers), politicians, local human rights NGOs, *Dalits*, internally displaced people (IDPs), victims of human rights violations, Bhutanese and Tibetan refugees, as well as members of the diplomatic community.

The situation in Nepal has been rapidly deteriorating since the end of the fact-finding mission. Despite the political impasse at the end of 2004, there were signs of some frantic efforts at finding some solutions within the remit of the democratic system. Though several interviewed people had expressed concerns that authoritarian rule might be the option preferred by the king in his attempts to counter the Maoist insurgency, those were just fears that could not be substantiated. At the beginning of 2005, only few weeks later, these fears seem to be materializing. The country is actually descending fast and steadily into a profound political crisis. On February 1, 2005, King Gyanendra dismissed the government of Prime Minister Shah Bahadur Deuba and declared a state of emergency. In a statement, the king suspended the constitutional freedoms of press, speech and expression; the freedom to assemble peacefully; the right to privacy; and the constitutional protection against news censorship and preventive detention. The Himalayan kingdom is virtually isolated from the rest of the world, as phone, Internet and most air links have been suspended.

What next is in store for Nepal? Is authoritarian rule the best antidote to the Maoist insurgency? What will be the short- and long-term options for a country, which is becoming increasingly militarised and where violence and rampant human rights abuses have become a daily routine. This report will seek to outline some of the outstanding issues that should be expected to have an impact on the overall political and security situation in the country.

## Recommendations

To King Gyanendra and the Government appointed by him:

- In conformity with Nepal's constitution, restore the constitutional freedoms of press, speech and expression; the freedom to assemble peacefully; the right to privacy; and the constitutional protection against news censorship and preventive detention, which were suspended on February 1, 2005;
- Release without delay the arrested political leaders, human rights defenders, journalists, and others;
- Ensure that the Royal Nepalese Army and the security forces act in compliance with international human rights and humanitarian law;

- Take all steps necessary to stop human rights violations such as enforced disappearances, arbitrary detentions, torture, and summary executions, committed by governmental forces;
- Work towards creating a broad-base political consensus on crucial issues.

To the leadership of CPN-Maoist:

- Refrain from taking advantage of the current political crisis;
- Issue instructions to CPN-Maoist forces to act in compliance with international human rights and humanitarian law;
- Instruct CPN-Maoist forces to stop human rights violations and to stop terrorising civilians in areas under CPN-Maoist control.

To the international community:

- Pressure King Gyanendra and the government appointed by him to restore the constitutional freedoms of press, speech and expression; the freedom to assemble peacefully; the right to privacy; and the constitutional protection against news censorship and preventive detention, which were suspended on February 1, 2005;
- Pressure King Gyanendra and the government appointed by him to release immediately the arrested political leaders, human rights defenders, journalists, and others;
- Pressure King Gyanendra and the government appointed by him to ensure that the Royal Nepalese Army and the security forces abide by the international human rights and humanitarian law;
- Ensure that the military aid sent to Nepal is not used to commit violations of humanitarian law; if this is not the case, suspend military aid without further delay.

## Background to the current political crisis

Nepal is at a critical juncture of its history. Fourteen years after the introduction of multi-party democracy, the political life of the country is in a state of paralysis. Nepal's nascent democracy dates back to the beginning of the 1990s when a popular movement brought changes to the centuries-old system of autocratic rule and feudal structures of social and political life. The 1990 Constitution of Nepal set the basis for the introduction of a multi-party electoral system, separation of power, and the respect for fundamental human rights. However, this loosely drafted constitution did give increased powers to the king, especially over the military. The last fourteen years have displayed a gap between the formulation of policies and their actual implementation. The current political, economic and social context of Nepal is predominantly characterised by a huge democracy deficit, poverty affecting two-thirds of the population, inequalities and discrimination. These factors have rendered Nepal a fertile soil for the upsurge of armed insurgency between government troops and Maoist guerrillas.

The "People's War" was launched in 1996. On February 4, 1996, the Maoist political wing leader Baburam Bhattarai submitted a 40-point memorandum to the then Prime Minister Sher Bahadur Deuba. Broadly divided into three groups pertaining to nationality, questions of governance and livelihood, the memorandum's demands include abolition of special privileges of the king and the royal family, promulgation of a new republican constitution drafted by people's elected representatives, and turning Nepal into a secular state. Greatly underestimated as a security threat concentrated in the remote rural areas in the Far Western and Mid-Western regions of Nepal, the Maoist consolidated their ranks and gradually turned into a real threat to the constitutional order. There was a short period of ceasefire. Its breakdown in August 2003 led to a renewed cycle of insurgency and counter-insurgency operations and escalation of violence.

By definition, insurgency stays at the lower end of conflict intensity and is a complex warfare situation, in which the political system of a country is challenged and the forces of the government and the insurgents are engaged in outmanoeuvring military tactics. The Maoist guerrillas claim to control most of the rural areas in the country, while the government claims control of urban areas, including the capital, Kathmandu.

The conflict has claimed more than 11,000 lives since it erupted in 1996. Since the last ceasefire in August 2003, there has been an increase in documented human rights abuses, including torture, detention, disappearances, displacement, abductions and extra-judicial killings. Since the king dissolved parliament in 2002, he has assumed an increasingly autocratic role.

## The impending political crisis

On February 1 2005, King Gyanendra dismissed the government of Prime Minister Shah Bahadur Deuba and declared a state of emergency. In a statement, the king suspended the constitutional freedoms of press, speech and expression; the freedom to assemble peacefully; the right to privacy; and the constitutional protection against news censorship and preventive detention. In a constitutional response to the crisis, the king cited Article 127 of the 1990 Constitution, which, he claims, gives him the right to take absolute power if difficulties arise in relation to the implementation of the

constitution. This totally contradicts the language in the preamble of the constitution, which espouses the will of the people, as the king generally has little support among the people, outside of the military.

Following the royal coup, King Gyanendra used draconian powers to close down newspapers and deeply censor broadcasters in the state. In addition, telephone lines were cut off and Internet links were shut down, in-effect cutting off the Himalayan kingdom from the outside world. The Royal Nepalese Army rounded up political leaders in the country's capital, Kathmandu, instantly following the king's emergency decree. The ongoing crackdown against opposition political groups, along with former members of the government, points to a snap and brutal silencing out of all political dissent. The army continues to crack down heavily on press and human rights activists throughout the country. Unfortunately, the King's actions cannot be challenged in court, as laid down in the constitution, so the population is at the mercy of the Royal Nepalese Army, which has a record of severe violations of human rights. In essence, the state of emergency enacted by the King sadly deepens what was already a serious human rights crisis. Many political leaders, students, human rights activists, journalists and trade unionists arrested following the state of emergency remain in detention.

### Freedom of expression severely restricted

Human rights groups based in Nepal claim royal military forces are preventing local journalists publicising human rights abuses by the army, criticising the monarchy, news about strikes, or reporting on Maoist activities and attacks. The King in fact has invoked Clause 15 of His Majesty's Print and Publication Act, which bans for six months any interview, article, news, notice, view or personal opinion that directly criticises his regime. Privately owned TV and international stations are blocked. Indian news channels like Aaj Tak, Zee News, NDTV, Star News and the state-owned Doordarshan News have been banned.<sup>i</sup> Radio stations operating on an FM frequency have been blocked; community based radio stations shutdown and on-line news portals face heavy censorship. However, the BBC's World Service's Nepali-language programme has not been banned. Furthermore, INSEC, a human rights group in Nepal claim almost 250 political leaders, activists and human rights defenders have been arrested since 1 Feb. At the time of writing, 67 per cent of those arrested were still detained.

### Documented cases

A number of journalists and activists who voiced dissent have been arrested and imprisoned since 1 February coup. At the time of writing, Bishnu Nisthuri, Secretary General of the Federation of Nepalese Journalists (FNJ) was in prison<sup>ii</sup>, and the president of the FNJ, Taranath Dahal, was also in hiding.<sup>iii</sup> On 13 February, D.R Panth, a reporter with the daily Kantipur, was arrested in the town of Dadeldhura in the Mid Western Region. On 15 February, two journalists were detained in Chitwan: Basant Prajuli (representative of Gorkhapatra Daily) and Narayan Adhikari from the Government-owned Rastriya Samachar Samiti.<sup>iv</sup> Sujib Bajracharya, editor of the City Times, a daily newspaper from Kathmandu was arrested on 17 February. Gauri Pradhan, Chairperson of the Child Welfare

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<sup>i</sup> IFJ preliminary findings on the situation facing journalists and media in Nepal, 17 February 2005.

<sup>ii</sup> Reporters Without Borders, 16 February 2005.

<sup>iii</sup> IFJ preliminary findings on the situation facing journalists and media in Nepal, 17 February 2005.

<sup>iv</sup> Ibid.

Central Committee and Child Workers Concerned Centre (CWIN) as well as the Chairperson of NGO Federation of Nepal, were arrested from the Tribhuvan International Airport on 17 February, while he was returning home from Europe.<sup>v</sup>

During a mission to Kathmandu, the President of the International Federation of Journalists (IFJ), Christopher Warren, claimed journalists' safety, censorship, media job losses and lack of independent news are the most serious threats to independent media and free reporting in Nepal following the coup.<sup>vi</sup> There appears to be a serious lack of freedom of expression, as any statement or article critical of the king is now prohibited. As indicated above, several journalists have been arrested since 1 February and continue to face intimidation.

### Why freedom of expression is so crucial in conflict situations

Freedom of expression is absolute. The right to freedom of expression, whether it is to receive or communicate information and ideas of all kinds through all forms of media is enshrined in the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights. The ongoing events in Nepal in the context of seeking and communicating accurate information clearly violate this fundamental right.

Journalism, media monitoring and the freedom of expression in Nepal have been endangered following the 1 February royal coup and the subsequent draconian anti-freedom of expression laws invoked by King Gyanendra.<sup>vii</sup> For example, one reliable news site, Nepal News, had its portal shut down for a period following the coup, and thereafter had fewer stories than usual with censored content. It claimed the restrictions to its reporting came about due to the directives issued by the King, and cited the Print and Publication Act as the reason why censorship was now the norm.<sup>viii</sup> The King in effect has declared that for the next six months any interview, news article, notice, view or personal opinion that goes against his emergency rule declaration on 1 February 2005 is prohibited and action will be taken against anyone violating this notice.

Information is a key element in any conflict, especially from accurate sources. In a conflict situation, conflicting forces use the media to get their message across to selected audiences. More worrying is the misuse of information, as this can have serious consequences in armed conflicts, while on the other hand information correctly communicated can save lives. Impartial information on zones of combat, the location of minefields and the availability of humanitarian assistance can be as vital a requirement for civilians exposed to upheavals as the provision of shelter, food, water and medical services. Misinformation and propaganda are used as instruments against civilians in conflicts, which can trigger violence and forced displacement of peoples. It is essential to prevent such activities from occurring and, more so, to ensure that accurate information is distributed for the protection of civilians in armed conflicts.<sup>ix</sup>

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<sup>v</sup> <http://www.inseconline.org>, 17 February 2005.

<sup>vi</sup> IFJ preliminary findings on the situation facing journalists and media in Nepal, 17 February 2005.

<sup>vii</sup> Sub Clause 1 of Clause 15 of His Majesty's Print and Publication Act, 2048.

<sup>viii</sup> See Publisher's Note on the site of Nepal News, [www.nepalnews.com](http://www.nepalnews.com)

<sup>ix</sup> Protection of Civilians in Armed Conflicts, UN Office for the Coordination of Humanitarian Affairs, 2002.

## Suspended freedoms and human rights: Repercussions on the political situation

### *Lack of local governance*

One of the motives behind the decision of King Gyanendra to impose an autocratic rule and to curtail fundamental human rights and freedoms, especially the freedom of expression and the freedom of speech, in a situation that had been complicated enough over the last few years could be the King's intention to project an image of himself as having control over the governance of the country.

Throughout 2004 and the first weeks of 2005, major Nepalese daily newspapers were replete with news related to *en masse* resignations of chairmen and officials of Village Development Committees (VDCs) under the pressure of Maoist threats.<sup>x</sup> VDCs chairmen and officials constitute a major part of internally displaced people (IDPs). The Kathmandu mayor resigned in summer 2004 and the position has remained vacant since then. During its fact-finding mission November – December 2004, *Human Rights Without Frontiers Int.* could see that the Maoist-affected areas had spread as close as some 20 km away from the capital Kathmandu. In the districts, the governmental control was focused in the district towns, while rural areas had largely remained outside of governmental control. The country does in effect lack local structures for governance. Signs of destruction of VDCs are visible across the whole territory of Nepal. In effect, local population is deprived of its governance means.

One of the first decisions taken by King Gyanendra in the immediate aftermath of the February 1 coup was to entrust the District Development Committees (DDCs) with the functions of the already non-existent Village Development Committees. This administrative decision cannot, it itself, fill in the void of the missing local governance. Local communities need strategies for development and empowerment, and in many cases those are provided with the work of local non-governmental organisations. Within the context of governmental censorship and political repression, such civil groups were forced to suspend their activities.

### *The climate of fear*

As documented above, media workers, human rights activists and defenders, civil society leaders and political activists in Nepal are facing increased amounts of threats, harassment and intimidation. The Royal government continues to place huge restrictions on the freedom of speech and censors newspapers, radio and TV stations, independent journalists and international media who dare criticise the King and his absolute power.

The long record of human rights abuses committed both by governmental forces and Maoist insurgents has placed Nepalese civilians in a state of permanent terror. During its fact-finding mission, the team of *Human Rights Without Frontiers Int.* realized that the feeling of fear and insecurity has been an inseparable part of the daily life of Nepalese, determining their everyday choices and approach to different issues. The newly suspended freedoms and rights as well as the systematic campaign against journalists, political leaders, and human rights defenders will reinforce

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<sup>x</sup> Nepal has 3,913 Village Development Committees (VDCs), which are the basic units of local governance.

the climate of fear, whereby people will be afraid to come forward with testimonies of severe human rights abuses, fearing retribution from the government and the armed forces.

### Suspended freedoms and rights: Repercussions on the humanitarian situation

In the context of Nepal's Maoist insurgency and armed conflict between the rebel and governmental forces, the suspension of fundamental human rights freedom and in particular, the suspension of the freedom of expression and the freedom of speech enacted by the King on February 1, 2005, could have devastating consequences for the protection of civilians. Accurate information is essential to the protection of civilians and this report seeks to highlight just few of the issues that should be expected to have an enduring effect on the well-being of Nepal's populace for the years to come.

#### *Landmines*

Landmines can have a long-term effect on the well-being of a country, long after military conflicts are solved. The solution of landmine problems is possible in conditions of transparency and openness as well as willingness by all sides to cooperate. The suspension of the freedom of speech and the freedom of expression in Nepal should be expected to have adverse affects on the search of solutions to the growing landmine problem in the country.

According to the Landmine Monitor Report 2004, both the government forces and the Maoist insurgents have used antipersonnel landmines and improvised explosive devices (IEDs) since 1999. Statistics show that the use of mines and IEDs increased every year from 1999 to 2002, with a short remission period of few months during the ceasefire from January 2003 to August 2003. In the wake of the ceasefire breakdown, both governmental forces and Maoist forces have resorted to laying mines or IEDs on an increased scale. In 2004, all 75 districts were affected by landmines compared to only four districts in 1999.<sup>xi</sup>

The scale of the mine problem in Nepal has remained beyond the scope of formal studies and analyses. Official mechanism for collecting data on mine casualties is not available, either. According to information collected by Nepal Campaign for Banning Landmines (NCBL), in 2003 landmines, improvised explosive devices, other explosive devices, and unexploded ordinance caused 731 casualties, killing 196 people and injuring 535, compared to 182 casualties in 2000.<sup>xii</sup> For the first half of 2004, 572 casualties were reported.

It can be anticipated that the landmine problem in Nepal will increase entailing serious consequences for the future of the country. The king's autocratic rule settling in the country is unlikely to take precautionary measures to stop the situation from deteriorating further. On the contrary, the suspension of the freedom of speech and the freedom of expression will help distort the real situation precluding the international community from adopting a timely and adequate response. The use of landmines and mine casualties has always been a "sensitive issue" for Nepalese state authorities.<sup>xiii</sup> It was not until 2002, when the RNA acknowledged the production and the use of antipersonnel mines. Despite various promising statements by state authorities and the vote in

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<sup>xi</sup> *Landmine Monitor Report 2004*, at <http://www.icbl.org/lm/2004/nepal>

<sup>xii</sup> *Ibid.*

<sup>xiii</sup> *Ibid.*

support of UN General Assembly Resolution 58/53 calling for universalization of the 1997 Mine Ban Treaty, Nepal has not acceded to the Treaty itself. Moreover, landmines are viewed as “the cheapest defence weapon of the army against the Maoists”, as stated by a senior army official for the Nepalese daily *The Himalayan Times*.<sup>xiv</sup> According to Nepal Campaign for Banning Landmines (NCBL), as of February 2004 security forces have laid 10,000 anti-personnel mines around 50 military posts.<sup>xv</sup> Despite assurances that “the mines can be recovered anytime, and villagers near barracks have been notified about the minefields”<sup>xvi</sup>, the number of civilian casualties have been on the rise. There have been reports that the government has been expropriating more land, including agricultural land, to be fenced and mined for military purposes.<sup>xvii</sup>

In the lack of cohesive governmental policies aimed at preventing the negative consequences of landmines, human rights defenders and non-governmental organisations have been the main *loci* of data collection and anti-landmine activism. The crackdown on their activities and the governmentally imposed censorship on press and the media will certainly cut short those sources of information.

The deepening political crisis is likely to prevent any attempts at engaging the CPN (Maoist) in talks over the ban of landmines. Non-state armed groups remain outside of the remit of the 1997 Mine Ban Treaty, but by different means various non-governmental initiative can seek to bring about the consent of such groups to refrain from using landmines. Human rights defenders and non-governmental organizations are at the frontline of such initiatives. Within the current context of repression and severe censorship, Nepal’s human rights community will hardly be able to fulfil its mission in this regard.

### *Internally displaced persons (IDPs)*

The deteriorating security and human rights situation in Nepal has caused significant population movements over the last few years. This is a fact that has been acknowledged by international organizations and relief agency.<sup>xviii</sup> However, there is only very limited information on the exact scope of the displacement problem in Nepal and on the assistance and protection needs of displaced persons. It is also difficult to distinguish between poverty-induced and conflict-induced population movements, as in many cases the motives can be a combination of interlinked and overlapping factors. Studies and interviews point to the fact that the Maoist conflict has triggered the displacement mainly of local political leaders, VDC chairmen, teachers, and landowners, but also poor people from rural areas were forced to flee under the pressure of demands for money extortions and conditions of insecurity.<sup>xix</sup>

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<sup>xiv</sup> Government to outline defence policy on landmines, *The Himalayan Times*, 3 February 2004

<sup>xv</sup> *Ibid.* There is no updated information as of the writing of this report. As many more military posts were established throughout 2004, it should be expected that more landmines have been planted;

<sup>xvi</sup> *Ibid.*

<sup>xvii</sup> Landmine Monitor Report Nepal, 2004, *op.cit.*

<sup>xviii</sup> The UN Office for Coordination of Humanitarian Affairs and the IDP unit conducted a fact-finding mission to Nepal in May-June 2004, *Report of the OCHA/IDP Unit Mission to Nepal*. The Global IDP Project of the Norwegian Refugee Council has also studied the IDPs situation in Nepal.

<sup>xix</sup> During its fact-finding mission in November-December 2004, *Human Rights Without Frontiers Int.* interviewed political leaders (National Congress) from Eastern Nepal who had joined family members in Kathmandu.

There is no comprehensive and reliable data on the displaced population in Nepal. On the basis of data provided by the Ministry of Home Affairs, the Nepal Red Cross Society, the Informal Sector Service Centre (INSEC) as well as a survey of 12 municipalities, it has been concluded that between 100,000 and 150,000 people could be displaced in Nepal as a direct or indirect consequence of the conflict.<sup>xx</sup> According to the data available to the Community Study and Welfare Center, an NGO advocating the rights of IDPs in Nepal, over the last nine years of Maoist insurgency between 350,000 to 400,000 Nepalese have been displaced from their homes.<sup>xxi</sup> So far, the government has failed to spell out a coherent set of practices and policies to address the protection and assistance needs of IDPs.

Within the impending serious political crisis, it should be anticipated that the suspension of the freedom of expression and freedom of speech is to widen the existing information gap with regard to the population movements in Nepal. In their own turn, political repressions and persecutions such as those witnessed as of today can become a new factor inducing displacements. The lack of comprehensive studies has so far prevented international relief agency to adopt an adequate and timely response. The governmental crackdown on the free and independent media, on human rights defenders and political activists will not only silence dissenting voices and king's opponents, but will also prevent the dissemination of accurate information, which is essential for delivering humanitarian assistance and for protecting civilians in armed conflict.

#### Lack of informed analysis: Repercussions on the security situation

The lack of independent and free media and the crackdown on political activists and human rights defenders would jeopardize the flow of reliable information, thus precluding international community from having an informed analysis of the situation in Nepal. The Maoist insurgency poses the most serious threat to the security of the country. The security context, however, is constantly in a flux and the proliferation of security threats, along the lines of insurgency factionalism, warlordism, and even separatism, should not be considered as far-fetched ideas. Timely and adequate international responses warrant timely and reliable information leading to well-informed analyses and assessment of the security situation.

The 40-point memorandum submitted by the Maoist political wing leader Baburam Bhattarai in February 1996 to the then Prime Minister Sher Bahadur Deuba demanded decentralization and devolution of power to local areas. Autonomy of ethnic groups having majority in certain areas was also demanded. Being one of the main highlights of the memorandum, point 20 warrants a careful reading: "All kinds of exploitation and prejudice based on caste should be ended. In areas having a majority of one ethnic group, that group should have autonomy over that area".<sup>xxii</sup> Majority, when not defined, can remain a fluid term. If the text refers to absolute majority, very few groups will be eligible to territorial autonomy. The inclusion of the reference to autonomy can be seen as indicative of the Maoist agenda to capitalize on the existing societal divisions and fault lines by impressing on ethnic and caste groups the sense of empowerment. The right to self-determination is referred to in a number of other declarations issued by the CPN (Maoist), leading some researchers to observe

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<sup>xx</sup> Norwegian Refugee Council, Global IDP Project, *Training Workshop on protecting IDPs and the UN Guiding Principles on Internal Displacement*, 5-6 March 2003

<sup>xxi</sup> See *Nepal: Focus on IDPs*, at <http://www.irinnews.org>

<sup>xxii</sup> 40-point memorandum published in an article by Barbara Adams in *The People's Review*, 7 May 1998

that “tactically, ... , Maoists’ proposals for ethno-religious and regional mobilisation are far better articulated than their formulations on economy, class or state”.<sup>xxiii</sup>

The CPN (Maoists) established a dozen regional and ethnic fronts such as the Tamang National Liberation Front, the Tamuwan National Liberation Front, the Madhesi National Liberation Front, the Nepal Dalit Liberation Front, and some others. Ethnic and Regional Fronts Coordination Committee was created to coordinate the activities of these fronts. In January 2004, CPN (Maoist) began creating “autonomous people’s governments” to correspond with ethnic and regional divisions. Some of these are the Magarant Autonomous People’s Government in Western Nepal; inhabited largely by Magars, and the Madhesi Autonomous People’s Government in the Sariahi district in the Tarai Eastern region.<sup>xxiv</sup>

In general, insurgencies defined as asymmetric warfare aimed at overthrowing regimes have the tendency to coalesce with other forms of conflict such as ethnic struggle and separatism. However, the manipulation of identity diversity and the false promises of empowerment along ethnic and caste fault lines may, in its own turn, threaten the cohesiveness of the Maoist movement. Such scenario can lead to proliferation of security threats. Signs to this effect are already in place. In July 2004, Maoist platoon commander Shambhu Yadab defected after accusations of misappropriating party funds and set up the Madhesi Tiger Group.<sup>xxv</sup> In August 2004, the Madhesi National Liberation Front split from the Maoists setting up a new People’s Tarai Liberation Front, which had threatened non-Madhesi government employees to quit their jobs. In a statement issued on July 27, 2004, its leader Jaya Krishna Goit criticized both the Government and the Maoist leadership of discrimination against Madhesis (Tarai people) and emphasized the need for a federal structure guaranteeing the right of self-determination of Tarai people.<sup>xxvi</sup>

Some may argue that such process of splintering will weaken the Maoists. However, the situation in Nepal calls for constant monitoring and well-informed analysis. Firstly, factionalism may degenerate into warlordism and this scenario cannot be overstated. A number of politicians and human rights activists have expressed concerns that the political vacuum, the feeble local government control, and the increasing number of loose guns among the population are all factors threatening to turn the territory of Nepal into a fertile soil for competing power ambitions and economic interests of different groups and formations.<sup>xxvii</sup>

Secondly, the prevailing environment of political repression and the suspension of fundamental human rights and freedoms can only exacerbate the feeling of victimization which risks being spread along ethnic lines in the presence of “ethnic entrepreneurs”. The latter can be perceived as “benign interest aggregators” but they can also be “manipulative and exploitative power seekers that mobilize

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<sup>xxiii</sup> See Saubhagya Shah, *A Himalaya Herring: Maoist Revolution in the Shadow of the Legacy Raj*, pp. 218, *Himalayan “People’s War: Nepal’s Maoist Rebellion*, ed. Michael Hutt, Hurst & Company, London: 2004

<sup>xxiv</sup> In February 2004, Matrika Prasad Yadav, leader of the Madhesi Autonomous People’s Government, and Suresh Ale Magar, member of Magarant Autonomous People’s Government, were arrested in India and were immediately handed over to the RNA.

<sup>xxv</sup> *Divided They Stand*, *Nepali Times*, issue 222, 18-25 November 2004

<sup>xxvi</sup> *Maoist Sister Organizations Split*, [www.nepalnews.com](http://www.nepalnews.com), August 6, 2004

<sup>xxvii</sup> HRWF Int. interviews during its fact-finding mission

on ethnic themes for their own individual aggrandisement”<sup>xxviii</sup> Most often, the “communal card” is played when the ethnic fragmentation in a divided society is coupled with limited internal political legitimacy and the rhetoric of ethnic, racial, or religious issues becomes the basis for ethnic, radical outbidding.

## Conclusions

The silencing of human rights defenders and political leaders as well as the governmental crackdown on the independent and free media can have devastating consequences for the future of a country like Nepal, which for nine years has been embroiled in a combat with an ideologically-based armed insurgency. At a period, when political cohesiveness is the best counterbalance to the multiplying security threats and is most needed for finding lasting solutions to the standoff between the government and the Maoist insurgents, King Gyanendra had opted for authoritarian rule. This scenario was feared by many Nepalese political leaders and human rights activists long before the actual coup took place.<sup>xxix</sup> The stakes are too high, however, to be confronted with eroding political legitimacy and growing democracy deficit. The authoritarian rule will possibly lead to alienation of major political parties and leaders, making consensus an unattainable task in the current political context. The King has the Royal Nepalese Army on his side, but military solutions will not be the most successful option of dealing with the Maoist insurgency. Whatever the possibilities for solving the crisis, they will most certainly be a combination of political and military aspects coupled with coherent governmental programs for human development and empowerment.

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<sup>xxviii</sup> *Power Sharing and International Mediation in Ethnic Conflicts*, Timothy D. Sisk, U.S. Institute of Peace, Washington D.C., 1996

<sup>xxix</sup> During its fact-finding mission in November-December 2004, Human Rights Without Frontiers Int. could take stock of such feelings and in a subsequent press service pointed to the danger of the country slipping into the mould of authoritarian rule.