

Monthly Report - August 2014

UN Resident Coordinator's Office, Nepal



Summary

August saw the formation of parallel district committees by the Baburam Bhattarai faction of the UCPN-Maoist as a reaction to tensions between Bhattarai and the party chairman Puspa Kamal Dahal (Prachanda). Throughout the month at least 24 separate committees were reported to have been formed with active district level leadership and membership. Similarly the RPP-N appeared to be following a similar path as a result of internal differences though not to the same extent.

The strengthening of political affiliations in order to achieve common goals was quite noticeable. In the FWR, like minded political parties along with civil society organizations appear to have succeeded in dissolving the UCPN-M formed Far Western Development Commission (FWDC) that was allegedly against the sentiment of Undivided Far West model (as the Commission comprises of seven districts only). It is a relatively well known fact that some senior politicians from the area support the Undivided Far West movement. In the East, various different groups demanding a separate Limbuwan state (9 districts east of the Arun river) formed an alliance known as the Federal Limbuwan Party Nepal (FLPN) and have restructured their district chapters accordingly. Similarly, some local Madhesh based parties and groups were attempting to increase local support.

Various pro Hindu groups, namely the Brahmin Samaj (Brahmin Society) were publicly voicing their concerns regarding issues of secularism, the return to a Hindu state and perceived attacks on, and the dilution of Hindu cultural practices. This was in reaction to issues of cow slaughter and an increasing awareness of religious conversion. In addition, caste based discrimination remains an issue still very much prevalent in many parts of the country.

As reported in July's monthly, landlessness continued to be a contentious issue with increased activities of landless groups. A new commission was formed to address the issues of the landless, this time under the Ministry of Land Reform and Management though there appears to be very little faith in this commission as doubts have already surfaced regarding its operational motivations.

Finally, ADB funded projects were highlighted with operational space issues in both Janakpur and Sunsari mainly as a result of vested political interests.

This report proceeds according to area of thematic relevance for the UN RCO, listing what it considers the most relevant incidents.

1. Constitution/Federalism/Political

Nationwide, throughout the month - As differences between Prachanda and Baburam Bhattarai increased within the UCPN-M; parallel committees were formed in more than two dozen districts. Parallel district committees of the UCPN-M reportedly exist and were active due to the ongoing intra-party rift (following the general convention held in May). The separate committees consist of district level leaders loyal to the party chairman Dahal and those loyal to the senior leader Bhattarai, with both committees claiming legitimacy. Many stakeholders felt the establishment of parallel committees or any split within the UCPN-M could certainly affect the constitution building process, as well as create local level tensions in some districts. However, toward to end of the month it was reported that both factions had agreed to stop the formation of parallel committees.

Jhapa (ER 26 August) – A Parallel District Committee of the RPP-N was formed in Jhapa. Deploing the authoritarian working style of Chairman Kamal Thapa of the RPP-N, the Padma Sundar Lawati led faction formed a parallel district committee. Reportedly, in the name of refining the party, the faction led by Lawati is preparing to form parallel district committees in many districts.

Doti and Dadeldhura (FWR 12 August) - The Far Western Development Commission (FWDC) established in October 2012 by the then UCPN-Maoist led government comprising of seven FWR districts in which Kailali & Kanchanpur were not included, **was recently dissolved.** It is said that a new Commission will be formed including all nine districts within the region. **Parties and civil society, particularly those supporting the Undivided Far West (UFW) were unhappy with the exclusion of the two Tarai districts and have been demanding all nine be included.**

Dhankuta (ER 05 August) - Five separate regional groups campaigning for the establishment of a Limbuwan state merged to form a new party now known collectively as the Federal Limbuwan Party Nepal (FLPN). Supporters of identity-based federalism including some Madhesi leaders such as Jay Prakash Gupta welcomed the decision. **Jhapa, Sunsari, (ER, 14 August) - Following the unification of five pro Limbuwan parties on 5 August 2014,** restructuring of its district chapters was reported in both Jhapa and Sunsari districts. **This will add increased strength and organizational resources to any movements planned over the coming months as discussions on federal restructuring move forward.**

Jhapa, Morang, Sunsari, Dhankuta, Panchtar (ER 12 August) - NEFIN celebrated the 20th International Indigenous Day by organizing different programs in ER districts. Speakers stressed the need for a federal structure based on identity and the protection of linguistic and cultural rights of the Indigenous People. The General Secretary of NEFIN Aang Kaji Sherpa warned that a constitution without identity based federalism would be burned in front of Singhdarbar. He also criticized the government for its discriminatory practices.

Biratnagar (ER 07 August) - The Madhesi Janadhikar Forum Nepal (MJF-N) reportedly started to prepare for local elections in some Terai districts. It formed 3 special committees that will be mobilized in different districts to drum up support for the party. **In the past the party had boycotted local elections.**

Biratnagar (ER 07 August) - In a program for "Federalism and Madhesi Liberation" organized by the Wider Madhesi Civil Society (Brihat Madhesi Nagarik Samaj), participants stressed the need to make an inclusive constitution which takes into account the demands of all citizens whether they are Madhesis, Janajatis, Dalits, Muslims, or Pichada Barga (backward classes). At the same time, **they warned of dire consequences for the country if the CA fails to announce the creation a single madhes province covering all 20 Tarai districts.**

Janakpur (CTR 11 August) – The Constitution Political Dialogue and Consensus Committee (CPDCC) held separate talks with four armed groups that have been campaigning for an autonomous Madesh state. Following the dialogue, the armed groups agreed to join mainstream politics by handing over their weapons to the government provided their demands are met. These groups are demanding the release of their cadres arrested by the police. **However, different stakeholders see these dialogues as worthless as they are not legally binding.**

Morang (ER 23 August) - Former minister Gupta has been advocating for a single province in the Madhes. Speaking at a district level cadre training in Biratnagar, the former minister and the Tarai Madhes National Campaign Coordinator Jaya Prakash Gupta urged Madhesi communities to unite for "Samgra Madhesh, Ek Pradesh". Stressing the need to be united, Mr. Gupta said that without unity among Madhesi people, a constitution favoring the Madhes is not possible. During the program he opposed the concept of multi states in the Tarai and North-South provinces.

Sunsari (ER 19 August) - Speakers at a program called ‘Baidik Sanatan Hindu Dharma’ organized by the Jhapa district chapter of the Brahman Samaj Nepal (Brahmin Society) are demanding Nepal be declared a Hindu State in the new Constitution. They further stated the concept of creating federal states on the basis of identity will be detrimental to the country. Similarly, the Sunsari Brahman Samaj organized a ‘Sankha Julus’ (conche shell rally) in Itahari, Sunsari on 16 August **demanding that ‘Brahmans’ should be considered as an indigenous group.** In addition to declaring Nepal a Hindu State, they also demanded a horizontal reservation system and multiple identity federalism. They also warned of protests if their demands are not addressed.

2. Transitional Justice

Kathmandu (CR 20 August) - In a hearing questioning the TRC recommendation committee, the Supreme Court (SC) asked the government and the petitioners to come together to the court on 21 October where the supreme court will hear from both sides and decide whether to issue an interim order to the TRC Recommendation Committee regarding the halting of its work. On 5 August, a conflict victim filed a writ petition at the SC questioning the legitimacy of the recommendation committee nominating names for the TRC/CoID Commission. The writ seeks an interim order to instruct the recommendation committee to halt its work. **It is alleged that the committee was formed in violation of the TRC/CoED Act and that the committee was formed without consulting the victims or their relatives.**

3. Inclusion/Discrimination

Gorkha (WR 22 August) - Following the death of a local who was injured during a clash with the Nepal Police (NP) on 14 August when they intervened whilst locals were slaughtering an ox, the district based Indigenous Association demonstrated and staged a one-hour sit-in outside of the District Administration Office. In the initial incident, **the NP opened fire in the air resulting in a local being shot.** The injured person later died while receiving treatment. Locals demanded action be taken against the NP personnel responsible and that compensation be provided to the families of the deceased. **Nepal's law prohibits the slaughtering of cows and carries a sentence of between 6 to 12 years in prison.** However, certain Janjati groups claim it as their cultural right though this inevitably leads to confrontation. In reference to the incident of cow slaughter in Gorkha, the **Jhapa Brahmin Samaj Nepal (Brahmin Society Nepal) issued a press statement stating that cow slaughter in the name of secularism is an offence and that the GoN should take appropriate action.** The statement goes on to say that attacks on religious symbols and beliefs in the name of secularism are unacceptable and demands strong action is taken against those involved in cow slaughter.

Morang (ER 18 August) - A Dalit family in Biratnagar was attacked by a Brahmin family following the inter-caste marriage of their respective son and daughter on 17 August 2014. Family members of the 24 year old husband (Dalit) were reportedly beaten by the wife's family (Upper Caste). Reportedly, the couple had been hiding since their court marriage. Dalit rights activists complained, **stating the police had refused to register an FIR of caste discrimination preferring to mediate the case. However, the father, mother and uncles of wife's were later arrested under the discrimination act.**

Saptari (ER 17 August) - A twenty year old Muslim woman registered a case at the Saptari District Court requesting a certification of relationship (*nata praman kayam*) with her husband. She complained that she has faced discriminatory behavior from her Hindu in-laws on the basis of religion by not providing her with food and shelter at their house. **Following pressure from his family, her husband also refused to accept her as his wife with whom he married in August last year.**

FWR (24 August) - The GoN has formed a Landless People's Problem Resolution Commission (LPPRC) present in 73 districts to tackle landless people's issues by collecting applications, issuing landless people's identity cards and providing land where appropriate. The Commission has an extended presence through the Landless People's Problem Resolution District Committees in 73 districts including all nine of the FWR districts. As per LPPRC guidelines, the Ministry of Land Reform and Management recently appointed a District Chairperson in all the FWR districts. **Landlessness is a recurring issue in the FWR with effective protests by landless people demanding their rehabilitation in the past. Previous commissions could not address the issue due to a limited mandate, a lack of land reform policies and political interference.**

4. Operational Space

Janakpur (CTR 04 August) - NC leader and Minister for Physical Planning and Transportation Bimalendera Nidhi and other NC leaders were accused of obstructing the Integrated Urban Development Project funded by the Asian Development Bank regarding the construction of a landfill site in Phulgama VDC. The site had been approved for construction with the consent from relevant stakeholders. However, NC leaders have argued that the land has already been allocated for the Janak University. As a result, the ADB stopped its work at the site and requested the Janakpur Municipality to find an alternative location for the landfill. In response to Nidhi's actions, local political parties and other civil society members submitted a memorandum to the CDO warning of protests if the construction halt continues. Demonstrations demanding the implementation of the Integrated Urban Development Project also took place. **Fulgama VDC was initially proposed as the landfill site, however, Minister Nidhi has since disputed the decision. It is worth noting that the proposed site is also in the Minister's constituency.**

Sunsari (ER 18 August) - An integrated Drinking Water Supply Project funded by the ADB continued to be a source of tension among local citizen in Dharan. Most favor the project however, some people are against it stating it will increase the price of drinking water. On 18 August the UML Dharan Municipality Committee encircled the Drinking Water Supply Office (DWO) demanding an explanation from the Chief of the DWO. **The chief is reportedly campaigning against the Water Project and has submitted a petition containing fake signatures to the relevant Ministry as well as to the offices of the ADB.** The UML warned of administrative and physical action if those involved fail to remain neutral. **It is rumored that political forces are backing issues of local citizens.**

Chitwan (CR 29 August) – The CPN-M enforced a bandh protesting the inauguration of the Maadi Multiple Campus by the Indian Ambassador. The Indian embassy provided financial support for the construction of the building. The NP arrested eight Maoist cadres involved in enforcing the bandh. Unlike other donors, the Indian Embassy is providing financial assistance to communities through the DDC.

Darchula (FWR 25 August) Victims of the 2013 Darchula flood enforced a district bandh demanding compensation and rehabilitation. The agitators organized rallies and forced the closure of trade as well as academic institutions at the DHQ. **The flood in the Mahakali river had a severe impact, particularly in Darchula DHQ during 2013. The victims organized a series of protest programs advocating for their rehabilitation.**

5. Other issues

Bardiya (MWR, throughout the month). Flood affected victims demonstrated in the DHQ demanding the provision of relief materials to affected families. According to preliminary Nepal Red Cross Society reports 20 VDCs including two municipalities were affected by the floods. Reportedly 15 died, 16 were injured and more than 100 people were missing at the time of reporting. In addition, 3,323 families were displaced while another 3,837 families were affected by the floods in the district. **Both Bardiya and Surkhet were most affected by flooding that caused a great deal of road damage, restricting access.**