

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide information about the Nepali Congress Party's (NCP) agenda, activities and membership.**
- 2. Please provide updated information on the activities of the Maoists since the April 2008 elections and the subsequent negotiations in June 2008, and on the relationship between the Maoists and the members of the NCP.**
- 3. Is there any evidence that family of NCP members are targeted by the Maoists for that reason alone?**
- 4. Are there any areas in Nepal outside the reach of the Maoists, and what is the possibility of relocation?**

RESPONSE

- 1. Please provide information about the Nepali Congress Party's (NCP) agenda, activities and membership.**

According to the available information the Nepali Congress Party (NC) is now the main opposition party in Nepal, after eventually refusing to join the Maoist-led coalition government following the Communist Party of Nepal-Maoist (CPN-M) victory in the April 2008 general elections. A July 2008 International Crisis Group (ICG) post-election report states that "the political landscape has changed irrevocably", and notes the reluctance of the NC, who had "occup[ied] all key ministries throughout the post-people's movement period as well as the prime ministership and acting head of state", to accept the results of the elections and the convincing victory of the Maoists. ICG states that the NC is at a "critical juncture", and that "they risk years in the political wilderness if they do not face up to their defeat and

take urgent steps to reform themselves and reconnect with the electorate. Most signs suggest the NC will prefer to turn inwards, rejecting the election's message and becoming embroiled in internal strife" (UN Security Council 2009, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2009/1, ReliefWeb website, 2 January

[http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/$File/full_report.pdf) – Accessed 13 January 2009 – Attachment 1; UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/670, UNHCR Refworld website, 24 October <http://www.unhcr.org/refworld/docid/4909c3052.html> – Accessed 9 January 2009 – Attachment 2; International Crisis Group 2008, 'International Crisis Group 2008, 'Nepal's new political landscape', *Asia Report N°156*, 3 July – Attachment 3).

The Nepal Election Portal website provides a background summary of the NC, reproduced here in full:

The Nepali Congress was established on April 9, 1950, in Calcutta, India; the party's core support came from democratic activists in exile from the repressive Rana oligarchic government that had ruled Nepal for 100 years.

In 1951, under pressure from a newly independent India and with NC cadres in the vanguard, the Rana regime fell. Though the NC formed the first elected government in 1959, internal struggles prevented effective governance. The party was outmaneuvered and again had to go underground in 1960 since King Mahendra established the so-called Panchayat dictatorship under his direct control. Congress activists gathered in India to re-ignite the democratic movement, through both peaceful and armed efforts. In January 1990, the NC joined by a coalition of seven communist parties, launched the nationwide People's Movement, calling for the restoration of democracy. Following the success of this mass uprising, NC formed a majority government through its resounding success in the 1991 elections. Later, in the 1994 mid-term elections, the NC finished second behind the Communist Party of Nepal-Unified Marxist Leninist (UML), which led a minority government for nine months. The NC then led two coalition governments before the 1999 elections when the NC regained a majority. In 2001, the NC split into the Nepali Congress, led by Girija Prasad Koirala, the brother of the NC's first leader BP Koirala, and the Nepali Congress-Democratic (NC-D) led by Sher Bahadur Deuba; both had previously served as Prime Minister and the division reflected personal rather than ideological differences. Not surprisingly, the factions reunited in September 2007.

After King Gyanendra's seizure of power in 2002, when he dismissed the elected government, the NC launched protests against the king's 'absolute rule'. Many party activists were arrested. In April 2006, the royalist government collapsed when thousands of people joined the second People's Movement, three weeks of prolonged and unmanageable street protests jointly led by the Seven Party Alliance, and strongly backed by the CPN-Maoist.

The NC has been in government for more than 12 of the 17 years since 1991, including playing the leading role in the SPA government that oversaw the end of the Maoist civil war and the April 2008 CA elections. Throughout its history the party has been plagued with internecine conflicts. Focusing on its illustrious history and heroic former leaders, the NC has been reluctant to modernize and develop a forward-looking platform.

The founder of the Nepali Congress, BP Koirala, envisaged the NC functioning as a democratic socialist party. Nepali Congress is also a member of the Socialist International, a worldwide grouping of democratic socialist and social democratic parties, but in government has usually behaved as a party of the center-right, adopting neo-liberal economic

prescriptions. Seen as the ‘establishment’ party, its decision to follow Maoist demands that Nepal be declared a federal republic alienated many supporters, and blurred the party’s message.

Girija Prasad Koirala serves as the President of the party and Sushil Koirala, Ram Chandra Poudyal, Gopal Man Shrestha, and Prakash Man Singh as Vice-Presidents, Bimlendra Nidhi, Ram Barav Yadav and K.B Gurung as General Secretaries and Arjun Narsingh K.C as its Spokesperson. There are a total of 72 Central Committee members including 36 invitees.

The NC manifesto proposes an indirectly elected President and directly elected Prime Minister as the executive head. The party is for autonomous federal states based on pluralism, national integrity, geography, population, natural resources, and economic viability; the number and size of the federal states would be decided by the Constituent Assembly on the basis of the recommendation for restructuring of the state commission that would be formed.

In the first parliamentary elections (1959), the NC won 74 out of 109 seats. Following the success of the uprising in 1991, NC won 112 out of 205 House of Representatives seats. In 1994 elections, the NC secured 83 out of 205 seats. In 1999 elections, NC again secured a majority winning 113 out of 205 seats. The party’s strength in these elections came from the people’s familiarity with the party and its liberal policies that made people feel comfortable.

The 2008 CA vote saw a dramatic drop in the NC’s influence, as it won only 110 out of the 601 seats in the Assembly. Unpopular candidates, failure to retain support in its traditional base in the southern region known as the Tarai, and disconnection from the grass-roots are cited as some of the many reasons behind the NC’s poor performance. Many members of the Koirala ‘dynasty’, including the party’s Acting President, Sushil Koirala, the Prime Minister’s daughter, Sujata Koirala, and his nephew, Shekhar Koirala, were routed in this crucial elections. The Prime Minister did not contest for a single member constituency; his name was included on the party’s PR list (‘Parties Profile (Elected) – Nepali Congress’ (undated), Nepal Election Portal website <http://result.nepalelectionportal.org/parties.php?val=2> – Accessed 9 January 2009 – Attachment 4; Also see: ‘Party details: Nepali Congress’ (undated), Nepal Election Portal website <http://www.nepalelectionportal.org/EN/political-parties/partydetails/nepalicongress.php> – Accessed 9 January 2009 – Attachment 5).

For a brief analysis of the situation for the NC after the Maoist victory in the April 2008 elections, see the ICG July 2008 report, *Nepal’s New Political Landscape* (International Crisis Group 2008, ‘International Crisis Group 2008, ‘Nepal’s new political landscape’, *Asia Report N°156*, 3 July, pp. 7-10 – Attachment 3).

Further background information can be found in the following sources. Please note that there are some date discrepancies as to the formation of the party, which appears to have been formed sometime in the late 1940s to early 1950s. Sources differ as to the actual year. Introductory information on the NC website states that the party was formed in exile in India in 1946. The NC party profile on the Nepal Election Portal website states that the party was established on 9 April 1950 in Calcutta, India. The summary of the party from *The Political Handbook of the World* states that it was founded in 1947 (‘Nepali Congress An Introduction’ (undated), Nepali Congress website <http://www.nepalicongress.org/files/introduction.php> – Accessed 9 January 2009 – Attachment 6; ‘Parties Profile (Elected) – Nepali Congress’ (undated), Nepal Election Portal website <http://result.nepalelectionportal.org/parties.php?val=2> – Accessed 9 January 2009 – Attachment 4; Banks, A.S., Muller, T.C. & Overstreet, N.R. (eds) 2007, *Political Handbook of the World: 2007*, CQ Press, Washington D.C., p. 872 – Attachment 7).

The official website of the NC is <http://www.nepalicongress.org/>. Most of the website is not in English; however, organisational structure, membership and party ideology and policies were found on the introductory page on the website. The information is undated, but appears to have been last updated sometime in 2006 ('Nepali Congress An Introduction' (undated), Nepali Congress website <http://www.nepalicongress.org/files/introduction.php> – Accessed 9 January 2009 – Attachment 6).

Attachment 8 is the party's Constituent Assembly 2008 election draft manifesto in English, found on the NC website ('Nepali Congress Manifesto (draft): Constituent Assembly Election 2008' 2008, Nepali Congress website, 10 March http://www.nepalicongress.org/NC_manifesto_for_CA_Election-2064_in_English.doc – Accessed 9 January 2009 – Attachment 8).

Attachment 9 is the party's manifesto for the previous election, found on the NC website ('Nepali Congress Manifesto: Highlights (2056)' (undated), Nepali Congress website http://www.nepalicongress.org/manifesto/Nepali_Congress_Manifesto_Highlights_2056.doc – Accessed 9 January 2009 – Attachment 9).

Although there is no detail on events from the last two years, the latest edition of *The Political Handbook of the World* (2007) contains introductory information on the Nepali Congress (NC) (Banks, A.S., Muller, T.C. & Overstreet, N.R. (eds) 2007, *Political Handbook of the World: 2007*, CQ Press, Washington D.C., p. 872 – Attachment 7).

2. Please provide updated information on the activities of the Maoists since the April 2008 elections and the subsequent negotiations in June 2008, and on the relationship between the Maoists and the members of the NCP.

The October 2008 and January 2009 UN Security Council reports on Nepal provide updated information on the activities of the Maoists, the NC, and the situation in Nepal. The most recent report notes the Secretary General's view that the most immediate challenge is to integrate and rehabilitate Maoist army personnel. The information indicates that, on a national political level, there is a lack of cooperation between the CPN-M and the NC (as the main opposition party). According to a recent article dated 12 January 2009, NC and other political parties continue to accuse the Maoists of using terror tactics to achieve their goals. The most recent sticking points between the CPN-M and the NC are the NC's demands that CPN-M disband the paramilitary structure of its youth wing, the Youth Communist League (YCL), and return seized lands. Under an agreement with the NC, the CPN-M has promised to disband the paramilitary structure of the YCL within a specific timeframe. Recent media reports indicate that the YCL continues to be active. Youth fronts of other parties, for example the Youth Front of the CPN-UML and Tarun Dal of the NC, are also reported to be active. The January 2009 UN Security Council report states that the proliferation of these militant youth groups "increases the risk of local violence and, when such groups engage in purported law-enforcement activities, runs counter to efforts to re-establish the rule of law". Political leaders have also expressed doubts as to whether the Maoist leadership actually has control over the YCL, as reported in a 3 January 2009 *eKantipur* article. There are also allegations that the central Maoist leadership are "unable to control incidents of intimidation, threats and extortion carried out by party workers" (*IRIN*, 24 December 2008). The NC and its youth wing have been organising anti-Maoist rallies across the country, and have clashed with Maoist students and YCL cadres (for the UN Security Council reports, see: UN Security Council 2009, *Report of the Secretary-General on the request of Nepal for United Nations*

assistance in support of its peace process, S/2009/1, ReliefWeb website, 2 January [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/$File/full_report.pdf) – Accessed 13 January 2009 – Attachment 1 and UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/670, UNHCR Refworld website, 24 October <http://www.unhcr.org/refworld/docid/4909c3052.html> – Accessed 9 January 2009 – Attachment 2; Sarkar, S. 2009, ‘Nepal: Maoists face UN criticism’, International Relations and Security Network website, 12 January <http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?Ing=en&id=95232> – Accessed 13 January 2009 – Attachment 10; ‘YC pledges to implement pact’ 2009, *eKantipur*, 3 January <http://www.kantipuronline.com/kolnews.php?&nid=173439> – Accessed 8 January 2009 – Attachment 11; ‘Former Maoist rebels causing trouble’ 2008, *IRIN*, 24 December <http://www.irinnews.org/Report.aspx?ReportId=82081> – Accessed 8 January 2009 – Attachment 12; for reports of NC organised rallies, see: ‘NC-called Gulmi shutdown cripples normal life’ 2008, *eKantipur*, 30 December <http://www.kantipuronline.com/kolnews.php?&nid=172795> – Accessed 8 January 2009 – Attachment 13).

UN Security Council reports

The January 2009 UN Security Council report gives a summary of the progress of the peace process from October 2008 to January 2009:

On 31 October and 1 November 2008, I visited Nepal, where I had the honour of addressing the Constituent Assembly and offering my sincere congratulations on the historic transformation that the country had undergone. During my visit, I met with the President, Ram Baran Yadav, the Prime Minister, Pushpa Kamal Dahal “Prachanda”, and leaders of major political parties. I stressed that the most immediate challenge ahead is to integrate and rehabilitate Maoist army personnel, and in this regard, I welcomed the Government’s announcement of the establishment, on 28 October, of the special committee to supervise, integrate and rehabilitate Maoist army personnel. I encouraged the parties represented on the committee to ensure that it would begin its important work as soon as possible. I also called on the Government to move quickly on the formal discharge of disqualified personnel, in particular minors.

4. Since the swearing in of the coalition Government led by CPN (M) in August, there has been slow progress on key peace process-related issues, particularly in relation to the special committee, which has yet to convene. While the Constituent Assembly has agreed on the regulations for drafting the Constitution, which under the Interim Constitution should be completed by May 2010, and committee members have been named, the substantive work of the Assembly has yet to begin. The Government has made some progress in its efforts to facilitate contacts with armed groups, but the security situation in parts of the Tarai — the plains of Nepal — remains of great concern.

5. The passage of the budget for the remainder of fiscal year 2008/09 by the Constituent Assembly acting in its capacity as a Legislature-Parliament was delayed owing to objections to some of its provisions by the Nepali Congress (NC), the main opposition party. NC threatened to stop the functioning of the Legislature-Parliament through protest action if certain demands were not met. On 9 November, it presented those demands, which related to some long-standing issues in connection with the peace process, as well as concerns about the budget, to the Prime Minister. He publicly committed the Government to implementing measures to meet those demands during an address to the Legislature-Parliament. On 14 November, the budget was unanimously adopted.

6. Under the agreement with NC, the Prime Minister pledged that property seized by the Maoists during the insurgency would be returned by 15 December 2008. The Maoists have made repeated commitments to return land and property since the signing of the Comprehensive Peace Agreement in November 2006. In a subsequent development, on 30 November the Government signed a four-point agreement with the National Land Rights Forum to address broader issues of landlessness, and on 10 December it announced the establishment of a scientific land reform commission.

7. The Prime Minister also agreed to end “paramilitary” activities of the CPN (M)-affiliated Young Communist League (YCL), which have continued to come under strong criticism from all other parties. Two young men abducted by members of the League in Dhading district on 20 October were found dead on 18 November, triggering protests that brought the capital to a standstill on 20 November.

8. In addition to agreeing to implement measures to meet those two key demands, the Prime Minister agreed that Maoist army personnel and weapons would no longer be used for the security of Maoist leaders; that all financial decisions pertaining to the management of Maoist army cantonments would be brought under the auspices of the special committee; and that the terms of reference of local peace committees would be revised. In addition to those peace-process-related issues, some revisions to the budget were also promised.

9. From 21 to 23 and on 25 November, CPN (M) held a national gathering, its third most authoritative decision-making body, to resolve differences within the leadership about the future direction of the party. After a debate about the path towards the party’s goal of a “people’s republic”, the Maoists committed themselves to a progression by phases to a “people’s federal democratic national republic”, through a transitional period which will focus on completing the army integration process, carrying out development and reconstruction activities, promoting economic growth and drafting a “pro-public” constitution. The party decided to establish an internal advisory committee on army integration, which will include central leaders and divisional commanders. The party’s strategy is to be debated further at a general convention planned for mid-2009. The internal debate held during the national gathering and some public statements by Maoist leaders also resonated outside the party, giving rise to further questioning of the CPN (M) commitment to multi-party democracy and concern that the party has not abandoned its military past.

10. NC has also been engaged with party activities, conducting a national awareness campaign around the country to rebuild the party’s base after its disappointment at the results of the April Constituent Assembly election. At mass meetings in several locations, senior NC leaders expressed strong criticism of the Maoist-led Government. On 18 December, NC began a boycott of the Legislature- Parliament, protesting that the Prime Minister’s undertakings in response to its demands, including the return of property by 15 December, had not resulted in those demands being met.

11. Coalition partners, most notably the Communist Party of Nepal (Unified Marxist-Leninist) (UML) and the Madhesi People’s Rights Forum (MPRF), have also been highly critical of the Maoist leadership of the Government, complaining about lack of consultation as well as the behaviour of Maoist cadres. The coalition partners have agreed to form a high-level political coordination committee to guide the functioning of the Government, but the body has yet to start operating, while uncertainties about its membership continue. The Government, like its predecessor, is committed to the establishment of a national peace and rehabilitation commission, which could be a significant mechanism for multi-party cooperation regarding peace-process-related issues, but that, too, has yet to be formed. In the meantime, there is widespread concern that cooperation among the major political forces, which is crucial for the completion of the peace process and the drafting of the Constitution, has to a great extent broken down, and there are mutual recriminations regarding the

responsibility for that. The Prime Minister has publicly threatened that, in the absence of cooperation, CPN (M) might leave government, drawing further criticism.

...20. Militant youth groups affiliated with political parties and movements have continued to proliferate, with the establishment of five such organizations having been announced during the reporting period. The creation of militant youth wings increases the risk of local violence and, when such groups engage in purported law enforcement activities, runs counter to efforts to re-establish the rule of law, and further weakens the legitimacy of State institutions already perceived by the population as ineffectual. Credible reports suggest that many children are involved in youth wings, whose activities, including protests, can place such children at risk. In a context in which other parties maintain that their youth wings are responding to the activities of YCL, a particular responsibility rests with CPN (M) to fulfil commitments to end its paramilitary functioning and ensure that it complies fully with the laws of the land.

21. Many peace process commitments have still not been implemented. Despite repeated commitments to return property seized by Maoists, none of the agreements reached with the interim Government or the current Government to establish a mechanism to monitor such return have been implemented. Although there is no definitive record of seizures and returns to date, there are many known cases of land and property not being returned, and new seizures continue to be reported.

...45. Although they are far fewer in number than before the Constituent Assembly election of April 2008, violent incidents implicating CPN (M) or YCL members continued to be reported. There were widespread protests after two young men abducted by members of YCL in Dhading district on 20 October were found dead on 18 November (see para. 7). Protestors demanded the resignation of the Prime Minister and the Home Minister over the alleged involvement of YCL. The Chairman of YCL denied the party's involvement and expressed his commitment to legal action being taken against the perpetrators. The Government appointed a committee to investigate the killings (UN Security Council 2009, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2009/1, ReliefWeb website, 2 January [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/$File/full_report.pdf) – Accessed 13 January 2009 – Attachment 1).

The October 2008 Security Council report gives a summary of the progress of the peace process from July to October:

3. There have been major political developments since my last report, including the election by the Constituent Assembly of the first President, Vice-President and Prime Minister of the Federal Democratic Republic of Nepal, and the formation of a Council of Ministers. These developments brought an end to a period of political uncertainty regarding the establishment of the new Government and paved the way for further progress on the peace process.

4. On 13 July, the Constituent Assembly, acting in its capacity as the Legislature- Parliament, adopted an amendment to the Interim Constitution which reflected the agreement reached on 25 June by the Seven-Party Alliance (see S/2008/454, paras. 6 and 7). This provided a basis for further negotiations towards the formation of a consensus government and power-sharing among the major parties elected to the Assembly. However, negotiations among the four largest parties represented in the Assembly, the Communist Party of Nepal (Maoist) (CPN (M)), the Nepali Congress (NC), the Communist Party of Nepal (Unified Marxist-Leninist) (UML) and the Madhesi People's Rights Forum (MPRF), proved difficult. CPN (M) and NC nominated rival candidates for President, and Ram Baran Yadav of NC was elected by the Assembly, with the support of UML and MPRF as well as NC, on 21 July. The Assembly also elected Parmananda Jha of MPRF, with the support of the same three parties, as Vice-President.

5. Disagreements regarding nominations and the election of the President adversely affected the climate for continuing negotiations regarding formation of a government. On 29 July, President Yadav invited the Chairman of CPN (M), Pushpa Kamal Dahal “Prachanda”, as the leader of the largest party in the Assembly, to form a consensus government within seven days. The deadline was later extended by three days to allow additional time for the negotiations to achieve consensus. However, differences between the parties continued, NC stating its reluctance to join a Maoist-led government before the Maoists had fulfilled a number of key preconditions, including the return of seized property and reform of its Young Communist League; it also sought to be allocated the Ministry of Defence portfolio if it were to join the government. After the four parties failed to reach consensus, UML and MPRF, as well as a number of smaller parties, agreed to support the candidacy of Pushpa Kamal Dahal “Prachanda” for the position of Prime Minister and to join a Maoist-led coalition government.

6. In the absence of consensus, the election of a prime minister moved to the Legislature-Parliament, and was held on 15 August. It was contested by Pushpa Kamal Dahal “Prachanda” and NC candidate Sher Bahadur Deuba, a former prime minister. Dahal was elected by 464 votes, Deuba received 113. Subsequently, the NC central working committee decided that the party should not join a national government but should enter into opposition.

7. Pushpa Kamal Dahal “Prachanda” was sworn in as Prime Minister on 18 August. A Common Minimum Programme for implementation by the new government was subsequently agreed upon by the three principal coalition partners, CPN (M), UML and MPRF. On 27 August, the Prime Minister finalized the establishment of a 25-member Council of Ministers which includes 10 Ministers (in addition to the Prime Minister) from CPN (M), 6 from UML, 4 from MPRF and one each from four smaller parties. Bamdev Gautam, the senior UML nominee, was appointed Deputy Prime Minister and Home Minister. The MPRF leader, Upendra Yadav, became Minister for Foreign Affairs. Among the Ministries retained by CPN (M) were the Ministries of Finance, Defence, and Peace and Reconstruction.

...11. Coalition partners, as well as the opposition parties, have expressed some public criticisms of the CPN (M) leadership of the Government and its future intentions, and there have been considerable tensions at the local level (UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/670, UNHCR Refworld website, 24 October <http://www.unhcr.org/refworld/docid/4909c3052.html> – Accessed 9 January 2009 – Attachment 2).

Recent media articles

The following is a selection of recent reportage, mainly from Nepali media, on Maoist and NC activities.

A 12 January 2009 article published on the International Relations and Security Network website states that “Nepal’s Maoists are accused of continuing terror tactics to achieve their goals”. Among other incidents, the article reports on a vicious attack by YCL cadres on a rival party youth wing leader. The article quotes a Maoist spokesman who says that “the party regrets the incidents of violence and the prime minister himself has promised tough action against the perpetrators”. The article further states, however, that “even as the party lays down one official line, its members sprout a different one, leaning towards muscle power” (Sarkar, S. 2009, ‘Nepal: Maoists face UN criticism’, International Relations and Security Network website, 12 January <http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?lng=en&id=95232> – Accessed 13 January 2009 – Attachment 10).

7 January 2009, *eKantipur*:

CPN-Maoist youth front Young Communist League (YCL) on Wednesday took control of two senior officials at the Ramechhap District Technology Office accusing them of embezzlement.

The YCL claimed including the Chief Mahesh Chandra Neupane and sub-engineer Shiva Ram Dev of the District Technology Office were caught red-handed while taking a bribe of Rs 40,000.

Neupane and Dev were reportedly taking the bribe for making the bill of Jhelu-Chisapani-Manthali Road Consumer Committee.

The YCL has handed them over to the district police office ('YCL hands over "corrupt" govt officials to police' 2009, *eKantipur*, 7 January <http://www.kantipuronline.com/kolnews.php?&nid=174166> – Accessed 8 January 2009 – Attachment 14).

3 January 2009, *eKantipur*:

Senior leader of the Nepali Congress (NC) Sher Bahadur Deuba warned on Friday that his party would launch an agitation if the CPN (Maoist) did not return assets seized by its cadres and disband the paramilitary structure of the Young Communist League (YCL) within the given deadline.

Disbandment of YCL's paramilitary structure and return of seized properties are among the demands that figure in the nine-point charter of demands that the NC had handed over to Prime Minister Pushpa Kamal Dahal in November. Dahal had pledged to meet the demands by mid-December.

"The Maoists must meet NC's demands at any cost," he said at a press meet organized by the Kaski chapter of the Press Union at Pokhara.

"This is the second time that Prime Minister Pushpa Kamal Dahal has sought time to meet the NC's demands. NC will launch a protest if he fails to meet the demands this time," said Deuba.

As the government failed to address the nine-point demand within the deadline, the NC began boycotting the parliament session from Dec. 18.

On Thursday, however, the main opposition agreed to participate in the House session after the prime minister pledged to return the seized assets within three months and disband the paramilitary structure of the youth wing of the Maoists in three weeks ('Deuba ups ante against Maoists' 2009, *eKantipur*, 3 January <http://www.kantipuronline.com/kolnews.php?page=kolnews.php&nid=173440> – Accessed 8 January 2009 – Attachment 15).

3 January 2009, *eKantipur*:

Young Communist League (YCL) chief Ganesh Man Pun on Friday said YCL would fully comply with the agreement between Maoists and Nepali Congress (NC).

The commitment comes a day after Prime Minister Pushpa Kamal Dahal assured Nepali Congress that the Young Communist League (YCL) would vacate private, public and government buildings and disband its paramilitary structure within three weeks.

YCL cadres will be established in society through involvement in various development activities, said the YCL chief at an interaction.

Pun said nobody should suspect that YCL would not leave the camps based in various public or private areas. "We have started the process of vacating the buildings and also of involving cadres in various development activities by opening various offices," said Pun.

YCL cadres have been occupying government and privately owned houses in Balaju Industrial Area, Sitapaila, Kirtipur, Gongabu, Samakhushi, Kapan, Jorpati, Gwarko, Ekantakuna, Lele, Bhaktapur, Sallaghari, and Palashe in the valley, according to the YCL leader.

Pun said YCL would be expanded but the youths would be involved in development and creative activities. He also said other youth bodies should be involved in development activities such as road construction.

Chief of Nepali Congress youth wing Nepal Tarun Dal, Mahendra Yadav, said the YCL and the Maoists did not have any option other than to implement the agreement between the NC and Maoists. "If the YCL is a political youth wing then it should work accordingly," said Yadav.

"If the YCL does not mend its ways then the next movement will be targeted at YCL and Maoists," said Yadav.

Speaking at the same programme, CPN-UML's Youth Force (YF) Chief Mahesh Basnet said there were doubts whether YCL would easily vacate public buildings and disband their paramilitary structure.

"Most YCL cadres are former Maoist combatants and the Maoist leadership does not have control over the YCL," said Basnet.

"More than YCL, we have to be cautious of Maoist unionists as they are planning to develop casinos in their undeclared camps," said Basnet ('YC pledges to implement pact' 2009, *eKantipur*, 3 January <http://www.kantipuronline.com/kolnews.php?&nid=173439> – Accessed 8 January 2009 – Attachment 11).

A 30 December 2008 *Nepal News* article states "CPN (Maoist) spokesman Dina Nath Sharma on Tuesday claimed that the main opposition party Nepali Congress (NC) is engaged in a ploy to topple the Maoist-led government" ('Maoist spokesperson says NC conspiring to bring down government' 2008, *Nepal News*, 30 December <http://www.nepalnews.com/archive/2008/dec/dec30/news09.php> – Accessed 9 January 2009 – Attachment 16).

A 30 December 2008 *The Times of India* article reports on anti-Maoist protests in 16 districts and clashes between NC and YCL activists in Pokhara:

Nepal's Maoists Prime Minister Prachanda faced public ire when a group of students greeted him with black flags and pelted stones on his convoy as he was on his way to Tribhuvan University to attend a function.

The students got agitated when security personnel stopped them from handing over a memorandum to the Prime Minister and they indulge in stone throwing.

Prachanda escaped unhurt, security officials said. Meanwhile, in a separate incident, Nepal's opposition party's youth wing yesterday organised an anti-Maoist rally in 16 districts, across

the country to oppose the ruling party's totalitarian policy and attacks on media houses.

The cadres of Tarun Dal, youth organisation of the opposition Nepali Congress (NC), shouted slogans against Prime Minister Prachanda and his party CPN-Maoist for its failure to maintain law and order and breaching of human rights and attack on free press.

In Kathmandu, hundreds of cadres of Tarun Dal marched in the city starting from Ratnapark and converged into corner meeting at Bir Hospital area after going round the city, said Radha Ghale, Secretary of the youth wing.

"The Maoists have displayed totalitarian attitude by attacking their opponents and continuing their acts of terror, violence, abduction, extortion and killing across the country even after assuming power," Ghale alleged.

In tourist city of Pokhara, clashes occurred between the Maoist affiliated Young Communist League cadres and the pro-Nepali Congress group in which the 2-3 vehicles were vandalised and the flags of NC party were burnt ('PM's vehicle stoned, anti-Maoist protests in 16 districts' 2008, *Times of India*, 30 December

http://timesofindia.indiatimes.com/South_Asia/PMs_vehicle_stoned_anti-Maoist_protests_in_16_districts/articleshow/3912876.cms – Accessed 8 January 2009 – Attachment 17).

30 December 2008, *eKantipur*:

Normal life in Gulmi district have been affected on Tuesday due to a general strike called by Nepali Congress (NC) protesting against the attack on NC cadres including the district president.

Women Association, Tarun Dal and Nepal Students' Union (NSU) jointly called for the shutdown bringing the entire industries and markets areas to a standstill.

Hundreds of vehicles and thousands of travelers have been stranded at the bus park due to the strike.

NC leader Rajan Prasad Pant had been injured and several others got beaten up after students of Maoist affiliated All Nepal National Independent Student Union- Revolutionary (ANNISU-R) attacked NC cadres at Tribhuvan Multiple Campus in Palpa on Sunday.

The clash ensued following a disagreement over erasing the graffiti painted on the wall of Free Students' Union office in the campus ('NC-called Gulmi shutdown cripples normal life' 2008, *eKantipur*, 30 December <http://www.kantipuronline.com/kolnews.php?&nid=172795> – Accessed 8 January 2009 – Attachment 13).

24 December 2008, *IRIN*:

Former Maoist rebels are exacerbating the problems of the poor and those still displaced from the 1996-2006 conflict, say human rights groups, despite the Communist Party of Nepal-Maoist being the leading political party.

Prime Minister Puspa Kamal Dahal and several senior ministers – all Maoist leaders – have been unable to control incidents of intimidation, threats and extortion carried out by party workers, they say.

The Maoists are causing economic hardship by delaying the return of, or refusing to return, land and property seized during the conflict, said Arjun Narsingh, a spokesman for the Nepali

Congress (NC).

The NC, the second largest party in Nepal, has boycotted parliament on several occasions in a bid to put pressure on the prime minister to implement his commitment to get all seized property returned to its rightful owners.

In November, Dahal said his government would ensure the return of all such property. The fact that many displaced people have no means of livelihood without it, is causing the displacement problem to continue in some areas.

Local government officials who requested anonymity have said there have been problems resettling displaced families in remote Maoist-controlled villages because they were too frightened to return.

Publishing house attacked

On 21 December, Himalmedia, a leading publishing house, was vandalised and its reporters attacked by some 50 Maoist workers.

Kunda Dixit, editor of the Nepali Times and one of the country's most eminent journalists, was also assaulted for his investigations into Maoist-affiliated trade unions which have closed down hundreds of factories and firms over the past year.

"We condemn such acts, which are [a] barbaric face of political fascism," said prominent rights activist Subodh Raj Pyakhurel, chairman of the human rights NGO, Informal Sector Service Centre (INSEC).

"This is a purely criminal act, and it has happened because criminals think that they can get away with it," said Sushil Pyakhurel, former commissioner of the country's National Human Rights Commission (NHRC).

The NHRC has called on the government to take whatever steps necessary to protect press freedom and journalists at risk of attack.

Prime Minister Dahal said he had ordered the ministers of home affairs and communications to carry out an investigation into the incidents and take appropriate action. However, like most of senior Maoist ministers, he denied his party was involved.

Burden of the past

Rights activists and political leaders have accused the Maoists of trying to establish totalitarian control over the country at a time when the nation is gradually recovering from the decade-long armed conflict and moving towards peace.

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), humanitarian needs in Nepal are largely the result of the decade-long conflict affecting an already vulnerable population.

"The signing of a peace agreement in 2006 may have ended hostilities, but the post-conflict period peace process has remained incomplete – hampered by a lack of infrastructure, weak institutional structures, a cultural legacy of discrimination, poor economic performance, geographic isolation and harsh weather conditions," said an OCHA planning and budget document for 2009 ('Former Maoist rebels causing trouble' 2008, *IRIN*, 24 December

<http://www.irinnews.org/Report.aspx?ReportId=82081> – Accessed 8 January 2009 – Attachment 12).

19 December 2008, *Sindh Today*:

Nearly a dozen government vehicles were vandalised and torched in front of a college campus in Kathmandu valley Friday as students went on a rampage to show their anger with the Maoist-led government.

Young men and women smashed car screens, tried to wrench off doors and bounced up and down on roofs of cars parked in front of the Engineering Campus at Thapathali and battled police in riot gear to continue their destructive activities.

The protesters belonged to the youth wing of former prime minister Girija Prasad Koirala's Nepali Congress, now the main opposition party.

The incident created tension in the area, disrupting traffic and creating obstructions for pedestrians.

The hooliganism was the sequel to a clash with their rivals, the student wing of the Maoists, in the Pashupati campus in Chabahil Thursday, which turned violent after the Maoist students were allegedly backed by the Young Communist League, the powerful arm of the Maoists, that is believed to be a makeover of the guerrilla army.

The violence comes after the Nepali Congress began a boycott of parliament Thursday, saying it would keep up the protest till Maoist Prime Minister Pushpa Kamal Dahal Prachanda lived up to his pledges, including ordering his cadre to vacate the public properties they had captured during the 10-year Maoist insurgency ('Students on warpath in Nepal' 2008, *Sindh Today*, 19 December <http://www.sindhtoday.net/south-asia/44554.htm> – Accessed 8 January 2009 – Attachment 18).

South Asia Terrorism Portal

The South Asia Terrorism Portal (SATP) website has yearly timelines listing political developments on a day by day basis. Daily incidents of political violence, such as murder or abductions (including of NC activists by CPN-M members), are also detailed in the timelines. The timelines for 2008 and 2009 are included in this response as Attachment 19 and Attachment 20 ('Nepal Timeline – 2008' 2008, South Asia Terrorism Portal website, last updated 31 December <http://satp.org/satporgtp/countries/nepal/timeline/2008.htm> – Accessed 13 January 2009 – Attachment 19; 'Nepal Timeline – 2009', South Asia Terrorism Portal website, last updated 5 January <http://satp.org/satporgtp/countries/nepal/timeline/index.html> – Accessed 13 January 2009 – Attachment 20).

SATP website includes a list of incidents of CPN-Maoist targeting other parties since the April 2006 cease-fire. The list was last updated in October 2008, and is included here as Attachment 21 ('Incidents of CPN-Maoist targeting other parties since the April 2006 cease-fire' 2008, South Asia Terrorism Portal website, last updated 1 October <http://satp.org/satporgtp/countries/nepal/database/targetingpartyceasefire.htm> – Accessed 13 January 2009 – Attachment 21).

Informal Sector Service Centre (INSEC)

The latest headlines on Nepal human rights website, INSEC <http://www.inseconline.org/>, include a number of reports of incidents involving Maoist cadres, as well as cadres from other groups. There are also various articles reporting on incidents of murder, abductions and

explosions by unknown groups. For example, an 8 January 2009 article reports on the abduction of a Nepali Congress activist in the Terai region by unknown persons ('Abduction Spree Continues in Tarai' 2009, Informal Sector Service Centre website, 8 January http://www.inseconline.org/news_detail.php?newsid=3770 – Accessed 9 January 2009 – Attachment 22).

The following articles are INSEC reports of recent incidents (January 2009) involving Maoists and/or NC:

- 'Maoists Abduct One' 2009, Informal Sector Service Centre website, 8 January http://www.inseconline.org/news_detail.php?newsid=3769 – Accessed 9 January 2009 – Attachment 23;
- 'YF District Coordinator Severely Injured in YCL Attack' 2009, Informal Sector Service Centre website, 6 January http://www.inseconline.org/news_detail.php?newsid=3759 – Accessed 9 January 2009 – Attachment 24;
- 'ANNISU-R Padlocks School' 2009, Informal Sector Service Centre website, 5 January http://www.inseconline.org/news_detail.php?newsid=3756 – Accessed 9 January 2009 – Attachment 25;
- 'YCL Organises Indefinite Chakkajam' 2009, Informal Sector Service Centre website, 5 January http://www.inseconline.org/news_detail.php?newsid=3755 – Accessed 9 January 2009 – Attachment 26;
- 'Dead Body of "Suspended" Maoist District Leader Found' 2009, Informal Sector Service Centre website, 4 January http://www.inseconline.org/news_detail.php?newsid=3752 – Accessed 9 January 2009 – Attachment 27;
- 'Bandh called by YCL Affects Life' 2009, Informal Sector Service Centre website, 4 January http://www.inseconline.org/news_detail.php?newsid=3751 – Accessed 9 January 2009 – Attachment 28;
- 'Maoists Thrash UML Cadres after Abduction' 2009, Informal Sector Service Centre website, 4 January http://www.inseconline.org/news_detail.php?newsid=3750 – Accessed 9 January 2009 – Attachment 29;
- 'NC organizes closure of Pokhari bazaar' 2009, Informal Sector Service Centre website, 3 January http://www.inseconline.org/archive_show2.php?newsid=3748 – Accessed 9 January 2009 – Attachment 30;
- 'Maoists intervene in Guardian's meeting; appoint Maoist cadre chair of School Management committee' 2009, Informal Sector Service Centre website, 3 January http://www.inseconline.org/archive_show2.php?newsid=3747 – Accessed 9 January 2009 – Attachment 31;
- 'Teacher appeals for justice' 2009, Informal Sector Service Centre website, 3 January http://www.inseconline.org/archive_show2.php?newsid=3746 – Accessed 9 January 2009 – Attachment 32;
- 'Maoist leader shot injured' 2009, Informal Sector Service Centre website, 3 January http://www.inseconline.org/archive_show2.php?newsid=3745 – Accessed 9 January 2009 – Attachment 33.

Other information

On 3 July 2008 the International Crisis Group (ICG) released two reports on Nepal. *Nepal's Election: A peaceful revolution* is an extensive analysis of the 10 April vote and describes the campaign and vote, assesses the credibility of the election and analyses the results. *Nepal's new political landscape* surveys the new political landscape and examines the remaining transitional challenges in a peace process that has made considerable progress but is still incomplete. The reports are recommended as a good overview of Nepal's changing political situation (International Crisis Group 2008, 'Nepal's Election: A peaceful revolution?', *Asia Report N°155*, 3 July – Attachment 34; International Crisis Group 2008, 'International Crisis Group 2008, 'Nepal's new political landscape', *Asia Report N°156*, 3 July – Attachment 3).

For a discussion on the Youth Communist League, see Skar, H. 2008, 'Between Boy Scouts and Paramilitary Storm Troops: The Young Communist League of Nepal', *Working Paper No. 739*, Norwegian Institute of International Affairs, CIAO website, July http://www.ciaonet.org/wps/nupi/0002020/f_0002020_1041.pdf – Accessed 13 January 2009 – Attachment 35.

3. Is there any evidence that family of NCP members are targeted by the Maoists for that reason alone?

Little recent information was found on whether family of NCP members are targeted by the Maoists for that reason alone.

Some sources were found reporting on Maoist threats to family members of rival party activists. For example, an April 2008 update on the National Election Monitoring Alliance website reported that "YCL cadres have warned Mr. Tej Narayan Tajpuriya, NC Publicity Committee Member of Morang District not to involve in the electoral canvassing for NC. If this warning is ignored, they have threatened the risk of life of Mr. Tajpuriya and his family members" ('NEMA Observation Update' 2008, National Election Monitoring Alliance (Nepal) website, 2 April http://www.nema.com.np/news_details.php?newsID=69 – Accessed 13 January 2009 – Attachment 36).

Question 5 of a previous research response provides some sourced information on the targeting by Maoists of family members and associates of politicians during the insurgency (RRT Country Research 2004, *Research Response NPL11612*, 7 May – Attachment 37).

4. Are there any areas in Nepal outside the reach of the Maoists, and what is the possibility of relocation?

Definitive information on areas free of Maoist influence proved difficult to locate. As detailed previously in this response, Nepal currently has a Maoist-led coalition government. The UN Nepal Information Platform website includes a map giving the first-past-the-post elected candidate results, showing the CPN-M won in a large number of districts throughout Nepal including in Kaski (Office for the Coordination of Humanitarian Affairs 2008, 'Nepal: CA Election 2008 under FPTP: Elected Candidate by Political Parties (Map)', UN Nepal Information Platform website, 22 April <http://www.un.org.np/reports/maps/OCHA/Election->

[maps/2008-04-22-CA-Election-Result-by-Party.pdf](#) – Accessed 13 January 2009 – Attachment 38).

Also as detailed previously, human rights groups and political figures have publicly questioned how much control the central CPN-M leadership has over Maoist party workers or the YCL ('YC pledges to implement pact' 2009, *eKantipur*, 3 January <http://www.kantipuronline.com/kolnews.php?&nid=173439> – Accessed 8 January 2009 – Attachment 11; 'Former Maoist rebels causing trouble' 2008, *IRIN*, 24 December <http://www.irinnews.org/Report.aspx?ReportId=82081> – Accessed 8 January 2009 – Attachment 12).

According to both the October 2008 and January 2009 UN Security Council reports, state security structures remain weak and parallel "law enforcement" activities by youth wings affiliated to various political groups continue (UN Security Council 2009, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2009/1, ReliefWeb website, 2 January [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/$File/full_report.pdf) – Accessed 13 January 2009 – Attachment 1; UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/670, UNHCR Refworld website, 24 October <http://www.unhcr.org/refworld/docid/4909c3052.html> – Accessed 9 January 2009 – Attachment 2).

An August 2008 *BBC News* article written after Prachanda's elevation to the prime ministership states that a "sense of anarchy prevails nationwide, so much so that mention of the phrase 'the government' tends to elicit scornful sniggers" (Haviland, C. 2008, 'Prachanda: The challenges ahead', *BBC News*, 15 August http://news.bbc.co.uk/2/hi/south_asia/7562692.stm - Accessed 25 August 2008 - Attachment 42).

The election map indicates that most of the southern Terai region was won by candidates from parties other than the CPN-M – mostly the two main Madhesi parties. Looking at relocation to the Terai, however, would have to take into account the recent ethnic unrest and the continuing poor security situation in the region (Office for the Coordination of Humanitarian Affairs 2008, 'Nepal: CA Election 2008 under FPTP: Elected Candidate by Political Parties (Map)', UN Nepal Information Platform website, 22 April <http://www.un.org.np/reports/maps/OCHA/Election-maps/2008-04-22-CA-Election-Result-by-Party.pdf> – Accessed 13 January 2009 – Attachment 38. For the poor security situation, see UN Security Council 2009, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2009/1, ReliefWeb website, 2 January [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/TUJA-7N57TG-full_report.pdf/$File/full_report.pdf) – Accessed 13 January 2009 – Attachment 1 and UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/670, UNHCR Refworld website, 24 October <http://www.unhcr.org/refworld/docid/4909c3052.html> – Accessed 9 January 2009 – Attachment 2. For background on the ethnic unrest in the Terai, see: International Crisis Group 2007, *Nepal's Troubled Tarai Region*, 9 July – Attachment 39).

1950 Treaty of Peace and Friendship

Question 6 of a previous research response looks at the possibility of relocation to India and the 1950 Treaty of Peace and Friendship between India and Nepal (RRT Country Research 2007, *Research Response NPL31235*, 18 January – Attachment 40).

An April 2008 *BBC News* article reports on the uncertain future of the treaty in the light of the Maoists election win. According to the October 2008 UN Security Council report, the Governments of India and Nepal have agreed to set up a committee to review, adjust and update the treaty (Majumder, S. 2008, 'India worries over Nepal's future', *BBC News*, 14 April http://news.bbc.co.uk/2/hi/south_asia/7347227.stm – Accessed 13 January 2009 – Attachment 41; UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/670, UNHCR Refworld website, 24 October <http://www.unhcr.org/refworld/docid/4909c3052.html> – Accessed 9 January 2009 – Attachment 2).

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BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

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