

Testimony before the Congressional Human Rights Caucus
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I would like to thank the Co-Chairmen, Congressmen Lantos and Congressmen Wolf, and the entire Caucus, for inviting me to this briefing on the human rights and political situation in Nepal. This hearing could not have come at a more critical time. Nepal is facing a brutal Maoist insurrection, a constitutional crisis and waning public confidence in the nation's political leadership. Nevertheless, the international community has an opportunity now to encourage the King and political party leaders to restore the nation's democratic institutions and develop a united strategy for dealing with the growing political crisis.

The National Democratic Institute (NDI) has been working in Nepal since 1994. Our early work in Nepal focused on helping members of parliament develop the capacity to oversee executive branch ministries and formulate a code of conduct which addressed issues such as financial disclosure. We also assisted the Anti-Corruption Commission (The Commission for the Investigation of the Abuse of Authority, or CIAA) in strengthening its ability to investigate official misconduct. NDI's current program is designed to enhance women's participation at the local level. We are working with Nepal's political parties to help develop training programs for approximately 7,000 women candidates and local officials. NDI has also helped to develop a civic education program for Nepal's secondary school system and has trained teachers from more than 350 schools throughout the country.

Our programs have survived the deteriorating political and human rights situations, but the areas of the country in which we can safely operate have become increasingly constricted as the violence expands throughout the country.

In 1990, Nepal launched a transition to democracy amidst much popular enthusiasm. Unfortunately, instability has plagued the political system since the transition began and the nation has seen a series of short-lived governing coalitions and 13 prime ministers. This instability has impeded efforts to address the nation's serious economic problems and the public's dissatisfaction with the performance of their political leaders has, in turn, fueled the insurgency launched by the Maoists in 1996. In June 2001, King Birendra and nine other members of the royal family were killed, throwing the country into a period of even greater uncertainty as the Maoist insurrection intensified.

Over the past two years the political situation has continued to worsen:

- In May 2002, Parliament was dissolved, but new elections (required within six months of the dissolution of parliament) did not take place because of the growing Maoist violence.
- When the term of local government officials expired the following July, no new elections were held and instead over 200,000 elected local officials were replaced by civil servants.
- In October 2002, the King suspended the democratic process by appointing a ‘non-party’ cabinet and operating the government without any elected representatives.

The human rights situation in Nepal is serious and continues to deteriorate. The Maoists are terrorizing the countryside through brutal killings of government officials and ordinary civilians. In their effort to combat the terrorism, the government has too often failed to distinguish between the Maoists and villagers who have been caught in the middle of the conflict.

Since the start of the insurgency in 1996, over 8,000 Nepalis have been killed and the deteriorating law and order situation has prevented elections from taking place, enabling the Monarchy to consolidate power over the government and the army. Clashes between the Maoists and the security forces were steadily intensifying until January 28, 2003, when the most recent ceasefire was declared. The failure of the peace negotiations to produce results (largely due to the Maoists’ unwillingness to discuss issues other than the formation of a constituent assembly) led to the breakdown of the ceasefire agreement on August 27, 2003. Since then, the International Crisis Group (ICG) reports that 500 Nepalis have died, and the Maoists have extended their reach, in varying degrees, to all 75 of Nepal’s districts.

Our conversations with political party and NGO representatives leave little doubt that ending the conflict between the King and the political parties is essential for improving human rights and ending the conflict. The international community largely greeted the interruption of Nepal’s democracy with silence. Nepali citizens, themselves, seemed to view political developments with a “wait and see” attitude. While their view of the new King was still forming, Nepalis were understandably distrustful of political party leaders who had too often proven themselves corrupt and unresponsive to citizens’ needs. But the failure of the government to deal effectively with Maoist violence has led to a growing skepticism within the country that progress can be made without restoring the democratic process.

Every day, many Nepali citizens demonstrate their commitment to a democratic future. For instance, although community leaders and women activists have been targeted by the Maoists, they continue to travel long distances in order to attend NDI programs (sometimes conducted in the ruins of burned-out buildings, under trees and in dilapidated schools marred with Maoist graffiti) to gain the skills needed to more effectively participate in a democratic political process.

The situation in Nepal threatens to deteriorate even further. If there is no progress toward the restoration of democracy, the political parties, supported by civil society, may well mount protests that would further decrease the public’s confidence in the government’s and the parties’ ability to restore peace and stability to the nation. There seems to be widespread recognition that

that the continued fragmentation of the nation's political leadership can only harm efforts to address the growing violence. Therefore, we hope that the international community will strongly urge the King and the political parties to reach an agreement to revive the nation's democratic institutions, such as parliament and local government, and move forward in a united front to deal with the political crisis.

More specifically, we believe the following steps should be taken to restore Nepal's democratic process and establish conditions for effectively addressing the mounting violence:

- A Prime Minister should be appointed with the agreement of the political parties;
- Parliament and local government should be restored either through the holding of elections or reviving the dissolved legislatures; and
- The political parties must develop a unified position for reaching an agreement with the King on key governance issues.

Thank you again for this opportunity to address the Caucus. NDI would be pleased to work with you in the future in promoting human rights and re-establishing democracy in Nepal.