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Nepal: Overview of the political situation (2007 - 2008)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

On 15 January 2007 Nepal's major political parties, including the Communist Party of Nepal - Maoist (CPN-M), formed an interim parliament of 330 members, who endorsed an interim constitution (UN n.d.; Europa World 2008; see also US 11 Mar. 2008). The interim constitution outlines provisions for "the election of a Constituent Assembly; commits Nepal to become a federal republic ... ; strips the king of all formal powers, and makes the prime minister both head of government and head of state" (US 11 Mar. 2008). In contrast to the previous constitution of Nepal, the interim constitution establishes Nepal as a secular state (UN Jan. 2008, 12).

On 1 April 2007 an interim government was formed, which included the CPN-M, with Nepali Congress (NC) leader Girija Prasad Koirala as prime minister (SATP 2007; Australia Aug. 2008). In September 2007, however, the CPN-M withdrew from the interim government (ICRC May 2008, 191; BBC 28 Aug. 2008), in order to apply pressure for the dissolution of the monarchy (ibid.; ibid. 24 July 2008). In December 2007, parliament approved the abolition of the monarchy and the CPN-M rejoined the government (ibid.; ICRC May 2008). In addition to declaring Nepal a republic, the CPN-M and the government agreed upon establishing a proportional electoral system (Australia Aug. 2008; ICRC May 2008, 191).

Though falling short of an absolute majority, the CPN-M emerged as the largest party in the 10 April 2008 Constituent Assembly elections (Australia Aug. 2008; International Crisis Group 3 July 2008a, i). According to the International Crisis Group, the election campaign was "marred by irregularities and violence, most notably the killing of many Maoist activists" (3 July 2008a, 2). The International Crisis Group also states that the CPN-M used "intimidation and coercion" during their election campaign (3 July 2008a, i; see also UN 25 Apr. 2008). The South Asia Terrorism Portal (SATP), a database that houses information on terrorism and low-level warfare in the region (n.d.), includes documentation on Maoist-perpetrated violence against other political parties during the campaign, including "assaults" and "abductions" (2008a). The International Crisis Group states that despite irregularities the elections appeared to represent the will of the people (3 July 2008a, 13) and that the Constituent Assembly is a "remarkably inclusive body, far more representative of Nepal's caste, ethnic, religious and regional diversity than any past parliament" (3 July 2008a, i).

During the first meeting of the Constituent Assembly, on 28 May 2008, Nepal was declared a republic and the monarchy was formally abolished (Australia Aug. 2008; SATP 2008b; Reuters 28 May 2008). On 21 July 2008, Ram Baran Yadav of the NC party won 308 of the 590 votes in the Constituent Assembly to become Nepal's first president (AFP 21 July 2008). According to the British Broadcasting Corporation (BBC), the

position of president is largely ceremonial (28 Aug. 2008). On 19 July 2008, Paramanand Jha of the Madhesi Janadhikar Forum party became vice-president (Australia Aug. 2008). On 18 August 2008, Constituent Assembly Chairman Prachanda [Pushpa Kamal Dahal], of the CPN-M, was sworn in as prime minister with 464 Constituent Assembly votes (Xinhua News Agency 18 Aug. 2008; see also BBC 28 Aug. 2008). Prachanda is a former Maoist "rebel leader" (ibid.).

According to an International Crisis Group report, the NC and the Communist Party of Nepal - Unified Marxist Leninist (CPN-UPL), "went into the [Constituent Assembly] election with a clear commitment to working on the basis of consensus and cooperation after the polls, regardless of the outcome" (3 July 2008b, i). However, the report also states that there is "reluctance to keep that promise" amongst the NC and the CPN-UPL (International Crisis Group 3 July 2008b, i). According to a report by the United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA), Prachanda specifically referenced the "failure of cooperation" on the part of the NC when remarking that the CPN-M would withdraw from government in January 2009 if other parties "kept on interfering with the running of the government" (22 Dec. 2008, 1). An 8 December 2008 Agence France-Presse (AFP) article corroborates that the CPN-M threatened to leave the government due to "worsening political deadlock."

According to a UN Integrated Regional Information Networks (IRIN) article, the NC has boycotted parliament several times in order to put pressure on the Prime Minister to return seized property to its owners (UN 24 Dec. 2008). The article further states that the Prime Minister and Maoist senior ministers "have been unable to control incidents of intimidation, threats and extortion carried out by party workers" (ibid.). The International Crisis Group suggests that an end to policing functions of the Young Communist League (YCL) would help build trust in the Maoist government (3 July 2008b, i; see also UN 2009).

AFP describes the YCL as a "vigilante-style group [that] is regularly accused of beatings, kidnappings, extortion and even murder" (25 Nov. 2008; see also HRW 2009, 275-276). According to Human Rights Watch (HRW), the YCL was established in 2006 and is largely composed of former People's Liberation Army (PLA) commanders, ranging in age from 16 to 40 (2009, 275). HRW further reports that the YCL have "attacked political opponents, journalists, alleged drug users, and individuals suspected of extramarital relations" (2009, 276). According to OCHA, CPN-M leader and minister Hisila Yami called for the dissolution of the YCL and the youth wing of the CPN-UML (the Youth Force), stating that their presence could hinder the peace process (UN 22 Dec. 2008, 1).

According to the Office of the UN High Commissioner for Human Rights (OHCHR), in Nepal,

[m]uch of the population remains politically underrepresented and excluded from access to justice and other public services as a consequence of poverty and/or through discrimination by reason of gender, ethnicity, caste or sexual orientation. The failure of the peace process to address these concerns has resulted in numerous protests and strikes, particularly in the Terai region, near the southern border with India. (UN 2009)

The OHCHR also reports an increase in the number of gangs and armed groups in the Terai region and indicates that these groups are an "unpredictable catalyst for extreme violence and criminality" (2009). Protests in the Terai region are linked to the issue of the rights of the Madheshi communities (HRW 2009, 276; ICRC May 2008, 191). According to a 16 January 2009 OCHA report, December 2008 talks between the government and some Terai armed groups resulted in agreements, including the release

of prisoners (UN 16 Jan. 2009, 1). The Indo-Asian News Service similarly reports that talks between the government and an armed group from the Terai region led to the signing of an agreement (26 Dec. 2008).

OCHA reports that in December 2008 the Constituent Assembly formed 14 constitution-drafting committees, and that in January 2009 chairpersons were elected for these committees (UN 16 Jan, 2009, 1). According to the news agency The Press Trust of India, of the 14 committees, 10 are thematic, including human rights and minority committees (16 Dec. 2008). The constitution is expected to be completed by May 2010 (The Press Trust of India 16 Dec. 2008).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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