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Report from Kathmandu 2005: Nepal: Responding to the Royal Coups

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INTERNATIONAL CRISIS GROUP MEDIA RELEASES

NEPAL: RESPONDING TO THE ROYAL COUP

Kathmandu/Brussels. February 24, 2005

King Gyanendra's seizure of power and arrest of democratic party leaders on 1 February 2005 will likely aid the Maoist insurgency and intensify the civil war. But by bringing the crisis to a head he has created an opportunity for diplomatic efforts to pull Nepal back from the brink of collapse and develop an effective counter-insurgency strategy. The key countries and organisations involved in the country—India, the U.S., the UK and the UN—need to work together to strengthen a collapsing state and establish a plan to deal with the Maoist insurgency. Acceptance of the coup and lack of action would only increase the chances of a Maoist victory and a descent into worse violence.

There is also an urgent human rights crisis in Nepal that requires international action. The record on disappearances and extra-judicial killings is one of the world's worst. Hundreds of political figures and activists have been detained, and protests have been violently suppressed. An expanded campaign against the Maoists by the Royal Nepalese Army (RNA) is likely to result in worsening abuses while offering no realistic chance of defeating the insurgency or reaching a negotiated solution. At the same time, the government is vulnerable to external pressure because it is heavily dependent on foreign aid.

The policy priorities should be:

- re-establishment of constitutional rule, including restoration of all suspended freedoms, release of all people arrested in the royal crackdown since 1 February 2005 and revocation of the state of emergency;
- expanded protection of human rights, including through full and immediate access to all places of detention for the National Human Rights Commission (NHRC) and the International Committee of the Red Cross (ICRC);
- a stronger legal framework to protect rights, including through repeal of the Terrorism and Destructive Activities Ordinance (TADO);
- re-establishment of democratic institutions and strengthening of the state's administrative and governance capacity across the country; and
- a broad-based political, security and socio-economic strategy to address not only the insurgency but also the underlying issues that have fuelled it.

To achieve these, donors should immediately implement a range of measures to pressure the royal government. Instead of vague threats, they should take the following steps at once and only lift them when specific conditions are met:

- suspend all military assistance that is not essential to

maintaining the security status quo;

- suspend all direct bilateral and multilateral budgetary support to the government;
- initiate a review of all current development assistance and prepare plans for phased suspension and withdrawal of these programs;
- signal displeasure with the king's action by diplomatic and protocol means (including cancellation of visits and invitations); and
- support a strong resolution on human rights at the UN Commission on Human Rights in Geneva in March 2005.

The best mechanism to coordinate this would be a Contact Group bringing together the major powers and institutions that have been active in developing a policy towards Nepal's conflict. This group might in turn appoint a special envoy to advance its agreed political response to the coup and the insurgency. It will not be easy to achieve all policy objectives but a demonstrably united international front would demand attention in Kathmandu and be able to send a strong message to all involved that political institutions must be rebuilt if the state is to survive the insurgency. If the country's main political forces cannot agree on a common agenda, they all stand to lose.

The Contact Group and other donors should make clear that they expect the measures demanded to be taken immediately and to be sustained. The royal government must be judged on its actions rather than its public pronouncements. If the initial round of pressure does not achieve results, and the king is still unwilling to relinquish absolute power, donors should consider:

- suspending all military aid, including provision of spare parts for vehicles and helicopters and aviation fuel;
- suspending all assistance (including development assistance) apart from humanitarian aid;
- introducing targeted sanctions including a freeze of the assets of the royal family, senior officials, military officers and their families, visa bans and suspension of the RNA's lucrative involvement in UN peacekeeping operations; and
- encouraging the Security Council to investigate and prosecute both government and Maoist suspects who have escaped justice due to Nepal's inadequate judicial procedures.

Should the king still drag his feet, it would be time to consider more radical options, including international expressions of support for a republic rather than constitutional monarchy. Gyanendra may well have tipped support within the country decisively toward a republic already but

he should be offered one last chance to agree to policies that would allow the Nepali state to respond effectively to the Maoist challenge. If he continues on his present course, his coup will mark a stage leading to intensified conflict and possibly a Maoist victory.

Asia Briefing N°36 Reprinted by Permission from International Crisis Group

For more details on the coup see Crisis Group Asia Report N°91, Nepal's Royal Coup: Making a Bad Situation Worse, 9

NEPAL: HOLD THE KING TO HIS PROMISES

February 2005.

Website: www.crisisgroup.org

Brussels, 9 May 2005: King Gyanendra's self imposed 100-day deadline to restore order and lay out a road map for democracy and peace in Nepal will pass on 11 May, with only limited progress towards these aims. As the conflict with the Maoists continues to worsen, the International Crisis Group urges the international community to take concerted action to help turn the situation around.

In a letter (full text below) addressed to UK Prime Minister Tony Blair, U.S. Secretary of State Condoleezza Rice, Indian External Affairs Minister Natwar Singh, and UN Secretary-General Kofi Annan, Crisis Group calls for the establishment of a contact group to negotiate a return to democracy, the maintenance of restrictions on military aid to Nepal until democracy has been restored, and full international support for the monitoring mission by the Office of the UN High Commissioner for Human Rights.

Since the King's 1 February coup, the intensification of the conflict has been dramatic, with at least 655 people killed in the last three months. State Security forces were responsible for at least 530 of those deaths, many apparently innocent civilians, and the Maoists have killed 125 people, many of these also civilians. There is no new military strategy to deal with the insurgency, and the chances of developing a viable political strategy, without which any military operations cannot be effective, have been further reduced.

Although the international response to the coup has been firm to date and has forced the king to reconsider some of his actions, the questions of restoring democracy and tackling the insurgency have not been addressed.

Only when a broad-based strategy can be agreed on and implemented by all democratic political forces in Kathmandu will talks with the Maoists be possible that stand any chance of success. But without further strong international pressure, the king will continue to entrench his power at the expense of democracy, and Nepal will continue to suffer from devastating conflict.

To find out more about the crisis in Nepal, visit our Nepal advocacy page. This page has details of Crisis Group's reports and opinion pieces on the conflict, details of our advocacy efforts to date, information on what you can do to support Crisis Group's efforts, and links to other resources on the conflict.

6 May 2005

[UK Prime Minister Tony Blair, U.S. Secretary of State Condoleezza Rice, Indian External Affairs Minister Natwar Singh, and UN Secretary-General Kofi Annan]

In February 2005, I wrote to you to urge joint action on Nepal to avert the risk of a worsening conflict in the wake of King Gyanendra's takeover of power. Under international pressure, the king set himself a deadline of one hundred days to restore order and lay out a road map for democracy and peace. The deadline passes on 11 May and to date there has only been limited progress towards these aims.

There have been some steps forward. The agreement on monitoring by the UN High Commissioner for Human Rights may help reduce the many civilian victims of the conflict and end the climate of impunity. And the state of emergency has been lifted, although many restrictions remain. But Nepal is no closer to peace, and is a long way from restoring even the semblance of democracy that existed before:

- The intensification of the conflict has been dramatic, with death rates doubling: at least 655 people were killed from 1 February to 30 April. State security forces were responsible for 530 of these deaths, many apparently innocent civilians, while the 125 people killed by the Maoists included many civilian victims of bombs and landmines.

- There is no new military strategy to deal with the insurgency. The RNA remains an ineffective fighting force largely confined to defensive deployment in urban areas. The army has done nothing to re-establish a government presence across Nepal's countryside, most of which remains under the sway of the Maoists.

- The chances of developing a viable political strategy, without which any military operations cannot be effective, have been further reduced. The king's major aim appears to have been to attack moderate political parties and civil society--the very groups which were most vocally critical of the Maoists.

- Statements by the king and his ministers have paid lip service to democracy but their actions point to a determined entrenchment of royal power. The appointment of local and regional administrators answerable directly to the palace, the public support for the coup by the nominally independent Chief Justice of the Supreme Court and the continued attacks on freedom of speech are designed to shore up the king at the expense of representative parties.

Crisis Group welcomes the firm international response to the coup. The suspension of military aid, accompanied by the cancel-

lation of some budgetary support and reviews of other assistance, has forced the king to reconsider some of his actions.

However, the questions of restoring democracy and tackling the insurgency have not been addressed. Measures such as the lifting of the emergency and announcement of municipal elections will not in themselves change the reality of absolute palace rule. The lack of a viable strategy to deal with the Maoist challenge will continue to be debilitating, especially given the political polarisation and mistrust in Kathmandu.

Crisis Group believes that the steps outlined in our briefing paper Nepal: Responding to the Royal Coup, published on 24 February 2005 (forwarded to you under separate cover, and also accessible on our website, www.crisisgroup.org) still offer a way to consolidate democracy and rebuild the key state institutions: the foundations of a broad-based political, security and socio-economic strategy that would address not only the insurgency but also the underlying issues that have fuelled it. Only when such a strategy can be agreed on and implemented by all democratic political forces in Kathmandu will talks with the Maoists be possible that stand any chance of success.

Concerted action by India, the United States, the United Kingdom and the United Nations could turn around the situation and reduce the dangers of the Maoists making further gains. We urge you, accordingly, to:

- establish a contact group that would appoint an intermediary to negotiate a return to democracy and the participation in government of the main political parties;
- maintain restrictions on military aid until the king has re-established democracy and, together with the parties, developed a political plan to tackle the Maoists; and
- ensure that the UNHCHR mission moves ahead rapidly with full international support.

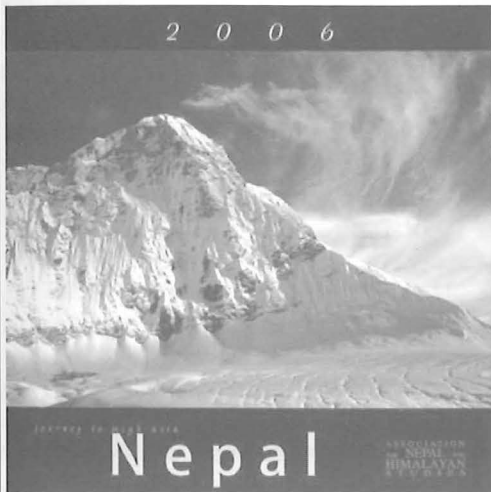
The king's deadline is an opportunity to focus attention again on this serious conflict.

Gareth Evans, President

The International Crisis Group (Crisis Group) is an independent, non-profit, multinational organisation covering over 50 crisis-affected countries and territories across four continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

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Bus Crowd in Kathmandu

PHOTO: JOHN LINDSEY



United Nations National Development Program (UNDP) estimates of security risk to donors by district. Phase I indicates moderately secure, Phase II indicates moderate security problems, and Phase III indicates areas of greatest risk (quoted by the World Bank, 2004).

ADAPTED BY BECCA HEARTWELL