

A Transition in Nepal from Insurgency to Governing

In 1996, six years after Nepal replaced its absolute monarchy with multi-party democracy, Maoist rebels launched an armed struggle that led to an estimated 13,000 deaths over the next decade. In November 2006 the rebels and government made peace, paving the way for the abolition of the monarchy. A Maoist-led government took power after national elections in 2008. Nepal now faces steep challenges in establishing truth, justice and accountability for past human rights violations.

BACKGROUND

Nepal entered a long period of sometimes hidden, sometimes obvious political instability in 1990, after a popular movement established a constitutional monarchy and multi-party democracy. The government's inability to lessen glaring social and economic inequities and failure to address widespread corruption helped ignite a Maoist insurgency in 1996, ushering in greater violence and social unrest.

In 2005 King Gyanendra seized absolute power, citing the government's failure to defeat the Maoists. Nepal's mainstream political parties responded by joining forces with them. Daily protests by the Maoists, their new political partners and civil society groups soon forced the king to relinquish absolute rule. After signing a Comprehensive Peace Agreement (CPA) in November 2006, the Maoists and their new partners formed an interim government that adopted an interim constitution. In elections in April 2008, the former rebels won the largest number of seats in the country's new Constituent Assembly. They then formed a coalition government in which the Maoist chairman, Pushpa Kamal Dahal (also known as Prachanda), became prime minister.

UNFULFILLED PROMISES

The CPA created the basis for a Commission on Disappearances, a Truth and Reconciliation Commission (TRC) and a reparations program for victims of the violence. As of now, however, authorities have not established either of the commissions, and the reparations program has yet to begin. In August 2008 the Maoists and the other major political parties signed an agreement to complete the integration of the Maoist's People's Liberation Army into the national army within six months. But in this effort, too, officials have made little headway.

The lack of progress on truth, justice and accountability increases the risk that the legacy of past human rights abuses will hamper the country's efforts to build a secure, lasting peace. Anger and resentment remain strong among the communities and people victimized during the fighting between the Maoists and the government. If the new government fails to live up to its promises—to form credible panels to investigate the recent past and to integrate the military—it will undermine the rule of law and threaten development of a culture of respect for human rights.

CHRONOLOGY

- 1996** The Nepal Communist Party (Maoist) begins an armed insurrection in rural areas aimed at abolishing the monarchy.
- 2001** Crown Prince Dipendra murders King Birendra, Queen Aishwarya and other members of the royal family, then kills himself. Prince Gyanendra is crowned king. Maoists later launch attacks that lead to more than 100 deaths in four days. The government declares a state of emergency, and hundreds are killed in rebel and government attacks.
- 2003** Rebels and the government declare a ceasefire in favor of holding peace talks. The Maoists later pull out of the talks.
- 2005** King Gyanendra declares a state of emergency and assumes total power, citing the need to defeat Maoist rebels. After two months, he lifts the state of emergency amid international pressure. Maoist rebels and opposition parties agree on a program to restore democracy.

NEPALI VOICES

Nepali Voices, an ICTJ and Advocacy Forum survey, highlighted victims' perceptions of the following:

Truth. There was consensus across regions, castes and ethnic groups on the need to investigate human rights abuses and establish an accurate historical record of the conflict. Those surveyed supported the establishment of commissions on "disappearances" and truth and reconciliation.

Justice. Ninety percent of those surveyed wanted trials and punishment for people accused of human rights violations, and 69 percent supported holding the trials in Nepal instead of in international courts based elsewhere. The participants recognized that current laws might not allow for effective domestic prosecutions. A majority agreed that trials should be held within two years.

"Serious" and "Less-Serious" Crimes. Almost four-fifths of the respondents supported a distinction between perpetrators of serious crimes and less-serious crimes, indicating that an alternate mechanism, and perhaps amnesty, might be acceptable to deal with the latter.

Reparations. A large majority of those surveyed favored reparations for victims. Respondents said that any compensation or reparations scheme should be particularly sensitive to women, children and marginalized groups such as Dalits.

ICTJ IN NEPAL

ICTJ provides assistance to in-country transitional justice initiatives. Its program combines capacity building, technical assistance and research on a range of transitional justice issues. ICTJ's activities include the following:

- Collaboration with a local partner, Advocacy Forum, on *Nepali Voices*, a survey released in March 2008. It was the first to give Nepalese victims a voice in the country's transition.
- Conducting workshops, courses and exchanges that draw on international expertise to build the capacity of government officials, civil society and victims' groups.
- Analysis and comments on transitional justice issues in draft legislation and proposed programs, including the TRC, the Commission on Disappearances and development of reparations programs.

ICTJ's work in Nepal is generously sponsored by the Danish and Norwegian foreign ministries.

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Chronology continued

- 2006** Weeks of violent protests force King Gyanendra to reinstate parliament, which votes unanimously to curtail the king's political powers. The government and Maoist rebels begin the first peace talks in nearly three years.
- 2006** The government and the Maoists sign a peace accord declaring an end to the 10-year insurgency. The rebels agree to join a transitional government and place their weapons under UN supervision.
- 2007** Former rebels enter parliament and join the interim government. But elections for the Constituent Assembly are delayed after the Maoists quit the government to press their demand for the monarchy to be abolished, which parliament approves in December.
- 2008** During national elections in April, the Maoists win the largest bloc of seats in the Constituent Assembly. In May, King Gyanendra leaves the Royal Palace, and Nepal is declared a republic. Ram Baran Yadav is elected Nepal's first president in July. In August, the Maoists form a coalition government with their chairman, Pushpa Kamal Dahal (Prachanda), as prime minister.