

At a Glance -- Peace Process in Nepal

January-June 2007

Past Scenario

King Gyanendra, who took over the throne after entire family of King Birendra was killed in the Royal Massacre on 1 June 2001, has demonstrated authoritarian tendencies from the very beginning of his rule. Prime Minister Sher Bahadur Deuba was fired even though he had no authority to take this action under the Constitution. The King completed the coup on 1 February 2005. Total censorship was imposed on the media, and freedom of speech and expression were limited by his executive order. In addition, a total ban was imposed on all forms of peaceful assembly. The military was deployed to all the media houses while the entire cabinet was placed under arrest. Mass arrests and political detentions were undertaken across the country. Even the Internet and telephones were shut down. The 1990 constitution was totally violated, subverted and undermined. Thus, complete constitutional breakdown of the 1990 constitution took place within a 15-year period.

The brutality of King Gyanendra compelled political forces irrespective of their political bent to agree on a common political platform. The present head of state-cum-head of government and Nepali Congress President Girija Prasad Koirala along with other leaders of the Seven Party Alliance visited New Delhi on November 22, 2005 and signed the 12-point political understanding, along with Maoist supremo Comrade Prachanda, to fight against the monarch. Emerging civil society played a significant role in uniting people and political parties and forming such historic coalition against autocracy.

The April revolution was a huge success. The people of Nepal showed a tremendous amount of courage in the face of mounting political suppression. There was an unprecedented and spontaneous mass uprising in Nepal. Nepalese people set a living example in the contemporary world, showing how a nonviolent, peaceful movement can collapse a ruthless and atrocious military regime. King Gyanendra's rule was a one-man rule based on stark military power. It had no popular support or political legitimacy. It totally undermined the notion of the rule of law, supremacy of constitution and self-governance of the people. The downfall of King Gyanendra was one of the milestone events in the history of the nonviolent democratic movement in Nepal. The brave and courageous political action on the part of the Nepalese people established a historic precedent.

The Establishment of Democracy

Since the establishment of democracy in 2006 April, the peace process in Nepal has made remarkable progress within a very short time frame. Still, Nepalese people are experiencing difficulties, delays and even violence. Implementation of the Comprehensive Peace Agreement (CPA) signed by the government and Nepal Communist Party (Maoist) has advanced. An interim legislature-parliament and an interim government have been

formed including Maoist representatives in significant numbers. This inclusion has been linked to the progress regarding the management of arms and armed personnel. The peace process with the Maoists has been progressing smoothly till now. However, with the emergence of dozens of armed groups, Nepal's Terai region is facing a serious turmoil.

To maintain law and order in Terai and clear the way for constituent assembly elections, the Government set a 15-day deadline for the various armed groups unleashing violence across Terai region to come up with clear demands so as to settle them peacefully through a political approach. Otherwise, the Home Minister has threatened them 'to face serious consequences.' Thus the government has warned the armed groups of stern action if the agitating groups do not come to the negotiating table within the given deadline.

The Envisioned Peace Road Map

The peace roadmap signed by Seven Party Alliance and CPN (Maoist) sought to establish a democracy, initiate a national political conference to form an interim government; confine the armed Maoist forces and the royal army under the supervision of the UN to conduct the Constituent Assembly elections in a free and fair manner; commit the CPN (Maoist) to adhere to democratic norms and values; ensure that the CPN (Maoist) would allow all conflict-induced displaced activists to return to their homes, land and property in a dignified manner; and recognize the past mistakes of the Seven Party Alliance and CPN-Maoist (SPAM) and commit them to agreement not to repeat these mistakes in the future.

Similarly, it urged civil society, professional organizations, various wings of parties, people of all communities and regions, press and intellectuals to actively participate in a peaceful movement centered on democratic systems, peace, harmony, prosperity, and forward-looking social change; and pledged to honor objections raised by any party over incidents of misconduct to settlement through peaceful exchange of ideas based on open investigations.

April Movement and Consequences

As already stated, the April revolution was an enormous triumph. The Nepalese demonstrated tremendous courage in the face of increasing political suppression. There was an unprecedented and spontaneous mass uprising all over the country. The downfall of King Gyanendra was one of the milestone events in the history of Nepal. The brave and courageous political movement of Nepalese people established a historic example.

On April 26, 2006, Girija Prasad Koirala became the Prime Minister on behalf of SPA and the Maoists announced a three-month long unilateral ceasefire. Still, the PM's actions in the peace process seem prompted only because of extreme political and civil society pressures. The dirty political competition within Prime Minister Koirala's Nepali Congress party, its policies and attitude has encouraged the culture of impunity further.

However, the government formed a High Level Probe Commission, headed by former Supreme Court Justice Krishna Jung Rayamajhi, to investigate the atrocities committed to suppress the mass protests in the April Movement during the period of April 6-24, 2006.

They submitted their report on November 20, 2006 recommending action against more than 200 people, and holding King Gyanendra as the man responsible. The Commission recommended that parliament formulate the necessary laws to bring him to justice. It also recommended action against all ministers in the royal government. The SPAM involved in general strikes, road blockades, clashes between security forces, protests and mass defiance of curfews resulted in the deaths of 25 people. Over 5,000 were injured. The report has yet to be made public by the government despite pressure created from the House and the streets, owing to the prevailing culture of impunity.

Code of Conduct

Both the Government and Maoists signed the 25-point Code of Conduct (CoC) on May 26, 2006. The CoC prevents the parties from issuing any statement or engaging in any activity that might provoke each other; mobilizing, displaying or using their armed forces; displaying arms, organizing general strikes and transport strikes; obstructing transport of basic goods and materials used in development works; and extorting donations in cash or kind from people. It has also asked national and international monitoring teams to monitor the truce. A National Monitoring Committee for the Code of Conduct was formed in June 2006 and monitored violation of the ceasefire on a national level. It continued its work until the CPA was signed between the State and the Maoists.

The CoC has opened avenues for discussion on the management of arms and armies along with allowing for the operation of essential services and facilities without disruption. Thus, it has created an environment conducive to the smooth functioning of education, health and industrial institutions; withdrew accusations, claims or cases filed by both the parties against individuals; released detainees and provided for their gradual rehabilitation in a peaceful, comfortable and respectable manner. However, the progress made in urban areas as result of these measures has yet to be replicated in rural regions of the country.¹

Political Agreement

The 8-point Political Agreement between Government-Maoist on June 16, 2006 was another milestone in promoting the peace process further. It expressed commitment to democratic norms and values including a competitive multi-party system, civil liberties, fundamental rights, human rights, freedom of the press, and the rule of law. It announced the intent to draft an interim constitution, formed an interim government, determined the dates of CA elections, requested the UN to monitor and managed the armies and arms of both sides, dissolved the House of Representatives and the People's Governments of CPN (Maoist) in rural areas. It has also mandated that issues of strategic national interest be decided through consensus. The Agreement provided for the restructuring of the State in a way that would eliminate class-based, racial, regional and gender-based problems.

UN Assistance Memorandum

On August 9, 2006, the Government and Maoists sent a joint 5-point letter to the UN Secretary General requesting him to deploy qualified civilian personnel to monitor the confinement of Maoist armies and their weapons within designated cantonments, and to monitor the Nepal army to ensure that they remained in the barracks and make sure their

¹ www.conflictstudycenter.org

weapons are not used against any side. It also sought to continue human rights monitoring through the Office of the High Commissioner for Human Rights in Nepal (OHCHR), monitor the CoC during the truce, and provide election observers for the CA elections. In response to the request, the UN Secretary General appointed Ian Martin as his special personal representative to assist with the peace process in Nepal on August 25, 2006.

The prominence that the grievances and demands of traditionally marginalized communities have assumed during the period has complicated an already complex political landscape. The UNMIN Mission has encouraged an inclusive dialogue within Nepalese society that can lead to a consensus on election arrangements and contribute to longer-term solutions.

Comprehensive Peace Accord

On November 21, 2006, the 10-point Comprehensive Peace Accord (CPA) was signed by the PM and CPN (Maoist) president Prachanda in Kathmandu. It ended the 11-year armed conflict with a peaceful transition to democracy, signifying a peaceful and prosperous dawn of a New Nepal. The CPA announced the end of the feudal centralized structure of the State. It proclaimed that the Maoist army would be confined to seven temporary cantonments and the Nepali army to their barracks and the arms of both armies to be confined proportionately. In addition, both armies would not propagate for or against any side during CA elections. It announced the establishment of a conflict victims' rehabilitation and reconciliation commission through which displaced persons would be reunited with their families. It called for the formation of an independent commission to address the perpetrators of torture, inhuman and degrading treatment and to punish crimes committed including extrajudicial killings. Neither of these commissions has been formed. Although peace is the single aspiration of the common Nepali people, there is still the fear of retaliation in people's mind.

Armies and Arms Management

Shortly after the original agreement, the government and Maoist talk team coordinators signed the 7-point agreement on Monitoring of the Arms and Armies. UN representative Ian Martin was a witness. Maoist combatants were to be confined at seven main cantonments and 21 sub cantonments (three sub cantonments around each main cantonment) on November 28, 2006. The Maoists would retain the key for the arms and ammunitions placed in the cantonments under a single lock, except as required for security of the cantonments. The UN team would monitor the process with electronic devices, including sirens. Food and supplies were to be provided by the Government after the Maoist Armies were confined. The Interim Council of Ministers agreed to form a Special Committee for the supervision, management and rehabilitation of the combatants; and the security management of the Maoist leaders is to be done in consultation with Nepal Government.

Accordingly, the Nepal Army is confined into its own barracks; arms are not be used against any side; and the proportionate number of arms and ammunitions to that of

Maoists are to be stored in secure place under single lock and the key retained by the Army. The process is to be monitored by a UN team with electronic devices including sirens similarly as with Maoist cantonments. Inspection of the storage of arms is to be done by UN in the presence of Nepal Government. Thus, arms and armies management is a key point to the success of sustainable peace.

The first stage of registration of Maoist militants has been complete. The second stage of registration is in progress.

Constituent Assembly Elections

The democratic interim-constitution and the commitments of the interim government for conducting the constituent assembly (CA) elections are the major achievements of the new environment. The interim government has agreed that CA election will be held on 22 November 2007. Electoral legislation could not be passed in time for June elections as initially planned, and the monsoon period meant that it would be better to reschedule elections to near the end of the year.

A new constitution to determine whether Nepal becomes a republic or keeps the monarchy will be prepared by the new body when it is elected. The interim legislature-parliament has been active. On 13 June, it gave itself the authority to eliminate the monarchy with a two-thirds majority vote if King Gyanendra seeks to intervene in the electoral process. On 15 June, it allotted seats to ethnic groups and women in an effort to appease those involved in violent protests earlier this year.

With the holding of a CA election, Nepal is now pushing for a new and democratic constitution. Holding a peaceful, fair and free CA election is the key to a successful transition to democracy and the establishment of a constitutional state. This is the first time in the history of the nation that the Nepalese people have the opportunity to make their own constitution. People's ownership in the constitution process is extremely important to the survival and sustainability of any subsequent documents or institutions. The previous constitutions were never directly ratified or adopted by the people themselves. In order to establish and transfer sovereignty to the people, the Constitution must be written and adopted by the chosen representatives of the people or the people at large.

Unfortunately, there is serious uncertainty regarding the elections, which were originally scheduled for June 2007. They did not take place, as the Election Commission claimed that holding the election by mid-June had become nearly impossible. The exact date for the election has not been officially announced, though the stated goal is to hold them in November.

Safety and Security

After the CPA between the Maoists and the SPA, the human rights situation in Nepal has improved. Overall, security in Nepal has enhanced since the end of conflict in May 2006. However, the climate of impunity still exists. And it has given space to continue activities and conspiracies to ex-rulers for delaying Constituent Assembly election.

The law-and-order situation has, however, deteriorated in many respects. The Madhesi People's Rights Forum (MPRF), which is active primarily in the Eastern, Central and Western Terai areas, has mobilized large numbers to participate in general strikes, establish road blocks to disrupt movement and block activities such as the work of customs posts along the border. The leaders of the Madhesi People's Rights Forum and of some other organizations have publicly stated that the United Nations has free passage during strikes, but on the ground the demonstrators have sometimes challenged United Nations movement. So, even UNMIN has to exercise caution during the many civil disturbances as violence can occur without warning. Strong emphasis is laid upon security assessment and upon following minimum operating security standards.

Terai Movement

At a time while government has announced the date for constitution assembly election, the Terai belt is still reeling under violence. Armed groups (such as the Goit led faction of Janatantrik Terai Mukti Morcha (JTMM- G) and JTMM-J, (Jwala Singh Faction) have been formed supposedly for liberating Terai. They are relentlessly carrying out killings, abductions, extortions of hefty sums, explosions and seizure of property from locals, and blocking highways. Their activities obviously are of anti-political nature. These groups have been posing a serious threat to people of hill origin and common Madhesi people as well. Intellectuals fear that someday it may lead to ethnic violence.

In the course of the demonstrations in the mid and eastern Tarai districts including Morang, Sunsari, Saptari, Siraha, Dhanusha, Rautahat, Bara, Parsa, Mahottari, Sarlahi and Nawalparasi, a total of 31 persons were killed during the movement period. During the movement which began in January, the CPN-M was found to have shot dead an innocent person and displayed arms. Similarly, the security forces were engaged in using excessive force on demonstrators. Most of the people died of the bullets fired by security forces during the movement. Security forces were even found entering the houses of common people and beating them. Similarly, three persons were killed in clashes between JTMM (Goit) and JTMM (Jwala Singh). Some people were also killed by unidentified groups. Many demonstrators and police personnel sustained injuries during the movement. Demonstrators closed transport, educational institutions, industries, shops, and vandalized and set fire on various government offices.

Five ambulances including other vehicles were vandalized. Various political party offices and media houses were attacked. Human rights workers and journalists were prohibited from monitoring and disseminating information on the human rights situation. Journalists were also attacked. Schools and health centers as well as injured persons being treated at the hospital in Sarlahi were also attacked. On the contrary, although the MJF said that they would stage peaceful demonstrations, they were seen carrying sticks, rods, knives and other home made weapons during their demonstrations. They even seized the weapons of security forces. Similarly, the supply of daily necessities was also disrupted. There was a state of terror among general people.

Human Rights Situation

Activities of human rights organizations are focused on human rights issues related to the peace process, with priority given to monitoring events in the Terai. Human rights concerns related to law enforcement, both by police and by CPN (Maoist), with its parallel

“law enforcement” activities, dominated the period. Police responses to demonstrations and other incidents in the Central and Eastern regions of the Terai ranged from excessive use of force (at least 18 out of 24 deaths documented by OHCHR between 22 January and 7 February 2007 were the result of police action) and almost total inaction. The main conclusion of the Office’s investigations into the 27 killings in Gaur on 21 March 2007 was that the local authorities and police failed to prevent and stop the violence and the killings. There were also a number of clashes or violent incidents involving CPN (Maoist), Madhesi Peoples' Right Forum (MPRF), or other political parties in the Terai region.

The need to set up a credible independent commission of inquiry to look into disappearances committed on both sides during the conflict remains a pressing outstanding issue, despite repeated commitments in agreements and elsewhere to do so. In relation to the above, further efforts will be required by the authorities to ensure an end to impunity, including through investigations into past crimes, and the entrenchment of the rule of law for the future.

In its report for the period 31 October to 25 February 2007, the Nepal Human Rights Commission (NHRC) stated that 123 complaints related to killings were lodged at the Commission. Among the received complaints, 86 killings are associated with security forces, 30 killings associated with CPN-M and 7 associated with other unidentified groups. Most of these complaints are related to the period before the CPA came into effect. Similarly, 65 complaints relating to torture and misbehavior, 36 complaints related to threat, 56 complaints related to disappearance, 20 complains related to abduction associated to security forces, Maoists and other parties were lodged at the commission.²

Ending Impunity

The culture of impunity is inimical to the rule of law. The foundation of a democratic Nepal cannot be built on the basis of lawlessness and the tradition of impunity. Perpetrators of grave and serious human rights violations must be held accountable for their crimes and wrongdoings. Previously, massive crimes against humanity were committed in Nepal on an unprecedented scale. Torture, rape, disappearance and extrajudicial killings were committed and those perpetrators must to be brought to justice no matter who they are. There should be zero tolerance for crimes against humanity in law or practice.

The Nepali government should immediately ratify the Rome statute of the International Criminal Court, an international mechanism for the rule of law. The faith in rule of law is a critically important element to building a democratic institution. The law must be allowed to take its proper course, both domestically and internationally.

Inclusion and Restructuring

Exclusion and extreme political or economic suppression caused the decade long violence in Nepal. To bid farewell to violence forever, Nepal needs a broad-based and inclusive democracy. The vast majority of the population is excluded from the polity and governance, as they have been excluded from the development process. The problem of exclusion, disempowerment, and marginalization is deeply rooted in Nepal. The culture of

² www.nhrcnepal.org

exclusion and non-participation needs to be replaced by an inclusive and participatory political culture. The new constitution should provide the basis and framework for this culture by providing fair and equitable representation. Specifically, the issues of Dalit, Madhesi, Janjatis and women need to be effectively and realistically addressed. Nepal faces vast inequality and extreme deprivation. The democracy should not create privilege and luxury for few and misery, deprivation, and marginalization for the rest. Democracy must be able to ensure the dignity of all people. It should strive to create maximum opportunity for happiness for the maximum number of people in Nepal. The restructuring of the state is the immediate need. This is the time to initiate a meaningful process of state restructuring and create a social dialogue among the diverse groups and communities. Without restructuring, the people's aspiration for genuine political democracy, accountability and desire for socioeconomic justice cannot be realized. The Nepalese people are now looking for a genuine and radical transformation of the socioeconomic and political structures in order to achieve genuine empowerment; not just a superficial and cosmetic change.

Former Maoist Combatants Verification

In response to the request of the SPAM as per their letters to the Secretary-General of August 9, 2006, the United Nations Mission in Nepal (UNMIN) was established in Kathmandu as a special political mission by Resolution 1740, UN Security Council. The principle purpose of the UNMIN is to assist in creating a conducive environment for free and fair election of the CA, managing arms and enhancing the entire process. The office began its work on January 23, 2007 after the signing of the CPA on November 21, 2006. Prior to this, the Office of the Personal Representative of the Secretary-General had been assisting the peace process from August 2006. UN has been engaged in peaceful resolution of the armed conflict through its Department of Political Affairs.

On 14 June, UNMIN began the second phase of registering and verifying former Maoist combatants and their weapons. It is expected to verify that there were no Maoist soldiers under the age of 18 till the date of 25 May 2006. Under the Comprehensive Peace Agreement, both sides committed to discharge child soldiers by that date. The first phase of registration and verification was completed in April.

Article 4 of the Comprehensive Peace Accord provides for the provision on the management of arms and armies which mention that Maoist combatants shall remain in temporary camps in defined places.

Various human rights organizations including NHRC while monitoring the cantonments of the former Maoist combatants found that the physical condition of the camps is very pathetic. The camps lack drinking water, fuel and medical facilities. The situation of the pregnant women combatants was found to be quite vulnerable. There was no arrangement for their medical treatment. There was a lack of necessary materials such as food and shelter; however, infrastructure building and other arrangements are underway. Maoist combatants in the some camps were found using the houses of villagers for sleeping and school toilets. The government has been providing financial assistance to improve the physical condition of the camps and efforts are being made from the local level to improve camp conditions. The presence of combatants below the age of 18 was noticed during the monitoring of the camps. The agreement is that such child soldiers would be excluded in the registration process.

Emergence and Role of Civil Society

The civil society of Nepal has played a unique role in creating movement against King Gyanendra's autocratic regime. While people were not ready to follow political parties it was civil society that mobilized people all over the country to create consensus agreeable to all for establishing democracy by removing the direct rule of the King. The Citizen's Movement for Democracy and Peace (CMDP) in particular created such an environment which compelled the SPAM to agree to a functional coalition for establishing democracy in the country. The credit for the April Movement undoubtedly goes to civil society.

Now, while Nepal Government and Maoists are neither implementing nor respecting the CPA and both parties are ready to deploy armed forces to suppress Terai unrest, CMDP is clearly against army deployment in Terai region. Such stern action will generate negative outcome. The CMDP is continuously creating pressure on the government to maintain law and order without deploying armed forces. The political actors of Nepal need to think critically about the future of the entire nation rather than their own personal career. Civil society and media should be watchful and vigilant. They should work as a conscience keeper of the nation.

Expressing serious concerns over the failure of the government and the political parties to move ahead as per the mandate of the People's Movement II and in order to build pressure for it, the CMDP staged a 24 hour sit-in in Kathmandu on June 06-07, 2007.

Internally Displaced People (IDPs)

According to Amnesty International, between 100,000 and 250,000 people were displaced during the conflict period. After the cessation of hostilities in May 2006, some IDPs began to return to their communities, but prevailing security concerns discouraged large-scale returns. Despite the repeated commitments of both parties to ensure the safe return of IDPs, there were no comprehensive policies to provide necessary assistance and protection.²³

Although some IDPs have returned home, the Government of Nepal has not been able to provide them with immediately needed materials and facilities. The government has not been able to take concrete steps towards solving the problems of IDPs. The CPN-M has also not made a favorable environment for IDPs to return home. The NHRC received 57 complaints related to displacement due to CPN-M.⁴

The Bhutanese Refugee Issue

Toward the end of 2006, there were moves to resolve the plight of more than hundred thousand Bhutanese Refugees living in camps in south-eastern Nepal after their forced expulsion from Bhutan in the early 1990s. The SPA government attempted to reopen talks with the government of Bhutan, suspended since 2003. As it could not lead toward positive consequences, the USA offered to resettle up to 60,000 refugees and Canada, Australia and other countries said they would also provide resettlement. Refugees were reportedly divided about the offers thinking that accepting resettlement would end all

³ Nepal Entry from the Amnesty International Report 2007, page No. 194 to 196

⁴ www.nhrcnepal.org

hopes for repatriation to their homeland Bhutan and legitimize 'ethnic cleansing' strategy of the Bhutan King's government.

Around 8,500 refugee activists attempted a long march on 28 May to return to Bhutan. But the Indian police and border security clashed with the refugees at the Mechi river bridge. As the refugees began pelting the police with stones, the Indian police commenced firing on the demonstrators, killing a student and injuring others.

Among the injured were Thinley Penjore, chairman of the National Front for Democracy (NFD), Balaram Paudel, DB Rana Sampang and Gup Khila, all vice chairmen of the organization and human rights defender DP Kafle. The standoff ended after local leaders talked with Indian authorities who agreed to forward their demands to the relevant officials in New Delhi.

Ethnic People, Minorities and Dalit Rights

In the transition phase of the peace process, and at the time while Terai People are in violent movement, various organizations of ethnic people, minorities, Dalits and marginalized groups are creating tremendous pressure upon the government to ensure their inclusion in the state mechanism. Their major issue is that the upcoming CA election must be based on fully proportional representation system.

An OHCHR indigenous and minorities team visited Nepal with the purpose of examining in more detail the issues confronting some of the most marginalized communities in Nepal, and to discuss ways of addressing this discrimination with activists and members of those communities. In a workshop with Dalit activists from Siraha and Saptari Districts, the team received a clear message that now is the time for Nepal to address, at all levels, discrimination and its terrible impact on the lives of Dalit people. Tharu women were victimized by the conflict and in other ways -- Tharu communities were targeted with human rights abuses -- and especially the ongoing impact of disappearances of members of the Tharu community. The impact of the marginalization of this indigenous community on its social, cultural and economic rights and of their determination that the process of democratic transition should address these rights was realized by the team. Nepal Government has resolved to address the issues raised by various minorities, ethnic groups, Dalits and marginalized groups in peaceful table talk. For this purpose, it has established a separate ministry under the title of Peace and Reconstruction Ministry and has resumed talks with the unrest groups along with Terai movement leaders.

SAHR National Consultation

South Asians for Human Rights (SAHR) Nepal organized a National Consultation on "Right to Transparent Governance in the Context of Constitution Making" on 16th April 2007 in Kathmandu. SAHR Nepal organized the consultation as Nepal government had proposed a Right to Information Bill in the Legislature.

Around 80 people attended the consultation and actively participated in the discussions. Honourable Minister Krishna Bahadur Mahara, Ministry of Information and Communication participated in the proceedings, informed the audience about the position of the government and assured the participants that government will consider the arguments/logics/issues raised by the participants.

On the occasion, Minister Mahara assured any decision on right to information would be taken on the basis of principle. He commented that there were practices of giving news and information focussing on individuals and not on issues, this should be stopped. He emphasized that the right to information must be linked with restructuring of the state.

Right to Information Bill Passed

The Right to Information Bill was tabled in the Legislature-Parliament's Environment, Technology and Communication Committee. On 18 July, the Interim Parliament passed the Bill. It is hoped that the bill will ensure people's access to information and documents of public importance, and transparency in governance.

The bill guarantees people's right to all information and access to documents, with some exceptions. The bill says that public authorities are not compelled to impart information or furnish documents that may affect national sovereignty and integrity, national security, public peace, international relations, investigation of crime, economic welfare, intellectual rights, business secrets, communal relations, privacy, or the life, health or security of an individual.

The bill makes it mandatory for government offices to appoint information officers to disseminate information on a regular basis. To start up the process, offices will have a three-month period to update their information and they will have to continue this process every three months.⁵

Truth and Reconciliation Commission

Nepal Government and CPN (Maoists) had together agreed to form a Truth and Reconciliation Commission to investigate incidents of grave human rights violations and identify persons involved in such crimes during the period of the armed conflict to create an environment of reconciliation and compromise in the society. Recently, a senior minister informed a parliamentary committee that the government has prepared a draft law with a view to set up a Truth and Reconciliation Commission as agreed by the government and Maoists in the CPA signed last year.

The commission is said to be formed with a view to make the perpetrators from both sides confess their guilt and push forward a politics of reconciliation, not to penalize or to take revenge against anyone. The Government seems to have formed the commission with such objective so that the peace process would not be affected. However, lawmakers have protested the Government's concept on the objective of the commission. They have stated that if amnesty is given to the perpetrators of serious crimes, Nepal will never get rid of the politics of violence.⁶

⁵ The Kathmandu Post Daily, July 19, 2007

⁶ The Kathmandu Post Daily, July 27, 2007