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Information on Maoists in Nepal. Who they recruit, the risks of membership, level of social acceptance and the reaction of the authorities to them.

An *Immigration and Refugee Board of Canada* response to an information request refers to the recent political history of Nepal as follows:

“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. 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’. In contrast to the previous constitution of Nepal, the interim constitution establishes Nepal as a secular state. 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. In September 2007, however, the CPN-M withdrew from the interim government, in order to apply pressure for the dissolution of the monarchy. In December 2007, parliament approved the abolition of the monarchy and the CPN-M rejoined the government. In addition to declaring Nepal a republic, the CPN-M and the government agreed upon establishing a proportional electoral system. Though falling short of an absolute majority, the CPN-M emerged as the largest party in the 10 April 2008 Constituent Assembly elections. (Immigration and Refugee Board of Canada (16 February 2009) *NPL103007.E – Nepal: Overview of the political situation (2007 - 2008)*)

In a section titled “The Maoist-Led Government: In Office But Not in Power?” an *International Crisis Group* report states:

“But the Maoist-led administration is already widely dismissed as a failure. Partly this is due to an almost universally hostile press and the government’s poor grasp of communications. But its own weaknesses are more to blame.” (International Crisis Group (19 February 2009) *Nepal’s Faltering Peace Process*, p.4)

This section of the report also states:

“The Maoists are still outsiders in Kathmandu’s opinion forming circles. Even though they have twice as many seats as their nearest rival in the CA, they have almost no voice in the mainstream media. Apart from UCPN(M) party members, next to no columnist, commentator, civil society figure, human rights activist, lawyer, journalist or academic writes in support of them. The

NC, by contrast, enjoys a daily barrage of public praise from the very people – former Panchayat luminaries, royal advisers and army emissaries – who orchestrated and applauded the two royal coups that toppled Congress governments and jailed their leaders. To a large extent, the Maoists' predicament is of their own making. Resolutely unclubbable, they have mostly kept their distance from the cocktail and seminar circuit that generates the capital's received wisdom. Instead, they have consciously and repeatedly antagonised the press, business community and other established forces whom they had initially courted with talk of cooperation. The incontrovertible evidence of their failure to fulfil commitments is brushed off with implausible excuses. They have brought problems on themselves by starting to resemble the old parties. Their government has already been tarnished by nepotism, patronage, indecision, junketeering and factional fighting." (ibid, p.5)

In a section titled "The Collapse Of Consensus" a recently published *International Crisis Group* report states:

"The fall of the Maoist government came abruptly and dramatically. Backed into a corner by their own rigidity and outmanoeuvred by wily rivals, the former rebels pre-empted a protracted campaign to oust them by resigning from office on principle. The immediate cause was a struggle over control of the army and the collapse of cabinet unity. Isolated once again, the Maoists jumped before they were pushed. The end of their short-lived administration was neither entirely unexpected nor unforetold. Nepali Congress (NC) president G.P. Koirala had long predicted that the government would fall 'like a ripe mango'; it would not even need to be plucked. The Maoist leadership had sown many of the seeds of their own destruction. They were careless in cultivating allies, surprisingly inept at working the machinery of state and alternately supine and reckless in pursuit of policies that they had failed to sell to their partners. At the same time, they gave no shortage of ammunition to those who suspected their revolutionary strategy was intact not only on paper but in practice." (International Crisis Group (13 August 2009) *Nepal's Future: In Whose Hands?* p2)

This section of the report also states:

"But before the Maoists jumped they had been pushed to the edge. From the start they faced dogged opposition. Spearheaded by the army and backed by powerful elites, the coalition of opponents was fronted by confrontational media commentators and second-rung leaders in the other major parties. India, never reconciled to the election results but initially willing to give the Maoists the benefit of the doubt, started to swing decisively behind the anti-Maoist campaign. Before the Maoists even decided to challenge the army chief, New Delhi had decided it had had enough of the experiment and wanted them out. The Maoists' choice of a confrontational path only helped their opponents achieve their aim." (ibid, pp.2-3)

In a section titled "Maoist Rule: More Ragged Than Ruthless" this report continues:

"In fact, however, the Maoists achieved precious little in the way of structural change. While established elites continued to fear their ruthless efficiency, ordinary voters were frustrated at elementary failures to deliver basic goods.

Their scope for action was extremely constrained. Their own coalition partners were half-hearted supporters at best and often actively undermined their efforts. Opposition parties and critics orchestrated howls of outrage when they attempted to take any concrete steps. A judiciary universally distrusted for its corruption and inefficiency became sacrosanct as soon as the Maoists spoke of reform; the enforcement of fixed retirement regulations for the police was portrayed as political intervention.” (ibid, p.8)

A section titled “War By Other Means” comments on the attitude of the Nepalese army towards the current peace process as follows:

“The Nepalese Army never embraced the peace process. Feeling let down by Gyanendra and inadequately represented by the mainstream parties in the peace talks, its top brass reluctantly offered token assurances of abiding by the CPA even as they adjusted to continuing the conflict by other means.” (ibid, p.13)

See also section titled “Straining At The Bit” which states:

“Continued observance of CPA formalities is far from guaranteed. Generals have not hidden their desire for a decisive, 'do or die' assault on the Maoists. They have increasingly argued that the stalemate in the insurgency was solely attributable to external factors rather than lack of army capacity: Gyanendra let them down with his foolhardy and underdeveloped political strategy; international backers froze support just when they needed it most; the NA was constrained by its own determination to minimise casualties and treat the Maoists as 'misguided brothers and sisters' rather than military opponents.” (ibid, p.16)

In a section titled “Media objectivity” an *Asian Centre For Human Rights* report states:

“While the Maoists’ actions merit serious concern, Nepalese media reporting of Maoist actions is of concern. The majority of the mainstream media have and continue to insist that all public support for the Maoists has evaporated. This is akin to their underplaying the Maoist support before the Constituent Assembly election.” (Asian Centre For Human Rights (1 May 2009) *Nepal in Crisis*, P.2)

In a section titled “A consensus discourse on the Army?” this report adds:

“In this polarised environment, the Kathmandu elite, sections of the media, politicians and some members of civil society appear willing to cast the Maoists as a one sided threat to Nepal’s peace and democracy. Any action against the Maoists appears to be portrayed as part of some defence of democracy.” (ibid, p.2)

A *Reuters Alertnet* news report refers to clashes between Maoists and the police as follows:

“Around 1,000 stone-throwing Maoist protesters chanting 'we are ready to fight' clashed with police in Nepal on Wednesday as political parties struggled to form a new government. Nepal's major political parties tried to woo the former rebels to help form a new government after their leader, Prachanda, quit on Monday because Nepal's president had stopped him from removing the Himalayan nation's army chief. The Maoists, who hold nearly 40 percent of the seats in parliament and retain considerable popular support, could make governing difficult for any new coalition if they are not brought onboard a new government. The street protests highlighted fears that Nepal could be plunged into unrest as it struggles to build a nascent republic after a decade-long civil war that cost around 13,000 lives.” (Reuters Alertnet (6 May 2009) *Crisis deepens as Nepal's Maoists clash with police* Sharma, Gopal)

In a section titled “Child Soldiers” the *US Department of State* country report on Nepal refers to the alleged recruitment of children by the Maoists, stating:

“The CPA forbade the use of children under the age of 18 as soldiers in the armies of either side; however, the Maoists continued to recruit large numbers of children after signing this agreement.” (US Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Human Rights Report: Nepal*)

In a section titled “‘Voluntary’ enlistment” a *Human Rights Watch* report states:

“Not all—not even most—of the children in Maoist ranks are forcibly recruited. Before the ceasefire many children joined Maoist cadres due to ideological training (see below), others because the Maoists offered them a way out of unemployment and poverty. Troublingly, after the ceasefire, the Maoists have attracted children into the ranks by promising them immediate financial assistance or jobs once Maoist forces and the Nepali Army are merged, pursuant to the peace agreement. Nepali human rights NGOs have accused the Maoists of enticing children to join by telling them that those who were in the PLA at the time of cantonment would receive pay of 7,000 to 10,000 rupees [US\$100-US\$141] per month.” (Human Rights Watch (1 February 2007) *Children in the Ranks: The Maoists’ Use of Child Soldiers in Nepal*, p.23)

A section of this report titled “Recruitment campaigns” adds:

“The Maoists have relied on a large-scale, systematic program to recruit children through propaganda programs in schools or at mass gatherings. The Maoists used songs, dance, and theatrical performances designed to appeal to children; often children carry out these performances in order to attract other children. This program has continued even after the ceasefire.” (ibid, p.26)

In a section titled “Recruitment of child soldiers after the ceasefire” this report continues:

“The Maoists have continued to recruit and train children as soldiers through the ceasefire period. Reports by local and international monitors suggest that incidents of forcible abduction have declined since the ceasefire, as Maoists can carry out propaganda and other recruitment activity openly and do not need to take children forcibly. However, the same reports indicated that Maoists have at times relied on subterfuge or fraud to recruit children systematically across the country. Maoist recruitment of children continued at a steady pace until December 2006, after the signing of the comprehensive peace agreement. As this report was being finalized, we continued to receive reports of ongoing recruitment by Maoist forces, albeit at a slower pace.” (ibid, p.36)

A *BBC News* report on the shooting of an aide to the Maoist prime minister states:

“The prime minister of Nepal's personal secretary has been shot and wounded by a group of attackers in the capital, Kathmandu, police and media say. Shakti Bahadur Basnet, 39, was shot in the leg as he got out of his car at his home on Monday evening. The aide of Maoist PM Prachanda is being treated in hospital but his injuries are not life-threatening.” (BBC News (10 February 2009) *Gunmen shoot aide to Nepal's PM*)

An *Agence France Presse* news report on a demonstration by the Maoist Young Communist League (YCL) states:

“YCL leader Sagar told AFP the Maoists were demanding justice over the death of one of their leaders, Rajendra Phuyal, which he blamed on the youth wing of the rival UML party. Tensions between the youth wings of rival Nepalese parties have risen since the government collapsed, and the United Nations has warned that increasing political violence could threaten the peace process here.” (Agence France Presse (15 June 2009) *Maoist strike cripples Nepal capital*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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