

**NEPAL: TRANSITION FROM CRISIS TO PEACEFUL
DEMOCRACY**

HEARING
BEFORE THE
SUBCOMMITTEE ON NEAR EASTERN
AND SOUTH ASIAN AFFAIRS
OF THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
ONE HUNDRED NINTH CONGRESS
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NEPAL: TRANSITION FROM CRISIS TO PEACEFUL DEMOCRACY

THURSDAY, MAY 18, 2006

U.S. SENATE,
SUBCOMMITTEE ON NEAR EASTERN AND
SOUTH ASIAN AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:31 p.m., room SD-419, Dirksen Senate Office Building, Hon. Lincoln Chafee, (chairman of the subcommittee) presiding.

Present: Senator Chafee.

OPENING STATEMENT OF HON. LINCOLN CHAFEE, U.S. SENATOR FROM RHODE ISLAND

The CHAIRMAN. The Committee on Foreign Relations Subcommittee on Near Eastern and South Asian Affairs stands open. This committee is pleased to open two panels of witnesses today. On our first panel, we will hear from Hon. Richard Boucher, Assistant Secretary of State for South and Central Asian Affairs. Ambassador Boucher, welcome and thank you for being here.

And our second panel will consist of Mr. Deepak Thapa, a citizen of Nepal and the William P. Fuller Fellow in Conflict Resolution at The Asia Foundation. Also Mr. Sam Zia-Zarifi, the Asia Program Research Director at Human Rights Watch Crisis Group. And Mr. John Norris, Washington Chief of Staff for the International Crisis Group.

Gentleman, welcome, we look forward to your testimony. The purpose of this hearing is to review the current state of affairs in Nepal and to examine ways the United States can help stabilize the country and strengthen the Democratic process during this time of transition. There is cause for cautious hope, now that the Democratic rule has been restored and a new Nepal police government has been formed from the Seven Party Alliance.

Just today, Nepal's lawmakers introduced a resolution that would put the army under civilian authority and limit the King's powers. But significant challenges remain. Will the insurgents remain part of the political solution and lay down their arms? How might a changed role from the monarchy impact stability and governance of the country? Will the royal Nepal's police army be able to transition to and accept civilian leadership? What impact will recent events in Nepal likely have on the region? I call this hearing because I believe Nepal is in a critical time in its history. We have seen great changes in the space of a few short weeks and we need

to examine our foreign policy and aid to ensure that our approach takes account of these changes. We may need to make sure that these changes are coordinated throughout our Government, strengthens the voice of peace, and helps solidify the Democratic transition.

We also need to assess what are the most effective ways to collaborate with other countries and multilateral institutions to support the peace. Thank you for agreeing to testify today and we look forward to your testimony and discussion. If you so choose, you may submit your entire statement for the record and summarize, but that is up to you. Welcome Mr. Boucher.

STATEMENT OF HON. RICHARD A. BOUCHER, ASSISTANT SECRETARY FOR SOUTH AND CENTRAL ASIAN AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador BOUCHER. Thank you Senator. Mr. Chairman, thank you. I do have a slightly longer statement I would like to see put in the record. I will give you a brief summary.

The CHAIRMAN. Without objections.

Ambassador BOUCHER. As you say, it is a critical time and I am glad you are having this hearing. I think we are at a very important moment. It is also a very hopeful moment for the people of Nepal.

The United States is doing our part, we think, to help the people of Nepal fulfill their goals of democracy, security, and prosperity. As you mentioned, on April 24, the King bowed to public pressure and announced the reinstatement of Parliament. On April 28, Parliament convened for the first time since 2002, with G.P. Koirala of the Nepali Congress Party at the helm of a new Government of national unity.

I traveled to Nepal a few days after that with my NSC colleague to underscore U.S. support for the new Government and for the political process as it was getting underway. Expectations are certainly high among the Nepali people and among all the friends of Nepal. Our development and economic assistance is already meeting some of the acute needs of the Nepalese people and of their Government.

We have a team in Nepal this week to assess where our assistance could have the greatest immediate impact. Areas in which we feel we can make a positive difference include strengthening the political parties, expanding rural projects, providing technical assistance and equipment to the Parliament, assisting reintegration of internally displaced persons, and supporting elections. We also stand ready to provide assistance to the security forces when requested by the new Government.

We and many in Nepal and in the international community remain wary of Maoist intentions. They have instigated a brutal insurgency and are responsible for countless human rights abuses. Unfortunately, Maoist human rights abuses, including kidnappings and extortion, have continued even since the cease-fire declarations. The Maoists need to be judged by their actions. If they renounce violence and respect human rights, there is a place for them in Nepal's political arena. Until they take those steps how-

ever, the international community and the political leaders need to maintain a solid determination.

The international community has an important role to play in all this. We hope that other donor governments, some of which withdrew or reduced assistance during the period of royal misrule and usurpation of power, will also focus now on strengthening capacity for democratic governance as they evaluate how best to support Nepal. But in the end, Nepal's future is in the hands of its people and its political leaders. As they head toward a constituent assembly the United States stands behind the people's right to make choices for themselves through a free and fair political process. We will be there to support them as they move forward.

Mr. Chairman, I want to thank you for this opportunity to appear here and I would be glad to take any questions that you have. [The prepared statement of Ambassador Boucher follows:]

PREPARED STATEMENT OF HON. RICHARD A. BOUCHER, ASSISTANT SECRETARY FOR SOUTH AND CENTRAL ASIAN AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. Chairman and members of the committee, thank you for inviting me here today to discuss recent developments in Nepal. We are at a hopeful moment for the people of Nepal, and the United States is doing our part to help them fulfill their goals of democracy, security, and prosperity.

Popular anger at King Gyanendra's autocratic misrule since February 1, 2005 boiled over in April 2006, resulting in massive demonstrations across the country and broad public support for the nationwide general strike called by Nepal's seven major political parties. The King's government responded by arresting demonstrators and political activists, and imposing daily curfews. The security forces' use of violence against demonstrators resulted in at least 16 deaths and thousands of injuries, but the democracy movement passed every test of its resolve, forcing the King in the end to recognize that the people of Nepal would not rest until their sovereignty was restored. On April 24, the King bowed to public pressure and announced the reinstatement of Parliament. On April 28, Parliament convened for the first time since 2002, with G.P. Koirala of the Nepali Congress Party at the helm of a new government of national unity.

I traveled to Nepal earlier this month to underscore United States support for the new government and to evaluate the political situation firsthand. I found political party leaders with a renewed commitment to stay united as they work to improve their country; an army that is committed to serving a new, democratic, civilian government; civil society leaders intent on ensuring the new government makes good on its promises; and a public that for the first time in years seems optimistic about the rewards democracy can bring to Nepal, and an interest in pushing their leaders to deliver. We share that optimism, and will support the people of Nepal as they work to build a more peaceful and prosperous future for their country. We expect that there will be a limited opportunity for peace to take root in Nepal. Expectations are very high. It is imperative that we use available assistance funding to get visible evidence of development projects up and running as quickly as possible in rural areas where government has been virtually absent for years.

Our significant assistance program for Nepal was recently updated to focus on democracy, governance, and conflict mitigation programs. Our development and economic assistance is already meeting some acute needs of the Nepalese people and their new government. In fiscal year 2006 alone, U.S. assistance is strengthening the Election Commission, Peace Secretariat, National Human Rights Commission, and corruption ombudsman; broadening participation in political parties and making them internally more democratic, thereby increasing public participation in the democratic process; and supporting the work of the United Nations Office of the High Commissioner for Human Rights.

We are exploring ways, depending on available resources and the evolution of the peace process and political situation, to strengthen democracy and the protection of human rights in Nepal, and to help the government deliver services to the people. We have a team in Nepal this week to assess where our assistance would have the greatest immediate impact. Areas in which we feel we can make a positive difference include strengthening political parties, expanding rural projects, providing technical assistance and equipment to the Parliament and to a constitutional reform

process, assisting reintegration of internally displaced persons, and supporting elections. We also stand ready to provide assistance to security forces if requested by the new government; I told Prime Minister Koirala the same when I met him on May 2. This offer includes a commitment to continue training programs that improve the human rights record of Nepalese security forces. We also support the new government's efforts to bring peace to Nepal after a decade of devastating internal conflict that has cost over 13,000 lives and untold suffering.

Following the King's seizure of civilian authority, his estrangement from the political parties led the parties to seek a rapprochement with Nepal's Maoist insurgents, based on their mutual rejection of the King's power grab. This rapprochement, and the negotiations that accompanied it, resulted in a "12-Point Understanding" between the parties and the Maoists that continues to serve as a roadmap for relations between them. The key element of this understanding is a commitment by the parties (now the government) to support elections to a constituent assembly charged with drafting a new constitution—a longstanding Maoist demand—in exchange for Maoist commitment to support multi-party democracy.

This new relationship between the parties and the Maoists has led to important progress toward peace, including the current reciprocal cease-fire, but their engagement is not without serious risks. We and many in Nepal and in the international community remain wary of Maoist intentions. They instigated a brutal insurgency and are responsible for countless human rights abuses. To date, they have not renounced violence nor have they agreed to disarm; their rhetoric remains belligerent, including against the United States. Despite stated Maoist commitments to the cease-fire and to multiparty democracy writ large, Maoist human rights abuses, including kidnappings and extortion, continue. It is important to remember that the Maoists took up arms in 1996 against an elected government and multiparty democracy.

We hope that the Maoists' commitment to peace and multiparty democracy is genuine. However, based on their track record they have not earned the benefit of the doubt. They need to be judged by their actions. If they renounce violence and respect human rights, there is a place for them in Nepal's political arena. However, until they take those steps and take them irrevocably, we along with many others in Nepal and elsewhere will not be convinced that they have abandoned their stated goal of establishing a one-party, authoritarian state.

The international community has an important role to play in ensuring Nepal's democratic gains are lasting. As I mentioned earlier, we have already taken steps to focus our assistance program on strengthening democracy and governance, as well as the protection of human rights. We hope that other donor governments, some of which withdrew or reduced assistance during the period of royal misrule or usurpation of power, will also focus on strengthening capacity for democratic governance as they evaluate how best to support Nepal. We look forward to working with international partners to help support the people of Nepal in their quest for a brighter future. Among those partners, India has a key role to play. The ties that bind India and Nepal—economic, cultural, historical—are as strong as those between any two countries. Those ties mean that the two countries are deeply vested in each other's success and are intimately familiar with each other. For these reasons, we place high priority on consulting closely with India on Nepal policy.

We took note of the May 12 arrests of five people who served as ministers in the King's cabinet. The integrity of a justice process is determined by its transparency and grounding in the rule of law, so the government should take care to ensure those principles are followed to the utmost.

Nepal's future is in the hands of its people and its political leaders must take steps to meet the people's aspirations. We have no interest in prescribing the architecture of their democracy. The United States stands behind the people's right to make that choice themselves through a free and fair political process, and will stand against any who attempt to deny them the freedom that is their right.

Thank you for this opportunity to appear before you. I would be happy to take your questions.

The CHAIRMAN. Thank you very much. In your prepared statement, on page 2, you say that "Following the King's seizure of civilian authority, his estrangement from the political parties led the parties to seek a rapprochement with Nepal's Maoist insurgents, based on their mutual rejection of the King's power grab." Has that changed now, with the events in the last few days?

Ambassador BOUCHER. It has not changed, essentially because what happened is the King's usurpation of power pushed the political parties and the Maoists together. They came up with this 12-point plan. The political parties are now delivering on the promises of the 12-point plan. Some of the steps that they have announced are very consistent with what they said they would do in the 12-point plan. I think all of us are calling on the Maoists, who signed up as well, to respect that plan and to adopt a political agenda and to abandon violence. So, to the extent that the King is no longer running things, the political parties are—yeah, the situation has shifted but in terms of the agenda that the political parties set, and that the Maoists signed up to with them, that is the agenda that is being carried out now.

The CHAIRMAN. So, it seemed as though before the power grab the Maoist power was lessened and after that event—that the power increased of the insurgents.

Ambassador BOUCHER. I suppose to some extent that is true because by seizing power the King sort of solidified some of the opposition against him.

The CHAIRMAN. Right.

Ambassador BOUCHER. But on the other hand, I would say that it was channeled in a political direction and that essentially, our fundamental goal with the Maoists, is for them to channel any of their positions and objections in a political direction and to abandon the violence. So, the fact that they signed up for a 12-point program and now have at least verbally committed to a cease-fire is important. What is even more important is making sure that they actually carry out those commitments and that is a job for the political leaders in Nepal, for the people of Nepal, for the international community, and other friends of Nepal.

The CHAIRMAN. When you talk about the international community, you were there how recently?

Ambassador BOUCHER. It was about 2 weeks ago, really.

The CHAIRMAN. And what presence of the international community do you really see that are actively involved?

Ambassador BOUCHER. This was a few days after the restoration of power. We met with the Prime Minister. We met with the political leaders. They were in the process of forming the cabinet. They had the first few names forward. They had not voted on them yet. So it was an early stage.

There is, I think, a lot of international interest. I have talked about Nepal with a number of other governments. The Indians, of course, have been strong players in this throughout—remain very interested and we are talking to them all the time, coordinating with them and their ambassador in Nepal, our ambassador in Nepal. British and a few others really do coordinate very well on the ground. I think there is a broader international community that is interested in Nepal. We have had contacts from the Chinese for example, had some discussions with them that will continue. I expect we will be talking to Canadians, Europeans, and others.

One of the key points I think that I made in my statement and that the Finance Minister made to the donors yesterday was that many countries, because of the King's usurpation of power, had held back on aid programs. Well, it is time to move that money for-

ward and those programs forward now to really show some visible progress. We are committed to doing that ourselves but we are going to encourage the other governments to do it as well.

The CHAIRMAN. What is the extent of the Chinese interest?

Ambassador BOUCHER. I think the Chinese have been interested, first of all in stability. They are as anti-Maoist as anybody is in this situation. They are looking for stability. They are looking for a restoration of the political process. Really, in our discussions with them, we have pretty much agreed on all the basic points that we have put forward.

The CHAIRMAN. There is a good line, the Chinese are as anti-Maoist as anybody.

Ambassador BOUCHER. In this circumstance, I said, I didn't want to make it a general rule. They might differ with that.

The CHAIRMAN. Do they have any influence over the group that has taken the name?

Ambassador BOUCHER. I don't think so. I see precious little—no contact and no influence. Just based on what I know, the history of Chinese Communist politics. I imagine the Maoist's think these people are revisionists and have abandoned the cause and wouldn't listen to them very much anyway.

The CHAIRMAN. One last question. In your prepared testimony you stated, "We also stand ready to provide assistance to security forces if requested by the new government." Could you elaborate on that to what extent we could provide assistance?

Ambassador BOUCHER. It is an important point, sir. I am glad you raised it. It is worth talking about a little more. I think first thing to say is we did meet with the Chief of Army Staff when we were in Nepal and we have maintained regular contact with the army, although we had suspended our lethal assistance during the period that the King took power. So, we first of all heard from him that he very much supports the Democratic process, the Chief of Army Staff; the army supports the Democratic process. The army supports the political process and even went to the extraordinary length of appearing on CNN to say that, to make sure that everybody knew it. They have met with political leaders to commit themselves to support the new Prime Minister and new Government.

One of the steps taken today by the Parliament was to make them the Nepalese Army and not the Royal Nepal Army. To make clear that they did owe their allegiance to the Parliament and the political process. So, those are all good steps forward. They are all pledged to work together. We made clear that we will continue to work with the army. We have in the past provided some equipment. We have provided a lot of training. I think we have always provided professional training, human rights training, ways to make them not only more effective but more respectful of the people of Nepal and able to carry out their job in a way that is politically effective as well as militarily effective. So, we are prepared to do that again as soon as the civilian leaders tell us it is appropriate and it is time. Of course, we will listen to them as they tell us what they think is needed.

The CHAIRMAN. I will follow up, you say not until civilian control? Did I hear you right?

Ambassador BOUCHER. Not until the civilian leaders tell us what they want for the army, what kind of support they would like.

The CHAIRMAN. Very good, sir. If I have other questions for the record I will submit them and keep the time open for a number of days.

Ambassador BOUCHER. Very good. We are glad to answer any questions you might have, sir.

The CHAIRMAN. Thank you. Let's hope the stability continues. I will welcome the second panel.

Ambassador BOUCHER. Thank you.

The CHAIRMAN. Welcome, Mr. Norris, Mr. Zia-Zarifi, and Mr. THAPA. Welcome. Let's start with Mr. THAPA.

**STATEMENT OF DEEPAK THAPA, WILLIAM P. FULLER FELLOW
IN CONFLICT RESOLUTION, THE ASIA FOUNDATION, COLUMBIA
UNIVERSITY, NEW YORK, NY**

Mr. THAPA. Thank you, Mr. Chairman. I would like to enter my written testimony for the record also.

The CHAIRMAN. Without objection.

Mr. THAPA. Ah, which I will summarize briefly. Since April 24, when the Seven Party Alliance let government—took power—the country seems to be moving slowly and surely to its peace. The most positive indication is the Parliament's support. That was received unanimously for an election to a constituent assembly to write a new constitution, which has been the fundamental demand of the Maoists in order to join mainstream politics.

There are various questions still open. The question of what do you do with two armies? And of course, the question of whether the Maoists are committed to a peace process or not? But, if you look at the events and the statements coming from the past 2 years or more, it has been very clear that the Maoists are in favor of joining mainstream politics. This is motivated partly by the realization that military victory is not possible from their side. They have also argued that perhaps it is not desirable in the current situation where a Communist-led government that comes to part through evolution would not be palatable to the international community.

They have also said that Nepal is not yet ready for such a revolution, that it has to undergo "bourgeois revolution" before a "people's revolution" can take place. As a result of which in November of 2005, the Maoists and the political parties that represent 90 percent of their present Parliament committed to an understanding whereby the Maoists would join mainstream politics and the political parties would agree to an election to a constituent assembly.

All this leads to a question of the monarchy. The major political parties that are part of the alliance have already amended their own party constitutions to keep the possibility of Nepal becoming a Republic open. But there are certain elements within the political parties also, which would argue against getting rid of the monarchy. The main argument is that the monarchy stands as a symbol of unity for Nepal. But there are others who argued that is not the reality that has been used often in the past, but then the Nepali King does not really identify with the Nepali people. To give an example, he represents the high caste oppressor for the low caste people. For the non-Hindu groups, he is the champion of the

Hindu's. And for the plains people, he is the hills-based exploiter. So, there are a lot of people in Nepal who do not actually identify with the idea of a monarchy. But one also should remember that in the past 2 years a term that has become very familiar and very popular and has been widely accepted—that is the Nepali term for democracy itself. Earlier it used to be called prajatantra, which meant a rule by the subjects. That has been discarded in favor of loktantra, which means rule by the people. And that having been accepted, one would say that there is a great deal of sentiment against the monarchy at the moment. Together with the question of the monarchy is the question of the army. As I was just about to mention, the resolution has been tabled in Parliament to change the name of the army from the Royal Nepali Army to the Nepali Army only. And there are indications that these army brass will be willing to follow similar orders. That can only happen so long as the army palace links are cut off.

But that would also hinge a lot on how the Seven Party Alliance is able to deliver on the promises they have committed to the Maoists and to the people at-large in addressing the various causes of the violence that has led to the Maoists justifying the insurgency in the first place.

Which leads to the question of how is the SPA or the Seven Party Alliance planning to reach their objective? Although they agreed to a constituent assembly in November, for the past 5 months there has been new debate within the Seven Party Alliance on how an election to a constituent assembly is going to be held. What it will entail and so on. Now these discussions are taking place and we are going to see a period of turmoil in Nepal. This time hopefully, it will be a peaceful turmoil, but then there are various groups that—there are various forces that have been unleashed by the people or the Maoists and the gradual political consciousness that has doubled up among the marginal list groups also.

So the challenge before the parties and the Maoists, should they join the government which we hope will happen soon, will be how do they address their own political concerns with the concerns of the marginal list groups of whom there are quite a few in number?

At the moment, on the question of the rule of the United States, I think the first thing is that the United States should be willing to accept the possibility that a constituent assembly might vote out the monarchy. Whether that will happen or not is of course, yet to be seen. But the other thing is that the Maoists are very suspicious, still very suspicious of the United States' intentions. There have already been statements from the Maoists leadership that the United States is preparing to rearm—resume delivery of arms supplies to the Nepali Army. Now whether that is really true or not, that is not the question. But it expresses their view of the United States.

In 2003, when the second round of peace talks were going on, the United States and Nepal signed an antiterrorism assistance deal and that was used by the Maoists to rally around the troops, saying that the United States is for breaking the cease-fire and to instigate the Nepali Army to begin operations again.

So, at the moment it would be very useful for the Nepali people and the peace process for the United States to take a backseat. The United States also has considerable influence over the Nepali Army, primarily because most of the generals have been trained here at some time or the other, so there are very close personal links that the U.S. Army, as an institution, has with the Nepali generals. And that could be used—those links could be used to persuade the Nepali Army generals to accept civilian supremacy of the army.

The other way that the United States could play a role is by allowing or creating a space for the United Nations to become more involved. There is a possibility of something of that kind happening, especially given the recent visit of the U.N. to Nepal.

The U.N. is a much-respected organization in Nepal. The Maoists have been demanding, ever since 2003, when the last peace process broke down that the U.N. be involved in some way or the other in future rounds of negotiations. There is concern that even involvement might legitimize the Maoists, but the Maoists have already been legitimized by the Seven Party Alliance and by the people of Nepal as a legitimate political player and that fact has to be taken into consideration.

The other great fear is that whether the Maoists will accept an election to a constituent assembly. I am sorry the result of a constituent assembly—which might go against them and their agenda. But the Maoists are also aware that the international opinion will go against them, should they back out of talks. There is every possibility that the Maoists will accept the results of a constituent assembly. That comes from the dealings that the political party leaders have had with the Maoists and by the various representatives of civil society who dealt with the Maoists and see that they are really committed to change this time. Thank you very much.

[The prepared statement of Mr. Thapa follows:]

PREPARED STATEMENT OF DEEPAK THAPA, WILLIAM P. FULLER FELLOW IN CONFLICT RESOLUTION, THE ASIA FOUNDATION, COLUMBIA UNIVERSITY, NEW YORK, NY

Following 19 days of nationwide protests in April 2006, King Gyanendra gave in to the core demand of the Seven Party Alliance (SPA) to revive the House of Representatives dissolved in May 2002. Events since the capitulation of the monarchy on April 24 in favor of an SPA-led government seem to be moving the country slowly but surely toward peace. The unanimous parliamentary support for an election to a constituent assembly to write a new constitution is the most potent indicator of this. The number of imponderables remains large, most notably the question of the two armed groups, the Nepali Army and the Maoist guerrillas. Equally pertinent is whether the Communist Party of Nepal (Maoist) is genuinely willing to talk peace and give up arms, especially since their protagonists now are the same political parties they had been pitted against until recently.

Maoist statements for the past 2 years have indicated that they are in favor of a negotiated settlement, albeit partly on their terms. This reflects a realization that a military victory is not possible from their side, and perhaps not desirable as well. Maoist leaders have justified their changed stance to the existing global situation which they have said is not in favor of a communist revolution. They have also said that neither is the country ready for it, arguing that Nepal needs to undergo a “bourgeois revolution” before it is ready for a “people’s revolution,” and the latter can be pursued through peaceful means. As a result, the Maoists committed themselves to multiparty democracy under the 12-point agreement with the SPA in November 2005.

The pronouncements from the Maoists since the SPA took power do not show any change in their position. Although the statements have sometimes been quite harsh in their assessment of the government’s performance, the manner in which the SPA

has systematically acted on the 12-point agreement does not leave much room for complaint. There have been reports that the Maoists are still indulging in violence and continuing with the forcible collection of "donations." But these are so far isolated incidents that need to be brought under check but are not necessarily serious enough to cause concern, at least not yet. The burden now seems on the SPA to create the conditions for a meaningful dialog with the Maoists and this will include both ensuring that the army is brought totally under its control and seeing that the king is thoroughly disempowered.

The present situation gives much room for optimism compared to the time at the height of the street demonstrations when there were worries that the crowds would snowball out of control and make a run for the palace. The Maoists were certainly banking on such a possibility and, considering the intensity of sentiments against the king and the crown prince among the younger generation of Nepalis, even without the Maoist agents provocateur in the crowds, the protestors may have done precisely that. The fear was that such a move would either result in a massacre on the streets with the army standing firm in its support for the monarchy, or it would lead to the hurried exit of the king from the country. The first would have been tragic while the latter could have led to a power vacuum in the country since it was not at all certain that the SPA could have stepped in to take the reins of government. On the Maoist side, regardless of their understanding with the SPA, they would surely have made a move. What the role of the army would have been is anyone's guess, but there was a possibility that the transition would have been quite violent. Fortunately, the king realized (or was impressed upon) that his position was untenable, for not only was he putting the future of his throne at stake but the future of the whole country as well.

King Gyanendra's revival of parliament and handing over power to the SPA has forestalled all those scenarios. The SPA has taken control and remains committed to its "roadmap" to a peaceful Nepal. However, the question of the monarchy remains to be tackled. All the major political parties have amended their own constitutions to leave open the possibility of Nepal becoming a republic although it was partly driven by bluster to prod the king along toward meeting their demands.

Powerful elements within the Nepali Congress and its splinter Nepali Congress (Democratic) still cannot envisage Nepal without a king. These parties cling to the overused and outdated notion that the institution of the monarchy holds the multi-ethnic, multilingual, multireligious country together. The bogey of state fragmentation is held up to argue for the continuation of the monarchy. But this ignores the reality that the Nepali monarchy is linked with only a small section of Nepali society and his identification with the vast majority of the people is maintained by dispensing patronage to a handful of clients from the various regions and population groups in the country. For the rest of the people, he represents a state that has historically trodden heavily on the aspirations of various population groups: for the "low caste," the king embodies the "high caste" oppressor; for the non-Hindu groups, he is the champion of Hinduism; for the plains people, he is the hills-based exploiter. Thus, there is growing consensus that reforming the old order may be impossible so long as the monarchy with all its tradition-bound trappings continue to exist in its present form. That explains to a large extent the sudden countrywide popularity and acceptance of a new term for "democracy," *loktantra*, rule of the people, in place of *prajatantra*, rule of the subjects. In that sense, the people have spoken and even should a monarchy continue into the future, it can only be in a totally emasculated form. Given the record of the monarchy in modern Nepal and its role in undermining democratic politics time and again, the stability of the country will in large measure depend on such an eventuality.

Tied to the fate of the monarchy is the issue of civilian control over the army. The potential for royal mischief remains ever-present so long as the army brass is beholden to the palace for their careers. Direct civilian control of the army will thus reduce the likelihood that the king can use the military to his personal ends. But it is also true that the institutional loyalty of the army toward the king has partly to do with the failure of the political leadership to inspire confidence. That is the challenge before the SPA: To lead the country out of the morass of violence by engaging the Maoists in negotiations and together create a just political order that will address the "root causes" that provided moral justification to the Maoists' rebellion in the first place. In such a scenario, the army should easily slip into the role assigned to it although a great deal of institutional modifications will be necessary within the army itself such as including the nearly 50 percent of the population who are not recruited into the army; professionalization of the force by introducing a system of strict meritocracy; ridding the army of feudal throwbacks like the use of courtly language, etc.

A major shortcoming with the SPA has been that despite their stated commitment to elections to a constituent assembly, they had not begun any preparatory work on creating an understanding among themselves or with the Maoists on how that objective was to be fulfilled. That process has only just begun and it will be a feat to pull it off anytime soon, especially since the stakeholders to discussions now involve more than just the political parties and the Maoists. Different social, regional, linguistic, and religious groups will lobby to have their concerns recognized and although all the political forces have, at least in spirit, declared themselves in favor of recognition of all forms of minority rights, balancing all the aspirations will prove immensely challenging.

The main role that the United States can play in helping a peaceful transition is mainly by staying on the sidelines and letting the process unfold by itself, and that includes accepting the possibility of the constituent assembly voting out the monarchy. There is a great deal of suspicion among the Maoists that the United States is preparing to resume aid to the Nepali Army, and regardless of the veracity of the source of such misgivings so long as there are credible efforts by both sides to find a peaceful solution a much less visible role of the United States would be desirable. The Nepali Army and the Maoists have to initiate confidence-building measures and for the first time in 10 years it is actually possible given the SPA-Maoist understanding. The Maoists made much of the Anti-Terrorism Assistance (ATA) deal signed between Nepal and the United States while peace talks were starting in 2003, and which came around the time the Maoists were designated a terrorist organization by the United States. Such actions are best avoided this time around as negotiations proceed. In any case, the Maoists are certainly aware that if they walk out of talks the whole might of international opinion will be against them and will be backed by resumption of heavy military aid to the Nepali Army, particularly from India.

The United States could also use its considerable influence with the Nepali Army to ensure compliance with civilian orders. Almost all the generals have received some form of training or the other in the United States (not to mention that the children of many generals study or live in the United States) and such training is viewed as an attractive perk in an officer's career. Thus the United States has unique leverage to gently persuade the army brass to accept the principle of civilian supremacy.

At the same time, the United States, in conjunction with India and other countries, could help the United Nations create a space for itself during the peace process in Nepal. The Maoists have been insisting on a U.N. role in peace talks almost from the time the second round of peace talks broke down in August 2003, indicating their lack of faith in the government to negotiate in good faith (although the situation has changed dramatically since then with the SPA now in power). While there may be concern that U.N. involvement may legitimize the Maoists, the fact remains that the Maoists have already been accepted as a legitimate political force by the SPA and the Nepali people at-large and that fact has to be taken into consideration.

Politicians and civil society leaders who have interacted with the Maoists believe that the Maoists are genuinely committed to the 12-point understanding, and the recent actions by the SPA government in steering the country toward the realization of that agreement, including the soon-expected parliamentary declaration drastically clipping the king's powers, harbors well for the future. A nagging fear is whether the Maoists will accept an election result that goes against them even though they have time and again expressed their willingness to abide by the people's verdict. Opinion polls have consistently shown popular support for the Maoists to be around the 15 percent or less range. That could change with them politicking above ground and they certainly can take credit for the proposed restructuring of the state. But it should also be noted that changed circumstances could lead to newer political entities such as ethnic and regional forces playing a key role in the country's politics in the future. For the moment, however, the best prospect the country has for a peaceful mainstreaming of the Maoists is for the political process to continue as it has for the past few weeks, and, in effect, allowing the SPA to call the Maoists' bluff about their own commitment to the 12-point understanding.

The CHAIRMAN. Thank you very much.
Mr. Zia-Zarifi.

**STATEMENT OF SAM ZIA-ZARIFI, RESEARCH DIRECTOR OF
THE ASIA PROGRAM, HUMAN RIGHTS WATCH, NEW YORK, NY**

Mr. ZIA-ZARIFI. Thank you very much, sir, for having us here. You have heard some macro-level analysis. Myself and Human Rights Watch are mostly known for providing on-the-ground analysis. I just returned a few weeks ago from Nepal. It was my third trip there since February for its takeover. I was there just a few days after the takeover. So, what we do is mostly talk to the people. I would just like to convey some of what we found on the ground. I would like to ask that my longer statement be submitted into the record.

Mr. CHAIRMAN. Without objection.

Mr. ZIA-ZARIFI. And if it is okay, I will try to keep it short and see if there are some things that are unclear. It is a historic moment but it is also one that is wrought with danger. On February 1, the King created two human rights crises, where before there was one. The Civil War, which had killed at that point about 12,000 people, resulted in hundreds of disappearances, unfortunately the majority of them at the hands of the government itself.

A few weeks ago, the one part of this was resolved with the return of people power. This was really a glorious moment in Nepali politics and I think for the world. I think we should be really very proud of the people of Nepal and what these impoverished beleaguered people have shown. There is now the possibility to resolve both conflicts. I think the United States—I think the U.S. Congress certainly can pat itself on its back for having said the right things and done the right things for the—especially since the February 1 takeover—the imposition of an arms embargo. I think that was a very important move. I think we saw on the ground, sir, that the lack of heavy weaponry saved thousands of lives. I think we would have seen far higher numbers of people killed if there were arms flowing into their country.

But the question is what should the United States do now? I think my easy answer is that the United States should try to help where it can and try not to hinder for any reason the process that has been started if the people of Nepal want it. So, in three simple steps I would say support the Nepali people; continue to provide the basic support to the people of Nepal that may address some of the deep, deep social problems that lead to the conflict in the first place. And just as important make sure that the two sides of the conflict behave going forward. That really means the Maoists and the Royal Nepali Army or the Nepali Army as it may soon be called.

I would just like to also note my slight disappointment that there is no one here from the Department of Defense. They have quite a bit to say about what is going on, I think, in Nepal. It is unfortunate that we are not able to hear what they have to say.

Let me sir, put out just four quick suggestions I have for U.S. policy going forward. The first, and under the category of supporting the people, is to provide technical and political assistance to the constituent assembly process. It is going to be tough technically just simply getting ballot boxes out in a very tough mountainous country. The United States has experience with this. We should make it available if the Nepali people want it. It also means

putting pressure on both the army and the Maoists to see that there is a real political process. The Maoists in their areas have managed to completely quash all political activity by non-Maoists groups. I think it will be a good sign of their intentions to see if they will allow the journalists of Nepal and the political parties of Nepal to operate in their areas. I think the United States can continue to provide this kind of support.

Along with that, the United States has to deal with the RNA. The RNA, sir, was mostly a ceremonial force until about 4 or 5 years ago. It has grown by four, five times in that period. It has quickly established itself as one of the worlds more abusive armed forces. It has been responsible for most of those killed in Nepal. It has been responsible for hundreds of disappearances. It has made attempts to circumvent the rule of law and the will of the people of Nepal. It is not a good partner for the United States, certainly not for the United States military.

So, absolutely we should continue this suspension of lethal aid and military assistance to the Nepali Army, until the government—the Democratic, legitimate government asks for it and until we see that the problems of the RNA have been resolved. One important question for the people of Nepal, over and over again is the question of accountability. Hundreds of people are still missing. People were taken by the Nepali Army. We need to see some information about what happened to these people. We need to see some real accountability about the various serious human rights abuses committed by the Nepali Army. It is unfortunate that to some extent the United States was seen as believing the Nepali Army's efforts to cast itself as being a reformed force. We took a look at their own—of their own record over the last 4 or 5 years. They have had 97 cases, sir, of what they considered abuses. The majority of those were drunk and disorderly abuses. We saw mostly, even in cases of serious crime such as murder, such as rape of young girls, the Nepali Army just fail to have any accountability. We need to continue that pressure. We need to help the Nepali Army professionalize. I would suggest two specific areas, if the U.S. Department of Defense is anxious to help. Help the Ministry of Defense. The current Nepali Ministry of Defense is essentially—it has been described as a mail drop for the military. We need to help professionalize that ministry. We need to make sure that the Nepali Army stops using vigilantes.

To help the conflict, we should just make sure, sir, that I think the United States does not stand in the way of the resolution of the peace process, if it is going the way the Nepali people want it. They are the ones who have suffered. We saw the terror in their eyes as the bullets were whizzing by and I think we should allow this process to continue while giving support for the most important factor, which is probably monitoring. I think the Nepali Human Rights Commission can be useful in this regard. The U.N. may be useful but I have to say that in the U.N. Human Rights Mission, Nepal performed a very valuable function the last year but it can't act as a cease-fire or a peace process monitor. I think the United States should be able to help whatever monitoring system is set up there.

Dealing with the Maoists, their abuses have continued, unfortunately. The United States should treat the Maoists as perhaps as a legitimate force, legitimated by the Nepali people at this point, but a legitimate force with a very bad record. I think we know this is what diplomacy is all about and not how you handle your friends but how you handle people that you don't necessarily really like. I think, in this case, the United States should continue to address the Maoists by seeing how they behave. I will set out one, quick, easy, first test for the Nepali's, if there is a peace process, sir, that seems to be holding. We would like to see the Nepali Maoists de-commission the thousands of children that they use among their combat troops. It is a gross violation of human rights. It is a terrible tragedy for the people of Nepal. There is absolutely no reason for it. We would like to see the Nepali Maoists let those children go back to their homes. We would also like to see the United States help the Nepali Government help those children return. As it is, there is absolutely no way—the new Nepali Government just has no policy nor capacity to help these children.

Finally, sir, on the issue of aid, as you heard from Ambassador Boucher, there are questions about whether the United States is going to ramp up aid or how it is going to continue. This goes to the question of addressing the basic problems of Nepal. Let me just suggest a couple of things. One is that we have to make sure, based on our own bilateral aid and our position on the IFI's, that aid that goes to Nepal is accountable and transparent. For that you need the journalists, you need the human rights groups to be able to see what is happening with aid. There has to be soliciting of their opinion about how aid projects have progressed.

Finally, there are some good targets for bilateral aid, I think—the National Human Rights Commission. It needs to be cleaned up a little bit but it's still a pretty good outfit and it has done some good work. It could use U.S. support. The Nepali Judiciary could absolutely use United States support and training as does the Anticorruption Commission. These are all national-level bodies. The United States has the experience. I think helping these bodies will demonstrate to the Nepali people, to the world, that the United States is happy to support people when they demand their rights and their voice. I can tell you from the people that we met when we were in Nepal over the past few months, sir, that the United States has made some missteps but it has also done some things right. I think there is a lot of goodwill there that the United States can still tap into. Thank you very much.

[The prepared statement of Sam Zia-Zarifi follows:]

PREPARED STATEMENT OF SAM ZIA-ZARIFI, RESEARCH DIRECTOR OF THE ASIA PROGRAM, HUMAN RIGHTS WATCH, NEW YORK, NY

Thank you, Senator, for the opportunity to testify about Nepal at this historic moment. I also want to thank you on behalf of a Nepali woman I met in March of this year in the remote mountains of western Nepal. Her name is Mallika, and she lives in a small village of maybe 15 families. Mallika did not say much when I met her, just 2 days after her village had been caught in a fierce firefight between Maoist insurgents and government forces. Armed men had fought in and around the huts, mortars were fired, blood was shed, a helicopter landed practically on top of her house and disgorged heavily armed troops. When we tried to interview her, she could not handle the memory of it all; her voice quavered, her eyes rolled back, she began twitching and she fainted. I have worked in a number of terrible places, and

I have never seen an adult pass out from pure terror, and it left an impression on me. What our Human Rights Watch team saw in 3 weeks of traveling through Nepal was that the people of Nepal feared an increasingly nasty conflict that was literally bursting through their doors.

But Mallika was alive. And for that, I believe, she partly has to thank the United States Congress, which imposed human rights-related restrictions on lethal military assistance to the Nepali military, and thus limited the availability of heavy weaponry to both sides of the conflict. The United States, along with Nepal's other main military supporters, wisely decided to limit the flow of arms to this conflict, and thus saved innumerable lives. Mallika and her neighbors were alive—terrified, but alive—because Nepal's 10-year-old civil war is largely a poor man's war, fought with aging and relatively light weapons. Had we seen AK47 or M-16 assault rifles, or worse, advanced artillery and helicopter gunships in this conflict, we would now be speaking about casualty rates far higher than the 13,000 people already killed in this war. Most—about two-thirds—of those killed were victims of targeted or indiscriminate attacks and summary executions by the Royal Nepali Army (RNA). In recent years, the army has also been responsible for the highest number of new “disappearances” in the world—most of the victims are never seen again.

The Maoists have also been responsible for many civilian deaths, and added to civilian casualties by repeatedly placing their forces in highly populated areas. They have murdered numerous local officials and alleged opponents to their cause, and engaged in widespread torture, intimidation, and extortion of people living in areas under their control. In many areas they forced every household to provide them with at least one person; where no adult was available, children, often girls, were forced to join the Maoist ranks.

It was this awful and seemingly intractable conflict that provided the justification for King Gyanendra's takeover of all executive authority on February 1, 2005. He created another human rights crisis on top of the existing brutalities of war. He tried to shut down Nepal's fledgling but vibrant civil society, to silence political opposition, to shut down Nepal's brave journalists, and imprison students, party activists, and human rights defenders. He did all this with the support of the Royal Nepali Army, ostensibly to give the army the free hand it needed to defeat the Maoists.

As you know, King Gyanendra failed in all respects. The Maoists gained ground, in real terms and in political terms—not because of their growing strength, but because the King was his own worst enemy. At the same time, Nepal's people found their voice, as never before, and a few weeks ago forced the King to give up his bid for absolute monarchy and acknowledge the sovereignty of the people. This was a genuine victory of “people power,” no less astonishing than the revolutions that swept away the Iron Curtain or removed dictatorships in the Philippines and Indonesia. The Seven Party Alliance (SPA) that opposed the King has taken over government, and it has pursued a policy of bringing the Maoists into the political fold, pursuant to the 12-point agreement agreed upon by the parties, and established a mutual cease-fire with the Maoists.

Mallika and millions of Nepalese are more hopeful about their futures today because of these events, but they are aware that they've merely stopped—for now—the slide toward the precipice. They are rightly anxious about inching away from disaster and eventually establishing a society firmly rooted in the will of the people and accountable to the people. The conflict was driven by longstanding human rights abuses, so the response also needs to address these abuses.

The pressure brought to bear by the United States and other members of the international community was quite important in supporting this historic moment. I would like to highlight some human rights issues that should be of concern as you consider how the United States Government addresses Nepal in the future.

First, the United States should help support a legitimate, representative civilian government:

- Support the rule of law. Press the government to remove draconian laws that violate fundamental due process, such as the Public Safety Act and the Terrorism and Disruptive Activities (Control and Punishment) Ordinance, better known by its acronym, TADO. Both laws have been abused by successive governments, including by the present SPA government, which has used these laws to imprison five members of the King's cabinet without proper charges or due process. At the same time, steps have to be taken to address the status of hundreds of detainees held under the Public Safety Act and TADO, many of whom are held without adequate charges, but some of whom are suspected of serious wrongdoing.
- Support a successful constituent assembly. A genuinely representative constituent assembly requires elections that are, and are seen to be, fair and legitimate. This is not just a question of technical matters, such as distributing

ballots throughout Nepal's difficult terrain. It requires a campaign of public education as well as monitoring to ensure that people can express their opinions and cast their votes free of intimidation. It requires the Maoists allowing real political activity in areas under their control, and allowing unfettered media access and operation. It means ensuring that the Royal Nepali Army, and any of its associated vigilante groups, do not interfere with the campaigning or voting processes.

- Support efforts to revise Nepal's constitution and legal system in order to remove barriers against Nepal's marginalized groups, in particular, castes. Governmental commissions dedicated to improving the position of Dalits (so-called untouchables) and women should be given constitutional status, similar to the National Human Rights Commission. The United States should support the National Human Rights Commission to regain its independence and expand its capacity to monitor and defend human rights across the country.
- Support efforts to place the RNA under civilian authority. Today Nepal's Parliament approved a resolution that strips the King of his command of the RNA. The resolution will be voted on as a series of laws in a few days. The RNA has shown through its conduct that it is not a fit interlocutor with the international community, and in particular the United States. It has been responsible for widespread human rights abuses during the conflict, including most of the "disappearances," and it has intruded in civilian government by supporting the King's February 1 coup and by usurping administrative authority in the provinces. The United States should not resume transfer of lethal military materiel to the RNA until and unless a legitimate civilian Nepali Government requests the aid and until the RNA demonstrates that it is a disciplined, accountable force. If the United States is interested in providing any assistance to the military, we suggest it concentrate on strengthening the Ministry of Defense's capacity to provide real oversight and control over the uniformed military. The Unified Command, through which the RNA controlled the police force, should be dismantled, and police should return to the job of policing and protecting the populace.

Second, the United States should help support efforts to limit, and possibly end, the conflict:

- Support efforts to monitor the cease-fire agreement between the government and the Maoists. Currently, both sides have declared a cease-fire, but similar pauses in the fighting in the past have ended in bloody confrontations. Any cease-fire should give the Nepali people a true respite. The presence of U.N. human rights monitors has led to real improvements in the behavior of both parties; there is every reason to believe that a robust international monitoring presence will similarly bolster the chances for real human rights improvements during a cease-fire.
- Support accountability for abuses committed in the context of the conflict by both sides. There is precedent in Nepal for an independent, high-level fact-finding commission; such a commission should gather information about abuses by both sides, and immediately begin the process of bringing to justice those in the RNA responsible for human rights abuses, and prepare for accountability for Maoist cadres. Despite rhetoric to the contrary, the RNA has failed to impose serious accountability for the serious violations such as extrajudicial executions and "disappearances." Just yesterday we saw large demonstrations in Kathmandu calling for information about the whereabouts of the "disappeared," indicating the significance with which the Nepali people view this problem. Furthermore, address the impunity from prosecution troops have long had for human rights abuses, and assist the reform of the military and civilian justice systems.
- In particular, support the immediate reintegration into society of thousands of children currently serving as Maoist cadres. The Maoists' use of child soldiers constitutes a serious violation of international human rights. Human Rights Watch interviewed several children recently conscripted by the Maoists—some of them who had "volunteered" after being subjected to years of propaganda, others forcibly taken under the program of "one household, one fighter," and some of them simply kidnapped. Yet all these children were afraid to return to their homes, afraid that they would be taken again, or punished for failing (unclear what "punished for failing" means). Sadly, the Government of Nepal has neither the policy nor the facility for helping these children reintegrate into civilian life.

Third, the United States should help address the injustices and inequalities that have fueled the conflict. The Nepali civil war has been much more a result of real

social fissures, not ethnic, religious, or regional grievances. Unless these problems are addressed, the discontent that fueled the conflict will remain. Bilateral donors and international financial institutions are now being requested by the Nepali Finance Ministry to provide budget support and resume full donor aid. Unless aid is programmed transparently and in a participatory manner, it will merely repeat the problems of the past and at worst, contribute to human rights violations. U.S. Treasury and State Department must coordinate so that United States representatives on the Boards of the IMF, Asian Development Bank, and World Bank prioritize a role for civil society, the media and other institutions in monitoring aid and budget support. U.S. bilateral aid and the IFIs should also support institutions that can contribute to human rights and accountability, such as the judiciary, the national Human Rights Commission, and the anticorruption commission. Human rights groups should be asked to monitor development projects to ensure that human rights violations do not impede access to services. Such monitoring did not occur in the past, leading agencies such as the World Bank to downplay the impact of the conflict and human rights situation on development in Nepal. In addition, the IFIs should prioritize a review of expenditures by the Nepali Government to ensure that there is proper oversight in future budget support. In its bilateral program and in its role with multilateral organizations, the United States should strive to include Dalit, ethnic, and women's groups in decision making for development programs.

The CHAIRMAN. Thank you very much, Mr. Zia-Zarifi. It is good to see that the United States has some goodwill somewhere.
Mr. Norris.

STATEMENT OF JOHN NORRIS, WASHINGTON CHIEF OF STAFF, INTERNATIONAL CRISIS GROUP, WASHINGTON, DC

Mr. NORRIS. Thank you, Mr. Chairman. I have submitted my longer testimony for the record. I would first of all like to compliment you for shining some light on this issue. I know that Nepal is a fairly small issue in Washington, but Washington's role in Nepal is a very big issue in Katmandu. I congratulate you for bringing this emphasis.

I would like to look at both, very quickly, at where we have been and where I think we need to go in Nepal. I think, first and foremost, we shouldn't overestimate the amount of goodwill the United States enjoys in Nepal for a lot of Nepali's, political parties, activists, people that were out in the streets standing up fairly courageously, unarmed, taking the streets against an army, against a police force. Standing up against royal rule. A lot of Nepali's feel that they achieved the achievements of the last month despite the United States—not because of the United States. A lot of us were quite disappointed when on February 1 of last year, the State Department—the White House offered virtually no condemnation of the King's move to assure absolute authority in Nepal. The statements that were issued were very much pro forma. Our ambassador on the ground came out and condemned and called the agreement between the Maoists and the political parties, the 12-point agreement, which has essentially served as a vehicle to get us where we are today, as wrongheaded and ill-informed.

And even during the middle of the street protest, at the height of the protests, when the King offered a deal that I think almost everyone recognized as half-baked. Our diplomatic team rushed to encourage the parties to accept that deal, which I think rather wisely, they did not. So, I think we have to be realistic about how we are viewed on the ground, not just by the Maoists but by the political parties and other forces involved. I think Assistant Secretary Boucher has done an excellent job since assuming his post, and getting our position on better footing and establishing a much

better tone. But I think as we look at how we will be involved in the future, we carry with us a certain burden of past involvement.

In terms of where we go from here, I think it is important that we look at the practical steps, the practical things that need to be done in terms of implementing a very complicated peace deal and a very fragile peace deal.

First of all, I think we really do need to test the peace. The Maoists have signaled that they are willing to accept a return to mainstream democracy and normal political life. As Deepak rightly pointed out, a lot of people are willing to accept that assertion, some people are not willing to accept that assertion. I would suggest the easiest way to reconcile those differences is to test the peace. To get cease-fire monitors on the ground quickly, to offer concrete steps in terms of getting people out in villages. Beginning talks about not only the cease-fire but the potential demobilization, disarmament of the forces in the field. I would disagree slightly with Sam. I think the current U.N. operation on the ground, the human rights team, has done an excellent job in the field and I think they may well be best positioned to assist a cease-fire monitoring and stand it up fairly rapidly. I was in Nepal in 2003 when the previous cease-fire disintegrated. In a large part it disintegrated simply out of mistrust and fear of the fact that there was no one on the ground to verify incidents when they occurred, to stand up between the warring parties, to issue reports and bring some clarification to what were local incidents but quickly snowballed out of control over time. I think United States, Indian, and U.K. support for a small cease-fire monitoring mission working in conjunction with a legitimate Government of Nepal would make a tremendous difference. There is every indication that the government will ask for our support in standing up this kind of operation, and I think it would be great assistance if the United States and the U.N. and other forces would be ready to go almost instantaneously if this was asked for.

India's role, as far as this goes, is a sometimes controversial one and I think an important one to touch on. Some people have suggested that India would be unwilling to accept any kind of U.N. involvement in Nepal. I don't think that is quite accurate. We have seen India's support for the Human Rights Mission that is currently deployed. I think that has been important. I think India's main concern is to make sure that whatever U.N. presence is in Nepal, it is small, it is well-defined, and is brought in to do specific technical tasks and not inserted in a sweeping fashion that would impinge on the rights of Nepali's to make what are their legitimate political decisions. So, I think as we look at how the international community can best assist Nepal during this important time, it is important to focus on specific skills, carefully limit the task and offer expertise where we feel there is the greatest benefit.

In terms of foreign assistance, I think the most important thing we can do is show Nepali's at the village level that there are benefits of peace. The people in the countryside have suffered tremendously in this conflict. The sooner that they can see employment opportunities, the sooner they have greater food security, the sooner they have more security in their normal lives, the sooner they

can move about freely, the more likely peace is to take root and not slip back into war.

I also think it is very important that we realize the difficulty that lies ahead. It would be very easy to look at the situation in Nepal and assume that victory has been assured because of the "people's movement" because of the very heroic and historic changes that have occurred in a very short period of time. But it is not a very complicated situation. We have a rather fragile coalition government, simultaneously trying to manage a 3-headed peace process involving the political parties, the army, and the monarchy, the Maoists. Trying to hold themselves together and trying to embark on an unprecedented and wholly unscripted process of major constitutional revisions and hold the first free and fair election in Nepal in some time. I think if you had the U.S. Government try to do all of those things at the same time here in the United States, it would be a little challenging. I think we would need to understand that the capacity of the acting government in Nepal is fairly constrained at this point. It makes it all the more important that the international community speak as one, think about its interventions, and offer real practical useful assistance where most useful.

For example, this idea of the constituent assembly, it is almost Mantra in Nepal, but the political parties, even the Maoists haven't put a great deal of thought into how this will actually work. I think Sam rightly acknowledged, and Deepak as well, it is vital that we have enough security on the ground that there can be a normal political debate at the village level. We have got people who for the better part of the last decade have been intimidated and terrorized by the government, by the Maoists, and simply aren't comfortable talking about politics. We have politicians who every time they stuck their head up in a village, quickly became victims. And unless we can insure that there is that kind of freedom of expression and people can actively debate the ideas about what Nepal's Government should look like, how it should work, what the practical modalities of this should be, we will lose a historic opportunity for the people of Nepal to actually shape their constitution and end what has been a long and painful history of discrimination and exclusion that I think we would all like to move past.

Last, in terms of a couple of other specific issues for the United States, it somewhat alludes me why the United States would be so eager to talk about resuming military assistance right now to the Government of Nepal, even if requested. When I look at a peace process, when I look at all the work that needs to be done, I am frankly baffled why resuming military assistance to a country that is desperately trying to cling to a peace deal makes any sense. I would much prefer to see U.S. assistance focus on helping political parties. Learn how to manage. Learn how to be efficient. Learn how to be transparent. I would rather see our generals lending a hand, not in providing arms, but in explaining to parliamentarians and military officers in Nepal how civilian oversight works. How does civilian parliament oversee a military budget? How do they look at appointments of senior military personnel? I think those kinds of practical, useful steps are much more important right now.

And frankly, I think they do a lot to lower the temperature of all the parties involved.

I think the greatest enemy of peace right now in Nepal will be delays. I think there will be bureaucratic snafus. I think there will be misunderstanding. I think there is a tremendous amount of work to be done. I am encouraged that people such as yourself are taking a hard look at it. Thank you.

[The prepared statement of Mr. Norris follows:]

PREPARED STATEMENT OF JOHN NORRIS, WASHINGTON CHIEF OF STAFF,
INTERNATIONAL CRISIS GROUP, WASHINGTON, DC

It is a pleasure to appear today to discuss the rapidly evolving situation in Nepal, and I would like to thank the Chairman for his interest in a topic that has often slipped below the radar screen for many in Congress and the public.

Democracy and the people have spoken in Nepal. While I do not want to dwell on the specifics of how democracy came to be restored in Nepal, I do think there are a number of important lessons that we need to carry forward as we look at the immense challenges that lie ahead for Nepal and the international community in the search for a durable peace. First and foremost, for a U.S. perspective, we need to understand that for many Nepalese, democracy was seen as a hard won victory secured not because of American leadership, but despite American involvement.

Right or wrong, United States diplomacy was seen as tilted heavily in favor of King Gyanendra, the Royal Nepalese Army, and a military solution to a Maoist insurgency that has claimed close to 13,000 lives. While the State Department would certainly object to this characterization, and I agree that the administration's approach should be regarded with some nuance, it is important to understand that the political parties in Nepal have not always had an easy experience with United States diplomacy. That said, I think Assistant Secretary Richard Boucher, for whom I have great respect, has done a very good job of setting a different tone since assuming his new post and during his recent visit to the region. His sense of initiative has been tremendously useful in getting our relations with Nepal back on better footing.

I think it is also important to note that the widespread street protests in Nepal were not just people mobilizing against an autocratic monarchy. I also believe very much that this was an expression of popular will for a credible peace process. There was widespread dissatisfaction among Nepalese, and even lower ranking members of the Royal Nepalese Army, that the King did not respond positively to an earlier unilateral cease-fire by the Maoists or by the agreement between the Maoists and the seven major political parties. If you travel in any village in Nepal, it is abundantly clear that this is a war that will need to be settled by negotiation not force. But let me be clear: This does not necessarily mean that the Maoist insurgents are truly committed to peace. Instead, it means that the people of Nepal and its political parties believe, as do I, that it is high time to thoroughly test the willingness of the Maoists to enter a serious and well-structured peace process and return to mainstream democratic politics.

Looking forward, Nepal faces immense challenges. The country is trying to simultaneously manage a fragile coalition government, navigate a three-way peace process, provide sufficient security that elections can be held and politicians can operate openly—all the while managing an inclusive, sweeping, and entirely new process for rewriting the constitution. This would not be an easy feat in the best managed of countries, much less one that is still reeling from years of war, underdevelopment, and exclusion.

This also makes it all the more vital that the major players in the international community speak with one voice. We have urged that the United States, India, and the United Kingdom form a Contact Group to cooperate on key implementation issues to support peace and democracy, and feel that such a coordinated approach is more important than ever. While generally moving in the same direction on policy, the United States, India, and the U.K. have at times struggled to fully harmonize their positions, placing a greater burden on a Nepalese political system that is already straining at the limits of its capacity.

There are a number of important practical steps that should be urgently taken by the international community. Obviously, international involvement is conditioned upon such support being desired and requested by the legitimate Government of Nepal. Fortunately, there is every indication that the Seven Party Alliance government is eager for such international support as long as it does not trod on its sov-

ereignty and is designed in a sensible and limited fashion. In that spirit, I think we should probably not talk about the international community mediating a peace process, rather an international approach that offers specific technical support and expertise to help Nepal move forward.

International leadership will be particularly crucial in helping design and deploy an international cease-fire monitoring mission in conjunction with the Government of Nepal. Having seen first-hand how the 2003 cease-fire between the Royal Nepalese Army and the Maoists crumbled under the weight of suspicion, distrust, and mutual provocation, it is absolutely essential that a modest monitoring mission be deployed to help report on incidents when they occur, engage the concerned parties, and prevent small incidents from snowballing out of control. This need not be a large or heavily armed mission, but it does need to be nimble and it does need to have sufficient reach to get into the countryside.

It may well be most appropriate to expand the existing U.N. Office of the High Commissioner for Human Rights (OHCHR) operation in Nepal to tackle this task in conjunction with the government. OHCHR enjoys a very good and rightly earned reputation in Nepal for its work, and its presence in the field since it has been deployed has made a considerable impact in curbing human rights abuses. This monitoring presence would assist with supervision of Maoist and government forces, and would be a logical precursor to efforts that would be necessary as Nepal explores possible disarmament and demobilization proposals as part of a potential peace agreement.

There may well be roles for other U.N. agencies as we move forward, as well as individual governments. In each case I think it is most important that we carefully define the mission, call on those actors who can provide the specific technical skills most in need and avoid efforts that would imply outside actors were being given a central role in political functions better decided by the Nepalese.

The second area that is ripe for international support and assistance is in the realm of the constituent assembly. The constituent assembly has long been a goal of the Maoists, and the restored parliament signaled its intention to move forward with a constituent assembly as one of its first acts. While the phrase "constituent assembly" has often been repeated as mantra, there is considerable cloudiness about how this process will work. Certainly, the idea of having some sort of constitutional convention is welcome, and the existing constitution was essentially negotiated in smoke-filled rooms late at night. Given Nepal's crippling legacy of exclusion and discrimination based upon caste, class, gender, ethnicity, and region, a more inclusive constitution should be the foundation upon which a stable polity is built.

However, tremendous work needs to be done to carry off a constituent assembly effectively. Deciding, essentially from scratch, what type of government and electoral system would best serve Nepal is a complicated question, and international donors and experts can provide a great service by helping Nepalese educate themselves about the pros and cons of the different models of governance. This is not the proper forum to debate the relative merits of issues such as proportional representation, first-past-the-post balloting, or set asides for women and ethnic minorities. However, this debate must take place in Nepal, and given Nepal's limited and sometimes troubled democratic experience, it would greatly benefit all those involved if they were given exposure to such alternative models or could discuss them with parliamentarians living under such systems.

The actual conduct of the constituent assembly is another area that calls for the preparation of significant groundwork. By almost all estimations, a constituent assembly would require either the elections of delegates to prepare and debate the constitution or, at the very least, public ratification of a constitution once prepared. In any case, Nepal has not conducted a free and fair election in a number of years, and political parties need genuine assurances that security on the ground has truly improved for them to feel comfortable discussing politics and platforms in remote areas.

The United States, and its like-minded allies, can also play a key function in maintaining the momentum for peace. Nepal, and its people, have both been through a lot. The more quickly they see improvement in basic "bread-basket" issues, the more likely peace is to stay on track. Development and humanitarian assistance can help consolidate the peace and open up space for economic development. It would also be helpful if international financial institutions gave their highest priority to promoting macroeconomic stability rather than forcing through ambitious reform proposals at a time when a slightly wobbly coalition government is poorly positioned to deliver on such reforms. It is important that we remember that the new government is fragile and interim. Its legitimacy is based on popular support for a peace process and democracy; it is not a full-fledged government with legislative and governance capacities.

Several other steps would also be very useful for the U.S. government to embrace:

- There should be no resumption of lethal military assistance to Nepal until the Royal Nepalese Army is fully under civilian government and such aid is requested by a democratic government. Any resumption of U.S. military aid that did not meet these basic criteria would be seen as a dangerous and provocative measure by the Maoists and many mainstream politicians.
- Channel all contacts through the civilian government, with engagement with the military predicated on concrete steps being taken to operationalize democratic control.
- Offer the government practical expertise on civilian oversight of the military, including through the budget process and oversight of senior appointments.
- Maintain pressure for the full and transparent investigation of human rights abuses, including unresolved cases of forced disappearance, and for adequate sentencing of those convicted, while acknowledging that transitional justice is a sensitive national issue that will be best resolved as part of the peace negotiations.
- Develop practical assistance plans to build politicians' and civil servants' professional management capacities.

The greatest enemy of a lasting peace in Nepal will likely not be the Royal Nepalese Army, politicians, or the Maoists. Instead, the greatest enemy of the current peace process will probably be delays, misunderstandings, and logistical headaches on the ground. It will be bureaucratic snags in donor headquarters and in prolonged discussions about cease-fire monitoring or election observers. It will be resentment among citizens, soldiers, and guerillas that the dividends of peace have yet to materialize. This need not be the case.

There is no time to rest upon the laurels of the inspiring and heroic outpouring of support for democracy in Nepal. It is time to roll up our collective sleeves and tackle the hard work that remains.

For recent International Crisis Group reports on Nepal see: www.crisisgroup.org.

The CHAIRMAN. Thank you very much, Mr. Norris.

Gentlemen, thank you for your testimony. A little bit of discrepancy about the role that the United States can play. Mr. Thapa, you said in your prepared statement, "The main role that the United States can play in helping peaceful transition is mainly by staying on the sidelines and letting the process unfold by itself and that includes accepting the possibility of the constituent assembly voting out the monarchy." Maybe to revisit some of your testimony, but let's start with Mr. Norris. Do you agree with that? Our best role is to sit on the sidelines?

Mr. NORRIS. Well, I think there is probably not a whole lot of difference between Deepak's position and my own. Clearly, we don't want to interfere unduly in the political process. I think it is incumbent on the United States to accept what the people of Nepal decide freely and fairly. With that said, I think the Government of Nepal and all the parties involved will have opportunity and probably are eager for the opportunities for the United States to lend expertise, resources, and their skills to certain specific tasks. Including, probably, backing the U.N. effort that would involve cease-fire monitoring. Specific, technical, and assistance as far as either it is bilateral foreign aid or many of the hard issues that will be involved in potentially demobilizing a guerilla force. So, I think there is probably a fair amount of agreement there. But I think Deepak is rightly stressing that we shouldn't be too heavy-handed in how we view Nepali politics.

The CHAIRMAN. It seems as though, in one of your testimonies, I believe it was Mr. Thapa, said that probably "Only 15 percent of the public support is for the Maoists." It might ebb and flow a little bit. But only 15 percent—and is that accurate? First of all, let's start from that premise. Is that accurate?

Mr. THAPA. That is what the opinion polls have shown so far.

The CHAIRMAN. They don't trust the Americans but does the general public, the rest of the 85 percent—from your testimony they say they are less reluctant to accept it, but the other 85 percent or 80 percent, whatever it might be are more supportive of an American presence?

Mr. THAPA. An American presence, I guess would be, and the kind that you mentioned.

The CHAIRMAN. Maybe not a presence but American assistance.

Mr. THAPA. Assistance, yes. I think the—my statement missed that point out. We don't want to see the United States leading the way in Nepal. The political process should be allowed to go along, unlike what we saw in the past few months, especially since November when the parties and the Maoists came to an understanding. The main spokesman for the government was the U.S. Ambassador in Katmandu—the main spokesman for the Nepal Government, it seemed at the time. When he was out on a media spree, lambasting the agreement, which I think was slightly unwarranted at the time. That is what I mean by the United States stepping aside. Absolutely, the kind of technical assistance that would be required for a constituent assembly—the monitoring of the peace process and other such details would require assistance from the international community including the United States.

On the question of the 15 percent support of the Maoists, that is what the polls show. But these are polls taken in the context of war, ongoing insurgency. So, that might not truly reflect the desires of the people. I think the Maoists have slightly more support than this, but certainly not enough to get them a majority in any kind of election, but slightly more than this. The question of whether the rest of the 85 percent support the U.S. involvement, I think hinges on the question of how it would be perceived by the other party of that conflict, namely the Maoists. We don't want that relationship that has been built up between the parties and the Maoists to sour at this moment.

Thank you.

The CHAIRMAN. And in that sentence, you said, "That includes accepting the possibility the constituent assembly voting out the monarchy." Would the monarchy stand for being voted out? Do they have the power to buck the constituent assembly?

Mr. THAPA. I think in interests of peace, as far as—

The CHAIRMAN. Is that a possibility? What are the possible realities the assembly?

Mr. THAPA. It is very open. It could go either way.

The CHAIRMAN. Would the monarchy stand for that?

Mr. THAPA. If the political process as it is continuing right now, whereby the parliament is consolidating its position by the day. If it goes along as it has so far, then there is a possibility too, that the monarchy will not have a choice but to step down if the people voted it out.

The CHAIRMAN. Mr. Zia-Zarifi, a little bit of discrepancy on the American—our influence and whether it is positive there. And also as far as the United Nations presence. I was lucky enough to observe the Liberian elections this fall. I was immensely impressed with the United Nations work under very daunting circumstances

in Liberia. Can the United Nations be more effective pushing the peace process forward?

Mr. ZIA-ZARIFI. Let me start with something about the role of the United States. The U.S. Embassy in Katmandu, especially since at times it seemed that there were discrepancies between what was coming out of Katmandu and what was coming out of Washington, which by and large actually seemed better. That is a problem to overcome, as I think John and Deepak have adequately pointed out.

At the same time, the Leahy amendments, the amendments on the human rights conditions placed on military aid to Nepal did have real impact on the ground. They did force the RNA to stop or at least slow down its practice of disappearances. It got the RNA to behave a little bit better, not perfectly, of course, but it did really have an impact on the Nepali Army. It indicates the influence that United States certainly has with the Nepali Army. But I am not sure whether this was a question of polling, but again I think there was a recognition that this kind of pressure and standing on principle by the United States is useful. So, I think again going forward, the United States can demonstrate that it is driven by principles and it will stand by what the Nepali people want. It will support their human rights. I think it can be accepted quite warmly by the Nepali people.

As to the U.N., I just want to make clear. I want to take every opportunity to congratulate the United Nations Human Rights Mission in Nepal. This is one of the largest U.N. Human Rights Missions in the world. It did everything that we had hoped and more in the context of that civil war. They really contributed to lowering the temperature in a lot of places. They really contributed to giving both the Maoists and the army the sense that somebody was looking over their shoulder. I think they will have to play a very important role in any kind of a peace process and monitoring any kind of a cease-fire. However, the current configuration, the 50 or so people they have there are not really military. So, they are just the very technical aspects of a cease-fire. That will require people with a military background. I just spoke with the folks at the U.N. Mission over the last couple of days. They just said, look, our present configuration will not allow us to engage in this kind of monitoring. If you want it we can do it, but we have to reconfigure. For that we need money. But we also will need the support of technical experts with a military background and those would have to come from places like the United States, the European Union, or India, for instance. So, it is not at all, I think, a question of the U.N. being not capable. It is a question of whether we will provide them with sufficient resources. I think the experience over the past year indicates that where the U.N. does have enough resources in places like Nepal, they can do great, great things as they are a force multiplier. The United States can provide them with some money. Other people can't, and we can do a lot more than we could by just say having the United States involved.

The CHAIRMAN. What is the public's support for neighboring Indian involvement? Is there apprehension about that? The next question might be Great Britain, who might have and also the U.K. have an interest here. Maybe Mr. Thapa can answer that.

Mr. THAPA. On the question of the Indians. For the past half a century and more, we have had a very uneasy relationship with India. Indians are not viewed so kindly—that is, the Indian establishment. Nepal depends a lot on Indian's itself in terms of providing employment and providing all kinds of services to the country. But the Nepali establishment and a lot of people are very wary of Indian intentions. Having said that, at the moment relations are much better than they have ever been for the past almost 2 decades. That has come about mainly because of the rule India has played in bringing this understanding between the Maoists and the Seven Parties to some kind of formation.

So, in that sense, India is looked upon much more kindly. But that does not mean that Indian involvement will be received so well in Nepal. That is the realization that India has. If there is any indication in the past couple of days, we have had news reports coming out from New Delhi that India is also willing to consider a much expanded U.N. role in Nepal.

The CHAIRMAN. And the U.K.?

Mr. THAPA. I—

The CHAIRMAN. How were they viewed by the people?

Mr. THAPA. Well, the U.K. is really a small player. The U.K. is there because it was the colonial power in the region. And of course, also because so many of our citizens serve in the British Army. Due to that—but it has nothing of the kind of clout that India has or the United States—the amount of aid that the United States provides is really small compared to what it could or what it has to other countries. The significance of U.S. support or lack of support to any kind of endeavor is very tremendous.

The United States also has recognition in Nepal. In fact, westerners or white people are known as Americans in Nepal, through much of Nepal—unlike in other parts of South Asia where white people are British. So the United States has that goodwill, as John mentioned, on a people-to-people level.

The CHAIRMAN. Thank you.

Mr. ZIA-ZARIFI. If I may just add a little bit. The U.K. to some extent punches above its weight in Nepal because of its involvement in the European Union. There is a pretty small European Union contingent in Nepal but they are very large donors. And so, I think out of the five or six embassies that are there, the U.K. is viewed as being the top one, in terms of influence. So, it is important also for the United States to work with the European Union in terms of coordinating its policies on aid and with the U.K., especially on how they will go forth with military supplies and maintaining the restrictions on military supplies.

The CHAIRMAN. Thank you. With all insurgencies—probably most insurgencies are fueled by, as much as anything, a cause but also personalities, but you don't hear too much about personalities in the insurgencies. The Maoists, Prachanda and Baburam Bhattarai, are the—the perception or change. In my mind that these are—are these well-known figures in Nepal? Maybe educate me a little bit on how so, and what type of people they are.

Mr. NORRIS. Well, Deepak, who's got an excellent look on the topic, is probably in the best position to do that.

Mr. THAPA. We've never seen Prachanda. He has been living in underground existence for nearly 30 years now. He went underground in 1979 and has never surfaced in public. He plans to do that. He plans to lead the Maoists team in negotiations with the government. It is not so much of a personality driven party, as the Maoists themselves would like to make it out to be. There are other leaders also of equal stature within the party. This is reflected in their statements that come up periodically from them. There is acknowledgement of the various other leaders who have provided intellectual inputs into this ideology that they have drawn up for Nepal.

Bhattarai was very much in the political scene until 1996 when he dropped out. In fact, it was he who presented a memorandum to the government warning them that they would be starting a rebellion soon. Since then, he disappeared and he surfaced in 2003. He is considered to be the ideological force behind the Maoists. But that is also open to debate. He is the more articulate one because he has a Ph.D. in Urban Planning. He is very articulate. That is why he is considered to be the main ideological voice of the movement. But that is also open to debate because there are many others who have been schooled in similar fashion over the years.

The CHAIRMAN. And back to the other question about the 15 percent. These characters—they are not garnering broad-based public support. If you are saying the Maoists have 15 percent support according to the polls among the people, does everybody know these people? Prachanda and Bhattarai's are they very, very well-known by everybody in that country?

Mr. NORRIS. Yes.

Mr. THAPA. Yes, very much. In fact, these leaders have been reaching out to the public.

The CHAIRMAN. But they are not—despite all the poverty—they are not getting above 15 percent? Why is that?

Mr. THAPA. Well again it depends on how the questions were framed and in what context the questions were framed also. It is very difficult for a hardcore Maoist supporter in—which is not under the Maoists. To declare support for the Maoists because, as Sam also mentioned, John mentioned as well, there is the fear that the military would retaliate and kill the people for far less than declaring themselves to be supporters of Maoists. So, that is an open question whether they have 15 percent support or more. But they are very well-known. They are given interviews. They write articles in the Nepali press all the time, which is widely read because newspapers are practically the only source of information—only reading material in much of Nepal. So it is widely read. So these are characters that are very well-known, perhaps as well-known as the Prime Minister and the King, at least by name, although people have not seen them so far.

The CHAIRMAN. From the underground, these will come from the underground—in Prachanda's case?

Mr. THAPA. Yes, in the case of both of them, so far. In recent months, they have been giving interviews on BBC radio. They have been giving interviews to the Nepali press and the Indian press, also. So, they become much more visible.

Mr. NORRIS. I think it is also important to understand that the relatively low favorability ratings you might see for the Maoists does not translate as high favorability ratings for the other actors involved. I think that is part of why we saw such widespread street protests that people were fed up with the King. They were fed up with the army. They were fed up with the Maoists. And they were fed up with the inability of the political parties to deliver peace. So, I would be surprised in this kind of last round of polling if anybody cleared 20 percent, if you asked the public how they thought they were doing. I think it is important to understand that the public and Nepali has a lot of problem with how the Maoists have conducted their insurgency. But at the same time, the Maoists have tapped into a real vein of dissatisfaction on some major issues in Nepal, that there is a profound history of discrimination and exclusion based on caste, class, region, language, ethnicity, and gender, and all of these are huge issues. So there is a very large proportion of Nepali society that feels that it has never really had any say in how decisions are made in the country.

I think if the United States and the political parties in Nepal want to affectively undercut support for the Maoists over the long-term, the best thing to do is to move toward a genuinely inclusive political system and show that the benefits of development will be spread much more widely than simply Katmandu Valley. I think if the politicians and the international community can do that, the Maoists really won't have a leg to stand on over time, because then what would they be fighting for. They would be fighting for personal power or for an absolute communist state or for a glorious people's revolution, all of which don't really have much support at all in Nepal.

The CHAIRMAN. Thank you.

Mr. ZIA-ZARIFI. Among the issues that the United States can and should raise, which I think are very popular among the street protestors for instance, are as Nepal begins to change its political system to have greater protection for untouchables. I mean the practice of untouchability and caste persists in Nepal. I mean it is a grotesque practice and it has been the untouchables who have to some extent borne the brunt of the worst of the abuses. Women are still really suffering in Nepal. And again, from the legal policy level to the level at which decisions about disbursement of aid at the village level is made, we need to make every effort to include these groups and to signal very quickly that the demands of these people are going to be met and that there is no reason for them to express themselves through arms. One of the most popular of the Maoist measures is allowing girls and women to take part in the military. As a result, we hear a lot of girls, 16-, 17-year-olds who are proud. They say, you know I had no future in my own village and so this was the best thing that I could do. I think it is important not to take that away from the Maoist, but more important to give that to the people and to indicate that the new government is responsive and will be held accountable to the marginalized and the least powerful.

The CHAIRMAN. Well, thank you gentlemen. In my own defense and not knowing these characters—I haven't been to Nepal. I want to go. I know it is in my subcommittee. I have not had the oppor-

tunity to visit. But also in your prepared testimonies I didn't see any mention of any of the personalities, but obviously they are very well-known in the country—universally well-known. So forgive my ignorance. Thank you for your testimony. Any other comments?

The record will stay open for a week. Thank you gentlemen.

This hearing is adjourned.

[Whereupon, at 4:36 p.m., the hearing was adjourned.]

ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED BY SEN. JOSEPH BIDEN FOR THE RECORD

RESPONSES OF RICHARD BOUCHER

Question. Your testimony cites the commonly accepted figure of 13,000 deaths in Nepal's decade-long insurgency, but does not provide detail on which party is doing the bulk of the killing. According to the State Department's Country Reports on Human Rights Practices for 2003 (the last year for which cumulative figures are given), more than two-thirds of the victims from 1996–2003 are listed as Maoists (5,551 deaths out of 8,296); the ratio in the 2004 and 2005 reports are similar (respectively, 1,457 out of 2,380 and 964 out of 1,630). These figures do not attribute any of the 1,855 deaths listed as "civilian" to the government rather than the Maoists.

(a) Do you accept as accurate the estimate that roughly two-thirds of the 13,000 deaths in the insurgency have been caused by government security forces?

(b) If you do not accept this estimate, please provide an alternate estimate, as well as the source of data on which such an estimate is based.

(c) The State Department's Country Reports on Human Rights list 1,855 of the deaths in the conflict as "civilian" (1,114 between 1996–2003; 474 in 2004; 267 in 2005). How many of these civilian deaths are attributable to government forces rather than to Maoists?

Answer. According to the latest data obtained by U.S. Embassy Kathmandu from the Informal Sector Service Center (INSEC), a Nepalese human rights organization, since 1996 Nepalese security forces have killed 8,332 people—roughly two-thirds of those killed in the conflict overall—including 5,226 "political workers." The "political workers" subgroup includes armed Maoists and is not broken down further into civilians and armed cadre by the Informal Sector Service Center, so the composition of the subgroup is unclear. The Informal Sector Service Center reported that the Maoists were responsible for 4,915 deaths, of which 2,126 were security personnel.

Data from Nepal's conflict is fluid and difficult to substantiate given the conflict environment. Inaccurate casualty reporting likely is part of the propaganda strategy of both sides. Changes over time in the data we report result from continuous efforts by U.S. Embassy Kathmandu to obtain the most up-to-date and accurate data available.

Question. Your statement before our committee noted, "We also stand ready to provide assistance to security forces if requested by the new government."

(a) Has any planning begun, either at State or (to the best of your knowledge) at DoD, for renewed security assistance to Nepal? If so, please provide details of such planning.

(b) Given the widespread perception among the Nepali population that the United States has in the past supported the monarchy rather than the democratic forces, and given the uncertain allegiances of the Nepali military if the palace chooses to confront the political parties in an attempt to maintain power, what concrete steps are you taking to insure that the offer of security assistance does not lead to a misunderstanding on the part of the palace, the military, or the political parties?

Answer. We have always been operationally prepared to resume the elements of our security assistance program with Nepal, consistent with Leahy amendment human rights criteria and other relevant law, that we suspended after the King assumed executive authority on February 1, 2005. As a policy matter, and as I noted in my testimony, we are only prepared to resume such assistance if requested by Nepal's Government. The government has not yet made such a request. Our clarity with all parties that only a request from the government will make possible a resumption of suspended assistance leaves no room for misunderstanding that we view the army as responsible to the government.

Question. According to the State Department's Human Rights Report on Nepal for 2005, "the government continued to commit many serious abuses, both during and after the state of emergency that suspended all fundamental rights except for habeas corpus. Members of the security forces and the Maoist insurgents committed numerous grave human rights abuses during the year." Previous Human Rights Reports, issued during periods when the U.S. government was supplying lethal aid to the RNA, used similar language.

(a) Given this history, do you envision any new procedures to guarantee that United States aid is not provided to the security forces of Nepal unless these forces show marked improvement in their human rights record?

(b) If you do envision new procedures to guarantee human rights improvement, please describe these procedures.

Answer. A core purpose of our engagement with Nepalese security forces has been to increase their professionalism and respect for human rights. Therefore, consistent with the wishes of the Nepalese Government, we intend to continue to offer aid to Nepalese security forces using procedures that ensure consistency with Leahy amendment human rights criteria and other relevant law. These procedures include vetting individuals and units proposed for assistance for previous human rights abuses that would disqualify them from receiving U.S. assistance.

