

109TH CONGRESS
2^D SESSION

S. RES. 441

Expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2006

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy.

Whereas, in 1990, Nepal adopted a constitution that enshrined multi-party democracy under a constitutional monarchy, ending 3 decades of absolute monarchical rule;

Whereas, since 1996, Maoist insurgents have waged a violent campaign to replace the constitutional monarchy with a communist republic, which has resulted in widespread human rights violations by both sides and the loss of an estimated 12,000 lives;

Whereas the Maoist insurgency grew out of the radicalization and fragmentation of left wing parties following Nepal's transition to democracy in 1990;

Whereas, on June 1, 2001, King Birendra, Queen Aishwarya and other members of the Royal family were murdered, leaving the throne to the slain King's brother, the current King Gyanendra;

Whereas, in May 2002, in the face of increasing Maoist violence, Prime Minister Sher Bahadur Deuba dissolved the Parliament of Nepal;

Whereas, in October 2002, King Gyanendra dismissed Prime Minister Deuba;

Whereas, in June 2004, after the unsuccessful tenures of 2 additional palace-appointed prime ministers, King Gyanendra reappointed Prime Minister Deuba and mandated that he hold general elections by April 2005;

Whereas, on February 1, 2005, King Gyanendra accused Nepali political leaders of failing to solve the Maoist problem, seized absolute control of Nepal by dismissing and detaining Prime Minister Deuba and declaring a state of emergency, temporarily shut down Nepal's communications, detained hundreds of politicians and political workers, and limited press and other constitutional freedoms;

Whereas, in November 2005, the mainstream political parties formed a seven-party alliance with the Maoists and agreed to a 12 point agenda that called for a restructuring of the government of Nepal to include an end to absolute monarchical rule and the formation of an interim all-party government with a view to holding elections for a constituent assembly to rewrite the Constitution of Nepal;

Whereas, since February 2005, King Gyanendra has promulgated dozens of ordinances without parliamentary process that violate basic freedoms of expression and association,

including the Election Code of Conduct that seeks to limit media freedom in covering elections and the Code of Conduct for Social Organizations that bars staff of nongovernmental organizations from having political affiliations;

Whereas King Gyanendra ordered the arrest of hundreds of political workers in January 2006 before holding municipal elections on February 8, 2006, which the Department of State characterized as “a hollow attempt by the King to legitimize his power”;

Whereas the people of Nepal have been peacefully protesting since April 6, 2006, in an attempt to restore the democratic political process;

Whereas on April 10, 2006, the Department of State declared that King Gyanendra’s February 2005 decision “to impose direct palace rule in Nepal has failed in every regard” and called on the King to restore democracy immediately and to begin a dialogue with Nepal’s political parties;

Whereas King Gyanendra ordered a crackdown on the protests, which has left at least 14 Nepali citizens dead and hundreds injured by the security forces of Nepal;

Whereas the people of Nepal are suffering hardship due to food shortages and lack of sufficient medical care because of the prevailing political crisis;

Whereas King Gyanendra announced on April 21, 2006, that the executive power of Nepal shall be returned to the people and called on the seven-party alliance to name a new prime minister to govern the country in accordance with the 1990 Constitution of Nepal;

Whereas the seven-party alliance subsequently rejected King Gyanendra's April 21, 2006 statement and called on him to reinstate parliament and allow for the establishment of a constituent assembly to draw up a new constitution;

Whereas on April 24, 2006, King Gyanendra announced that he would reinstate the Parliament of Nepal on April 28, 2006, and apologized for the deaths and injuries that occurred during the recent demonstrations, but did not address the issue of constitutional revision; and

Whereas political party leaders have welcomed King Gyanendra's April 24th announcement and stated that the first action of the reconvened parliament will be the scheduling of elections for a constituent assembly to re-draft the Constitution of Nepal: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) expresses its support for the reconvening of
3 the Parliament of Nepal and for an immediate,
4 peaceful transition to democracy;

5 (2) commends the desire of the people of Nepal
6 for a democratic system of government and ex-
7 presses its support for their right to protest peace-
8 fully in pursuit of this goal;

9 (3) acknowledges the April 24, 2006 statement
10 by King Gyanendra regarding his intent to reinstate
11 the Parliament of Nepal;

12 (4) urges the Palace, the political parties, and
13 the Maoists to immediately support a process that
14 returns the country to multi-party democracy and

1 creates the conditions for peace and stability in
2 Nepal;

3 (5) declares that the transition to democracy in
4 Nepal must be peaceful and that violence conducted
5 by any party is unacceptable and risks sending
6 Nepal into a state of anarchy;

7 (6) calls on security forces of Nepal to exercise
8 maximum restraint and to uphold the highest stand-
9 ards of conduct in their response to the protests;

10 (7) urges the immediate release of all political
11 detainees and the restoration of full civilian and po-
12 litical rights, including freedom of association, ex-
13 pression, and assembly;

14 (8) urges the Maoists to lay down their arms
15 and to pursue their goals through participation in a
16 peaceful political process; and

17 (9) calls on the Government of the United
18 States to work closely with other governments, in-
19 cluding the governments of India, China, the United
20 Kingdom, and the European Union, and with the
21 United Nations to ensure a common and coherent
22 international approach that helps to bring about an
23 immediate peaceful transition to democracy and to
24 end the violent insurgency in Nepal.

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