

## 5.13 Nepal

### Introduction

Despite the signing in November 2006 of a Comprehensive Peace Agreement that formally ended a conflict which had lasted for over 10 years, impunity for human rights abuses continues to be the major issue in Nepal. Both the government and the Nepal army continue to fail to deal with past human rights abuses. The Maoists are no better: abductions, extortion and intimidation by them and their sister organisations are near daily occurrences. There has also been a rise in abuses by violent armed groups, mainly operating in the southern plains, bordering India. The lack of political will to address human rights violations and abuses, exacerbated by the weak capacity of the state to provide public security, means that lack of respect for human rights is widespread.

### Current concerns

None of the major parties see tackling impunity as being in their interests – too many of their members are implicated in human rights abuses themselves. For the prime minister, tackling impunity within the security forces would mean alienating himself from the very people he would have to rely on against Maoist violence. For the Maoists, tackling impunity would mean surrendering to state mechanisms. And in any case, they do not want to see justice for human rights abuses applied to Maoist political leaders. And for the army, resistance to tackling impunity comes at both the personal level (senior staff are implicated in some Office of the UN High Commissioner for Human Rights (UNHCHR) reports on human rights abuses) and at the corporate level, where they would have to open up their existing judicial processes to civil scrutiny.

We have drawn up an “impunity action plan” to help the Nepalese government and the Nepal army realise that tackling impunity is in their interests, and that, if they do not, a peaceful, democratic, stable Nepal will remain out of reach. If the state does not show political will to address human rights violations, it is difficult to restrain abuses by non-state actors, including members of the Maoist sister organisation the Young Communist League, and armed groups in the Terai (plains region) such as the Janatantrik Terai Mukti Morcha and others.

While commissioners to the National Human Rights Commission (NHRC) were finally appointed in August 2007 (after a gap of more than a year), the process fell short of the Paris Principles on National Human Rights Institutions, which set out detailed guidelines on the responsibilities and functions of such institutions. In particular, the Paris Principles call for national human rights institution members to be elected in an independent, pluralistic and representative manner. This has not been the case in Nepal. It remains to be seen whether the NHRC can establish itself as a credible institution capable of promoting and protecting human rights, which will eventually take the place of the UNHCHR in Nepal. However, this will not be possible in isolation; other national institutions, such as the police force, the judiciary, and the prison service, must also be strengthened in order to support the work of the NHRC.

### UK action

Recognising that respect for human rights is a key component of sustainable peace, the UK consistently encourages all parties to respect human rights and to reduce human rights violations through diplomatic representation as well as through project funding. Having been the leading advocate for establishing the UNHCHR Nepal office in 2005, we continued to support the UNHCHR both financially and politically, including by funding a political adviser to the UNHCHR from the Global Conflict Prevention Pool. Strong diplomatic support enabled the UNHCHR to positively influence the human rights behaviour of both sides of the conflict. We also supported human rights organisations both at the local and national level to advocate against impunity. For example, our funding to the national non-governmental organisation Advocacy Forum enabled it to collate and use credible information on human rights abuses. Human Rights Watch awarded Advocacy Forum their annual human rights prize in October 2006 in recognition of their contribution. Our support to Peace Brigades International enabled them to develop an operational framework for the protection of human rights defenders in Nepal.

In addition, we regularly raise our concerns about the human rights situation, both in public and in private, in co-ordination with UNHCHR and with the EU – indeed, human rights was one of the key priorities for our local EU presidency in the second

half of 2007. In July 2007, following the tabling of a draft bill on a truth and reconciliation commission which fell far short of international standards, we led an EU Troika démarche on the Nepalese government to set out our concerns. We also hosted a successful workshop in August 2006 to widen the debate on transitional justice. The Nepalese government agreed to carry out extensive consultations before proceeding further.

Following the cancellation of elections in October 2007, we issued an EU statement stressing the importance of tackling human rights abuses as part of the process of creating credible conditions for holding future elections.

We continue to engage with the Nepal army to encourage greater respect for human rights and international law. We have also supported training courses that have started to introduce an understanding of international humanitarian law into all levels of the army. UK ministers have engaged in constructive dialogue with the chief of army staff to stress that tackling impunity is in the army's own interests and would send a clear signal that the Nepal army is working for democracy. Impartial international agencies have confirmed that incidents of human rights violations have decreased, and while much remains to be done, some army personnel have been prosecuted for human rights-related crimes.

## Forward look

We were pleased to note that the Seven-Party Alliance and Communist Party of Nepal (Maoist) were able to reach an agreement on key issues of the peace process in December 2007 and hope that this will pave the way for elections to a constituent assembly to be held in April 2008.

We are urging the government and the Communist Party of Nepal (Maoists) to implement all agreements reached, maintain their alliance and continue working together to create credible conditions so that constituent assembly elections can be held.

As part of this process, we, together with others in the diplomatic and human rights community, will continue to encourage all parties to observe international human rights standards. And we will urge the government to take the time to carry out



Heavily armed Nepalese Maoist recruits undergo guerrilla training in a forest in a Maoist stronghold in Surkhet district in western Nepal.

extensive and inclusive consultations in order to set up a truth and reconciliation commission appropriate for Nepal. But this can only be done when there is an environment that allows people to tell the truth.

Security sector reform is also essential in order to establish professional, representative security forces operating with full respect for human rights. We will continue to offer our support to the government to carry out this important task.

Our engagement with the Nepal army will continue and we will follow up the messages given to the Nepal army by UK ministers on breaking down the culture of impunity. There is a risk that our support to the Nepal army, in the absence of genuine progress towards addressing impunity, will leave us open to criticism from civil society. We need to make clear to the public the reasons for our engagement and what we hope to achieve. At the same time, we need to continue to send strong messages to the Nepal army on tackling impunity.

We will continue to fund activities aimed at improving human rights, working with both national and international human rights organisations. We will continue to work closely with the UNHCHR in Nepal to support its work. We hope that over the next year there will be progress in strengthening state institutions in order to help establish the NHRC as a credible body capable of promoting and protecting human rights, operating in line with the Paris Principles. We will encourage the UNHCHR to co-ordinate the donor response to the NHRC in order to support this process.