



EUROPEAN PARLIAMENT

2009 - 2014

Session document

15.6.2010

B7-0383/2010

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Nepal

Véronique De Keyser, Rovana Plumb
on behalf of the S&D Group

European Parliament resolution on Nepal

The European Parliament,

- having regard to the Statement by the spokesperson of the EU High Representative Catherine Ashton of 30 April 2010 on the political situation in Nepal,
- having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas on 21 November 2006 a Comprehensive Peace Agreement between the Seven party Alliance and the Maoists (CPN-M) terminated a 10-year civil war which had resulted in some 13 000 deaths,
- B. whereas the Comprehensive Peace Agreement paved the way for elections to a constituent assembly, the creation of an interim government, including the Maoists, the disarmament and cantonment of the Maoist fighters as well as the confinement of the Nepalese army to their barracks,
- C. whereas after the elections to the Constituent Assembly (CA) on 10 April 2008, in which the CPN-M gained close to 40 % of the votes, the CA voted to abolish the 240-year old monarchy and to transform Nepal into a Federal Democratic Republic,
- D. whereas in May 2009 Prime Minister Pushpa Kamal Dahal (Prachanda) resigned and his party, the CPN-M withdrew from government in a dispute with President Ram Baran Yadav over the dismissal of the army chief, who had been at odds with the Maoists regarding the reintegration of the former fighters of the People's Liberation Army (PLA) into the Nepali army,
- E. whereas in the resulting political instability, aggravated by Maoist civil and parliamentary disruption campaigns, a fragile 22 party anti-Maoist alliance under Prime Minister Madhav Kumar Nepali (CPN-UML) has been unable to deliver the two key expectations: a broadly acceptable new constitution within the foreseen two-year deadline of 28 May 2010 and an agreement on the reintegration of the approximately 20.000 former PLA fighters,
- F. whereas on 28 May 2010 the relapse of Nepal into crisis with an uncertain outcome was prevented by a last-minute three-point agreement, indicating the extension of the constitutional assembly by one year, the formation of a national consensus government and the resignation of the prime minister of the present coalition government "as soon as possible",
- G. whereas since then dispute has erupted over different interpretations of the orally agreed time frame for the resignation of the Prime Minister; whereas the Maoists as the largest party in the new power-sharing government will now have significant control in the development of the new constitution,
- H. whereas Nepal, being located between India and China, the world's fastest growing major

economies, needs political stability in order to capitalize on its strategic location,

- I. whereas Nepal continues to suffer from serious economic and social underdevelopment, whereas over 30% of the population fall under the absolute poverty line, 16% of the population are severely malnourished, the illiteracy rate remains the highest in South Asia and development is crippled by nationwide shortages in basic fuels, causing power cuts, restriction in transport and increases in food prices,
 - J. whereas Nepal will be at the forefront of countries immediately affected by climate change due to the melting Himalaya ice cap which predictably increases glacial lake outbursts, flash floods, land slides, droughts, heat waves and in its wake crop failure, malnutrition, endemics, hydropower shortages and other disasters,
 - K. whereas accountability for past and present human rights abuses and the struggle against the culture of impunity is perceived by many as an essential element for a lasting peace in Nepal, whereas no member of the state security forces or the PLA has so far been held criminally responsible for the grave and systematic abuses of the laws of war committed during the conflict,
1. Welcomes the last-minute decision reached by the political parties on 28 May 2010 to take the necessary steps to extend the tenure of the Constituent Assembly and commends notably the significant influence of the Women's caucus;
 2. Is deeply concerned with the lack of progress in the peace process;
 3. Urges the leaders of all political parties, and in particular those of the major parties, to use this possibly crucial last opportunity to negotiate without preconditions, to show flexibility, to avoid any provocative actions and to work together for national unity and a consensus package, bringing the peace process forward, including the rapid promulgation of the new constitution;
 4. Calls on the political parties and notably on the CPN-M to rein in its militant youth wings and to stop recruiting children for violent activities;
 5. Calls on the EU and the Member States to support all efforts of the Nepalese Government and the parties to find a solution to the integration of former Maoist combatants into the National Army and viable alternative solutions for those who cannot be integrated;
 6. Calls on the Nepalese Government to establish procedures to vet potential members of future security forces to exclude human rights violators including for recruitment to UN peacekeeping positions;
 7. Is concerned about reports of new recruitments to the army, which can only exacerbate the difficulties to reduce the military complex from war times to a peace-time army;
 8. Calls on the EU Member States to prevent all arms exports to Nepal and to lend financial and technical support to creative solutions for the restructuring of the Nepalese army;
 9. Expresses its support for the work of UNMIN and believes that its mandate should be

extended until the peace process has entered a consolidated phase;

10. Is concerned about the reports over increasing incidences of torture and violent aggression; applauds, in this context, the work of the National Human Rights Commission of Nepal; regrets, however, that its status as an independent body has not been enshrined in law;
11. Expresses its concern that the Government of Nepal extended the mandate of the UNHCR by one year with a revised mandate gradually shutting down the body's regional operations, which runs counter to hopes that its human rights monitoring function could be stepped up;
12. Calls for the establishment of the Commission on Disappearances, the Truth and Reconciliation Commission and the Commission on National Peace and Rehabilitation as specified in the CPA;
13. Urges the parties and the transitional government to end political interference in criminal proceedings, to create a politically independent judiciary within the constitutional process to foresee in that same instance the ratification of the Statutes of the International Criminal Court;
14. Expresses its concern over the continuing practice of bonded labour, notably in Kamaiya, Haruwa and Charuwa, in addition to the worrying situation of the millions of landless which risks to degrade further under the effects of climate change and calls on the government and the parties to encourage the functioning of the Revolutionary Land Reform Commission;
15. Expresses its gratitude to the Nepalese authorities for continuing to honour the 'Gentlemen's Agreement' with India on granting free passage to Tibetan refugees, migrating from China to India;
16. Instructs its President to forward this resolution to the Government of Nepal, the Secretary General of the CPN-M, the CPN-UML and the NC, the President of the Constituent Assembly of Nepal, the EU HR on Foreign Affairs, the Parliaments of the Member States, the UN Secretary General and the Member States of SAARC.