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DRAFT REPORT

on the Bureau visit to Nepal

Kathmandu, Rupandehi, Kapilvatsu

24-28 November 2011

by

Ms. Jean Lambert, Chair of the Delegation

PK/am

I. Introduction

The Bureau of the Delegation undertook a mission to Nepal in 24/28 November; while, unfortunately, the Vice-Chairs were not available, it was felt necessary to maintain the mission, as scheduled, in order to provide a follow-up to the April 2010 Interparliamentary meeting and gain a direct view of the rapidly developing political situation in the country, in the run-up to national elections. While a large number of leaders from across the Nepali political spectrum were met, a field visit was, further, undertaken to the Rupandehi and Kapilvatsu districts in Western Nepal.

II. The Talks

Shortly after arriving the Delegation kick-started work with a briefing lunch during which a number of issues relevant to today's Nepal were discussed, including the human rights situation, the integration and rehabilitation of former Maoist combatants, the work and progress of the Constituent Assembly the rise of Madhesh-based political parties, and the country's international position at the crossroads of Indian, Chinese, European and American interests. It must be noted that, during the talks which took place, the prevailing sentiment amongst the political leaders was one of optimism, even though they all agreed on the fact that there was still a long way to go before the successful completion of the peace process.

Receiving the EP Delegation, **President Dr Ram Baran Yadav** was hopeful that the peace process was now decisively going forward and expressed guarded optimism regarding legislative progress on the Truth and Reconciliation (TRC) /disappearances bills, the return of seized land, and the state restructuring commission. He thanked the EU for its help in various development sectors, and underlined that the need for a strong president to uphold the laws and the constitution.



Meeting the EP Delegation, **Prime Minister Dr Baburam Bhattarai** (CPN-Maoist) expressed his optimism for Nepal's peace process, citing the good progress on Integration and Rehabilitation and the formation of the State Restructuring Committee (SRC) to prepare the transition towards a federal system based on two principles: on the one hand identity and inclusion, and on the other economic sustainability. He explained the recent progress by the decreasing division between political parties who increasingly understand the need for consensus and was adamant about the fact that the latest 6-month extension of the Constituent Assembly would be the last and that the Constitution would be written before May 2012.

Focusing on the integration and rehabilitation (I&R) process, Dr Bhattarai expressed satisfaction at the good mood in the Maoist cantonments and explained the lack of success of the rehabilitation packages by the peoples' lack of confidence in the value of training programmes compared to the significant and immediate reward of cash packages. Upon hearing that EU funds could be diverted towards offering some level of training for those who chose voluntary retirement packages, he said that he and his ministers would start working on the matter.

Constituent Assembly **Speaker Subash Chandra Nemwang** (CPN/United Marxist Leninist) reminded that the CA had long been obstructed by political parties. However, the Speaker believed that the situation was improving since they had finally begun working together. He hoped that the probable 6 month extension of the Assembly would be the last and expressed a certain level of optimism considering the current advances in the peace process. If the parties succeeded in drafting the Constitution within the next 6 months, he argued that elections could be held by the fall 2012 or, failing this, mid-2013 for a smaller parliament. Instead of the current 600+ members, there would be an upper house with 65-70 members and a lower house with 200-250 members. Finally, the Speaker also stressed the land return issue, referring to the land seized by Maoist cadres during the civil war; it was positive that the parties had managed to reach an agreement on the matter but waited to see whether they would succeed in implementing it in light of deep party divisions.

At a subsequent exchange of views, **Mr Koirala MP, Nepali Congress (NC)** President, welcomed the developments on Integration and Rehabilitation, while simultaneously demanding that the CPN (Maoist) fulfil the 7-point agreement regarding issues such as the return of seized land. The NC underlined the importance of ensuring strict parallelism in the careers of current Nepal Army soldiers and the to-be-integrated Maoist combatants on criteria such as education. On constitution drafting, NC leaders said the electoral system would be the easiest to find a compromise on, while the form of government poses a bigger problem. NC position is that a country coming out of conflict should have a parliamentary system instead of winner-takes-all. NC would take strong exception to donors providing support such as vocational training to Maoist combatants who opted for voluntary retirement if victims from the insurgency era do not receive the same support. Any such assistance should be at the community level for the NC, which suggested as an alternative aiming donor funds to health/education ministries.

While terming the latest developments "historic", **CPN/UML Chairman Jhala Nath Khanal Khanal** also pointed out the three major issues remaining on constitution drafting (form of government, electoral system, state restructuring). He said there should be a consensus government to implement the peace process and expressed his hopes for a subsequent period of economic development. The importance of delivering an inclusive constitution, but also of ensuring timely local elections were discussed ; attention was drawn to draft bills on Truth and Reconciliation (TRC) and Disappearances, on which the CPN-UML is a neutral actor in between different extremes. Mr Khanal agreed it may be wise to focus on a few emblematic cases from each side and avoid a general amnesty, which would create a bad precedent in terms of impunity.

Talks with the **Madheshi People's Rights Forum Nepal (MPRF-N)** were marked by the party's concern over the perceived lack of progress in the government's response to Madheshi grievances. The General Secretary, Head of International Relations Department, and several Constituent Assembly MPs expressed concern for a lack of focus on the constitution by the major parties after the 7-point agreement and a lack of progress regarding the State Restructuring Commission (SRC). The MPRF-N champions a one-state Terai on the basis of two guiding principles for federalism: identity and economic capability. The main issues raised by the party were inclusiveness, equality and self-development, and the future electoral system. MPRF-N stressed the importance of avoiding the exploitation of the "plains" by the "hill people" and proposed the formal recognition of Hindi as "link language" in the Terai.

"Inclusion" was a recurring term during the meeting with the **United Democratic Madheshi Front** leadership, as all members emphasized the rise of Madhesh-based parties as a developing political force in the country and the need for a democratic system that would take all Nepalis into account. Even though there have been some improvements for Madheshi living conditions,

they stressed that discrimination is still rife and that the Terai remains socio-economically deprived, despite providing 70% of Nepal's revenue and agricultural output. Indeed, they even described it as an "internal colony of the Nepali state". They underlined that state institutions had to become more representative of the number of Madheshis in the country. Regarding the overall political developments in the country, the UNMF expressed hope that a Constitution would be drafted within 6 months and that the SRC would address the grievances of the Madheshi people. Specifically, they explained that federal states should be divided chiefly along cultural lines and that the central government should only retain 3 powers: national security, foreign policy, and economic/monetary policy. Citizenship however remained a major issue, but here again they conceded that the situation had been improving.

Mr Nilamber **Acharya**, Chairman of the Legislature-Parliament Constitutional Committee explained how the Constitutional Committee (CC) worked in order to prepare a first draft for the constitution; this would then be sent to the CA for discussion before being processed and sent to the CC to prepare a final draft. The constitution drafting depended on three factors: relationships among major parties, the success of the peace process, and the level of trust between the parties and other communities. Mr Acharya talked about the political system, the future composition of a lower and upper house (with total members to be reduced to below 400 from the CA's current 601), and the importance of including the grievances and aspirations of various groups in the constitution. Since the current draft text on citizenship issues seems to be at odds with the ICCPR and other instruments, M. Acharya reassured the EP delegation that the constitution would not run counter to any of Nepal's international commitments, and that he would even attempt to take into account international conventions which Nepal has not yet signed up to.



Mr Padam **Bishwakarma**, Chairman of the Legislature-Parliament International Relations and Human Rights Committee explained that his committee gave directives to the independent National Human Rights Commission (NHRC) for them to proceed on. He also added that the NHRC, however, like many other Nepali institutions were not as strong as they should be, given the

transition phase in the country. Mr Bishwakarma recognised the internal problems in the NHRC, but stated it was up to this commission to resolve the issues, without any political interference in the work of the NHRC. The EP delegation further queried the parliamentary committee on the rights of Nepali workers migrating abroad and on various citizenship issues. Finally, the situation of Bhutanese and Tibetan refugees was discussed.

An impressive **Acting Election Commissioner Neel Kantha Uprety** highlighted the fact that continuing the preparations for elections crucially depended on political decisions that had yet to be made on the future electoral system; most legislation was still in the draft stage, and it was difficult for the Election Commission to start working without receiving some basic directions on the course to follow from the Constituent Assembly. Urgent decisions would be needed as to what electoral system would be used: proportional representation, first-past-the-post, or a mix? From what the EP Delegation understood at other meetings, political parties are probably considering a following a system of single-seat constituencies by First Past the Post, but accompanied by a compensatory mechanism in order to ensure that the final results will

approximate a Proportional Representation distribution. This will likely have to be preceded by a re-drawing of the Constituencies, as everybody expects the next Assembly to be considerable smaller than the current one. The EP Delegation, therefore, certainly understands the hurdles faced M. Uprety given all these unknowns -- and would call the Nepali political parties to help him in his tasks. Interestingly, these complications are absent when it comes to local elections - which haven't been held for more than 10 years; a possible scenario, which would also help in terms of voter's education, would be to see them organised before the general elections. This, M. Uprety felt, would easily be feasible, as the legislative/administrative arsenal was already in place.

III. Field-Visit in the Lumbini area



The field trip to Lumbini and the surrounding areas began with a briefing meeting by UNICEF on the organisation's role in Nepal and more specifically on its nutrition and education programmes in the region. Thereafter the Delegation visited Jana Jyoti Primary School which is supported by the Volunteer Service Oversees organisation and interacted with the professors and the two foreign resident volunteers, before moving on to a facility dedicated to the Micronutrient Powder (MNP) and Infant and Young Child Feeding (IYCF) Programme.

In the area of nutrition, the EU has contributed a grant of €20 million to UNICEF to tackle under nutrition in five Asian countries, including Nepal, where poor nutrition remains a major obstacle to development. Nepal received €3.2 million from the EU for the period 2010-2014. This funding is being used to support a comprehensive package of measures to prevent and address chronic malnutrition in the country where pervasive child and maternal under nutrition threatens to derail national economic development and growth. UNICEF is working with the Government of Nepal to improve access to essential health and nutrition services of women during pregnancy and of children till the age of two. This period covering the first thousand days of life (that is from conception to two years of age) is known as the critical "window of opportunity", when young children lose their chance to thrive cognitively and physically if poorly nourished.

The Delegation visited a Female Community Health Volunteer (FCHV) centre which delivers MNP and IYCF services to mothers and anaemic/malnourished children and also boasts a small maternity facility that gives the local women the chance to give birth in decent conditions. Out of 500 births in the past two years there had been no miscarriages, which constituted a resounding success. The FCHVs had set up a play performance to illustrate the challenges and opportunities that they face, not least their difficulties as women. The EP team was able to meet with the mothers and FCHVs (often illiterate women who are taught how to give initial treatment to children who present certain symptoms, hence speeding up recovery and improving illness detection).

Education being one of the EU's three priority intervention sectors in Nepal, the EP Delegation finished its field-trip by visiting the Nur Ulum Islamiya Primary School, a Madrasa school that

had the specificity of being mainstreamed into the Government Education system, but continues to thrive through the donations of the local Muslim community.



The school teaches the Koran, in both Arabic and Urdu, as well as the government curriculum including English, Nepali, Mathematics, Science and Social Studies. Nearly half of the children who attend the school are non-Muslims (e.g. Hindus) from the surrounding villages and that while all children learn the Quran in the morning, they also have to follow a number of other classes, including mathematics, social sciences and English, which translates into two extra hours of class per day.

IV. Conclusions

- The main purpose of this mission was to assess the progress made in view of a logical conclusion of the peace process. The Delegation for relations with South Asia saw that, for the first time these last eighteen months, there is a cross-party prevailing sentiment of optimism, and the general feeling was that "the political class has started delivering".
- The EP Delegation also notes the EU-Election Observation Mission call made by all Nepali interlocutors, including the Electoral Commission. Even though there has been uncertainty on the dates of the elections in the past, there are now tangible elements that allow to hope that these will be held in Sept/Oct 2012 (at the earliest) or in April/May 2013 (at the latest).

On the Peace Process

- The Timing of this mission proved to be, politically, particularly appropriate, coinciding with (i) the start of the "categorisation" of combatants in Maoist cantonments, expected to lead to the dissolution of the Maoist People's Liberation Army, (ii) a –surprisingly strong- Supreme Court ruling setting out a final calendar for the Constitutional Assembly to wind up its work and (iii) a final 6-month extension of the CA's mandate.
- The EP Delegation noted the technical impossibility to use EU funds under the Nepal Peace Trust Fund for direct cash-payout to former Maoist combatants (with the needs said to be circa 60M Eur); in this context, the EP Delegation would call EU Institutions to decisively step-up their efforts in traditional cooperation domains (education, vocational training, etc). This should also help, indirectly, Nepal in finding the necessary fiscal space for its Integration & Rehabilitation programme.

Human Rights

- Constitutional provisions on citizenship are still under examination. The EP Delegation remains worried that, if enacted as reported, there is a very real prospect of –literally-

millions of stateless persons in the future; the EP Delegation would stress that the current proposal it heard, i.e. not to allow full naturalisation of a minor before both his parents are recognised as Nepalese (a process which can take up to fifteen years) would be at odds with international human rights standards and norms.

- Impunity is, and will be, a key issue to address; the EP Delegation strongly hopes that the Truth and Reconciliation & Disappearances Bill to be adopted soon will manage settling the legacy of the civil war, without however providing a blanket amnesty that would exonerate even the worst HR abusers, on both sides..
- The EP Delegation is fully aware of the difficulties Nepal is facing on the issue of Tibetan refugees; it warmly commends the authorities of Nepal for their cooperation with the UNHCR on the matter, and for upholding the gentleman's agreement in virtue of which refugees found by Nepalese authorities are handed over the UNHCR and thereafter taken to India.

Inter-institutional cooperation

- The European Parliament's Delegation for relations with South Asia wishes to place on record the excellent level of cooperation shown by the EU Delegation in Kathmandu, which spared no effort in facilitating meetings for the D-SAS.
- The EP Delegation is however aware of the EU Delegation being severely short staffed, without a fully-fledged political section (despite the known views of the EP's Committee on Foreign Affairs on the matter) and, quite emblematically, unable to assume local EU Presidency responsibilities, a full two years after the entry into force of the Lisbon Treaty.
- The EP Delegation regrets that to say that this lack of EU capabilities on the ground was commented frankly, and in negative terms, by all Heads of Mission of the Member States, and would therefore call the EEAS to keep the competent bodies of the European Parliament informed on further developments, tackling the issue as a matter of priority - definitely *well* before an EU-EOM is deployed.



EUROPEAN PARLIAMENT

DELEGATION FOR RELATIONS WITH SOUTH ASIA

*Bureau visit to Nepal
24-28 November 2011*

	<u>Political Group</u>	<u>Country</u>
Jean LAMBERT <i>Chair of South Asia Delegation</i>	Greens/EFA	GB
Philippe KAMARIS <i>Administrator, DG External Policies</i>	European Parliament General Secretariat	
Sabine MEYER <i>Political Advisor</i>	Greens/EFA	



PRESS RELEASE

Kathmandu, 29 November

EP Delegation for Relations with South Asia round up talks in Kathmandu after EP/Nepal CA Inter-Parliamentary Meeting

A three-member delegation of the European Parliament, led by Ms Jean LAMBERT (Greens / UK), visited Nepal from 23-29 November to hold talks with Constituent Assembly MPs.

The visit aimed at reviewing the impact of EU-Nepal cooperation and to identify further areas of partnership that could be beneficial for Nepal's development. Interacting with Nepali lawmakers from across the political horizon allowed receiving information on the possible areas of bilateral cooperation between the European Union and Nepal.

The Delegation met with CA Chairman Subash Nemwang and was encouraged by the recent positive developments, both political and legal, that accelerate bringing the peace process to its logical conclusion; the interaction also allowed an update regarding the draft Bills establishing a Truth and Reconciliation Commission and a Commission on Disappearances, as foreseen by the CPA, and discussing ways the EP could strengthen its links with Nepal's legislature. The European Union has been extending an annual assistance of some EUR 30 million (NPR approx 3.3 billion) to promote peace, stability and development in Nepal.

Ms. Lambert also called on President Dr. Ram Baran Yadav, Prime Minister Dr. Bauram Bhattarai, as well as Nepali Congress President Sushil Koirala, CPN (UML) Chairman Jhalanath Khanal and representatives of other political parties, notably MPRF-N and UDMF. The preparations on holding the next general election, especially in view of a possible EU Election Observation Mission, were also thoroughly discussed with the Election Commission of Nepal.

In the words of the Chair, *"We welcome the more positive mood, expressed by all parties, concerning delivery on the peace process and the possibility of finding solutions to the remaining issues concerning the Constitution"*.

The EU team also visited Rupandehi to observe some of the EU-funded projects, one of them being the nutrition project, run in partnership with UNICEF. Other projects on education and youth were also covered during the field visit to Rupandehi: thus the EP Delegation for relations with South Asia heard the views of civil society and local people on the existing impact of EU-Nepal cooperation.

The EP Delegation hopes that the visit will help in enhancing permanent and effective links between the two legislatures.

For more information:

www.europarl.europa.eu

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EUROPEAN PARLIAMENT

DELEGATION FOR RELATIONS WITH THE COUNTRIES OF SOUTH ASIA

Bureau visit to Nepal

24-28 November 2011

DRAFT PRELIMINARY PROGRAMME as of 12/10/2011

Wednesday, 23 November

Kathmandu

16:00 - 18:00 *Secretariat only*
Coordination Briefing with EU Delegation

Thursday, 24 November

Kathmandu

10:30 - 11:30 Briefing with HoD Ambassador Alex Spachis and EU Delegation staff
EU Residence

12:30 - 14:30 Working lunch with HoD Spachis and EU Heads of Mission
EU Residence

15:00 - 16:00 Meetings with Madehsi People's Rights Forum Nepal (MRPF-N):

Ram Sahaya Yadav, General Secretary, CA Member
Bijay Yadav, Central Committee Member, CA Member
Jaya Ram Yadav, Central Committee Member, CA Member
Arjun Thapa, Central Committee Member
Ms Reskha Yadav, Central Committee Member

MPRF-N Central Office, Koteshwor, Balkumari Mandir

17:00 - 18:30 Exchange of views with

M. Stephane Jacquemet
UNHCR Representative

EU Delegation

Friday, 25 November

Kathmandu

09:00 - 10:00 Meeting with Dr. Neel Kantha Uprety
Chief Election Commissioner
Election Commission, Kantipath

10:30 - 11:30 Meeting with
Mr Sushil Koirala
Nepali Congress President

M. Koirala's residence, Maharagunj, Laxman Dhakal

- Exchange of views with
- 12:00 - 13:00 Mr Jhala Natj Khanal,
CPN-UML Chairman
- UML Party HQ, Lalitpur, Rambabu Bhandari*
- Meeting with
- 13:30 - 14:30 Rt Honorable Prime Minister
Baburam Bhattarai
- PM's office, Singha Durbar*
- 14:30 - 16:00 *lunch / own arrangements*
- Meeting with United Democratic Madeshi Front (UDMF)
- 16:00 - 18:00 Bijay Kumar Gachhadar, Madeshi People's Rights Forum Democratic (MRPF-D)
Chairman
Raj Kishor Yadav, Co-Chair
Mahanta Thakur, Terai Madesh Democratic Party (TDMP) Chairman
Mahendra Yadav, Terai Madesh Democratic Party Nepal (TDMP-N) Chairman
Rajendra Mahato, Sadbhavana Party Chairman
- Dwarika Hotel, Toran Room*
- 18:00 - 19:00 Exchange of views with
- Rt Hon Subash Chandra Nemwang
Constituent Assembly Chairman
- Chairman's office, Singha Durbar*
- 19:00 - 20:30 Cocktail offered by EP delegation
Venue: EU Residence
- overnight stay *Dwarika's Hotel*

Saturday, 26 November	Kathmandu / Lumbini
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- 07:30 Check out from Hotel
- 09:00-09:35 U4 851 Bhudda Airlines flight Kathmandu-Bhairahawa
- 10:00 - 12:00 Presentation by UNICEF and regional authorities of EU-funded development activities ; series of Briefings on Nutrition and Education Programmes and in District Health / Nutrition situationm in Bhairahawa
- 12:00 - 15:00 Exchange of views with Education Officers and staff at *Voluntary Service Overseas* Jana Jyoti School (Sonaret, Chiliya)

- 15:30 - 17:30 Transfer to Health Regional Facility at Motipur. Presentation of Health Facility with an emphasis on MNP (MicroNutrient Powder) use in Infant and Young Child Feeding (IYCF) Programme.
- Exchange of views with beneficiaries on MNP distribution, logistics management, capacity building, social mobilisation, monitoring and evaluation.
- 17:30 - 20:00 Transfer to Majhgaun Village Development Committee. Exchange of views and interaction with First Care Health Volunteers delivering IYCF/MNP services and with local mother's committee.
- 20:30 - 21:30 Working dinner hosted, by EP Delegation, with UNICEF programme officers and Voluntary Services Overseas staff

Hokke Hotel

overnight stay Hokke Hotel, Lumbini

Sunday, 27 November	Lumbini -Kathmandu
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| 08:00 | Checkout Hotel |
| 08:15 - 12:00 | Exchange of views with District Education Officer and staff on Muslim minorities issues |
| | <i>followed by</i> |
| | visit of Nur Ulum Islamiya local Madrassa school, mainstreamed into Government Education, at Jayanagar VDC and interaction with Management Committee, students |
| | <i>Jaynagar. Hatiwatha</i> |
| 12:15-13:00 | flight U4 851 Bhudda Airlines flight Bhairahawa - Kathmandu |
| 13:00 - 14:30 | lunch (own arrangements) |
| 14:30 - 16:30 | Meeting on Dalit-related issues with International Dalit Solidarity Network Conference (Kathmandu, 29/30 November) participants |
| | <i>Dwarika's hotel</i> |
| 16:30-18:30 | Exchange of views with Father Amalraj, Caritas Nepal / Jesuit Refugee Service
<i>Dwarika's Hotel, Toran</i> |
| overnight stay | <i>Dwarika's Hotel</i> |

Monday, 28 November	Kathmandu
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| 09:30 - 11:20 | Meeting with M. Nilamber Acharya MP, Chairman of the Constitutional Committee, CA |
| | <i>Parliament premises, Singha Durbar</i> |
| | Meeting with |

11:30 - 13:30 M. Padam Bishwarkarma
Chairman of the Int'l relations and Human Rights Committee, CA

Parliament premises, Singha Durbar
Exchange of views with

14:45 - 15:45 Rt. Hon'ble President, Dr. Ram Baran Yadav

Presidential Office, Shital Niwas

16:15 - 17:30 Press conference

Dawarika hotel, Lohity Room

Tuesday, 29 November

09:30-11:30 *Secretariat*
Coordination meeting with EU Delegation staff