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B7-0383/2010 }
B7-0384/2010 }
B7-0387/2010 }
B7-0388/2010 }
B7-0390/2010 }
B7-0397/2010 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 122(5) of the Rules of Procedure

replacing the motions by the following groups:

S&D (B7-0383/2010)
ECR (B7-0384/2010)
Verts/ALE (B7-0387/2010)
PPE (B7-0388/2010)
GUE/NGL (B7-0390/2010)
ALDE (B7-0397/2010)

on Nepal

Thomas Mann, Filip Kaczmarek, Cristian Dan Preda, Mario Mauro, Tunne Kelam, Bernd Posselt, Monica Luisa Macovei, Eija-Riitta Korhola, Elena Băsescu, Sari Essayah

on behalf of the PPE Group

Véronique De Keyser, John Attard-Montalto, Lidia Joanna Geringer de Oedenberg, Rovana Plumb

on behalf of the S&D Group

Niccolò Rinaldi, Marietje Schaake, Ramon Tremosa i Balcells, Kristiina Ojula

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on behalf of the ALDE Group

Jean Lambert, Heidi Hautala, Barbara Lochbihler, Raül Romeva i Rueda

on behalf of the Verts/ALE Group

Charles Tannock, Michał Tomasz Kamiński, Tomasz Piotr Poręba, Ryszard

Antoni Legutko, Adam Bielan

on behalf of the ECR Group

Marie-Christine Vergiat, Helmut Scholz, Rui Tavares

on behalf of the GUE/NGL Group

Fiorello Provera

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European Parliament resolution on Nepal

The European Parliament,

- having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
 - having regard to the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990,
 - having regard to the statement of 29 May 2010 by UN Secretary-General Ban Ki-moon on the political situation in Nepal,
 - having regard to the statement by the spokesperson of 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 (CPA) between the Seven Party Alliance and the Maoists (UCPN), who controlled large parts of the country, terminated a 10-year civil war with some 13 000 deaths,
- B. whereas this historic agreement showed what can be achieved when political forces negotiate in good faith, paving the way for elections to a Constituent Assembly (CA), the creation of an interim government including the Maoists, the disarmament of the Maoist fighters and their housing in camps, as well as the confinement of the Nepalese army to barracks,
- C. whereas many of the terms of the peace agreement of 2006 concluded after a decade-long civil war between Maoists and the government remain unfulfilled,
- D. whereas after the elections to the CA on 10 April 2008, assessed by the EU EOM as meeting many, if not all, international standards, in which the UCPN (M) gained close to 40% of the votes, the CA decided to terminate the 240-year-old monarchy and to transform Nepal into a Federal Democratic Republic,
- E. whereas Nepal has become less peaceful in recent years, especially in 2009 and 2010, according to the Global Peace Index (GPI),
- F. whereas in May 2009 Prime Minister Pushpa Kamal Dahal (Prachanda) resigned and his party, the UCPN (M), withdrew from government over a dispute with the President (Nepali Congress) concerning 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,
- G. whereas in the resulting political instability, increased by Maoist civil and parliamentary

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disruption campaigns, a fragile 22-party anti-Maoist alliance under Prime Minister Madhav Kumar Nepal (CPN-UML) has been unable to deliver the two key expectations: a broadly acceptable new constitution for the federal republic before the two-year deadline of 28 May 2010 and an agreement on the reintegration/rehabilitation of the approximately 20 000 former PLA combatants,

- H. whereas formal talks between party leaders of the party alliance and CPN-UML on forming a new government have resumed after a last-minute three-point agreement was reached, providing for the extension of the CA by one year, the formation of a national consensus government and the resignation of Prime Minister Madhav Kumar Nepal 'as soon as possible', together with 'progress on the peace agreement',
 - I. whereas the Shaktikhor video, which appeared to substantiate charges of deception over combatant numbers and plans to use 'democratisation' to politicise the national army, raises legitimate questions which the UCPN (M) has not yet clarified,
 - J. whereas the ongoing political instability is having a crucial impact on the social, economic and touristic development of Nepal, which, being located in the middle between India and China, the world's fastest growing major economies, needs political stability in order to capitalise on its strategic location,
 - K. whereas Nepal continues to suffer from serious economic and social underdevelopment; whereas over 30% of the population fall below 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 of basic fuels, causing power cuts, restrictions to transport and increases in food prices,
 - L. whereas the situation of many refugees in Nepal, in particular the Tibetans, gives cause for concern,
 - M. whereas the Nepalese authorities are to be commended for having honoured the 'Gentlemen's Agreement' on the Tibetan refugees,
 - N. 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,
 - O. whereas the European Parliament's Delegation for relations with South Asia undertook a mission to Kathmandu in the crucial period of 23-29 May,
1. Expresses deep concern about the non-existence of a constitution based on democratic values and human rights and expresses its solidarity with the Nepali people and all families who have lost relatives through the violence of recent years;
 2. Welcomes the last-minute decision on 28 May by the political parties to take the necessary steps to extend the tenure of the CA, and commends notably the important influence of the

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Women's Caucus;

3. Urges the CA and all the political actors involved to negotiate without preconditions, to show flexibility, to avoid any provocative actions and to work together for national unity in order to find a clear structure for the new constitution, to establish a functioning federal democracy and to respect the new deadline which was extended by one year on 28 May 2010;
4. Calls on all parties to facilitate and promote the work of the Constitutional Committees (CC) on the future roadmap since the extension of the CA's term;
5. Stresses the need for a clear and public communication of all the agreed items and thus welcomes the white paper promised to explain to the population the progress achieved so far in drafting the constitution of the federal republic; commends the three thematic committees, which, out of eleven, have completed their work;
6. Welcomes the decision of the Nepali Congress (NC) of 31 May 2010 to commit to a national unity government open to all political parties, including the main opposition party UCPN (M);
7. Calls on the UCPN (M) to engage in constructive planning and to find a way to integrate Maoist combatants into society, including the groups residing in the UNMIN-monitored camps;
8. 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 or other security forces and viable alternative solutions for those who cannot be integrated into these organisations;
9. Calls on the political parties, and notably on the CPN-M, to rein in their militant youth wings and to stop recruiting children; calls on the CPN-M to ensure unhindered access to the rehabilitation packages for minors discharged recently from their camps;
10. Calls directly on the UN, ideally in cooperation with the government, to establish procedures to vet potential members of the security forces to exclude those clearly guilty of human rights violations from any UN peacekeeping positions; reminds the Nepali army that, sadly, its known professionalism and reputation are already at stake and will very clearly remain so as long as long-standing and well-documented impunity issues within its ranks continue not to be addressed objectively, i.e. by the judiciary;
11. Expresses its concern about reports of new recruitments to the national army; recalls that the Supreme Court has ruled them compatible with the CPA insofar as they involve only technical personnel; notes nonetheless that such a recruitment drive may exacerbate the difficulties faced in the transition process;
12. Remains deeply convinced that, two years after the demise of the monarchy, the army should be brought under full democratic oversight, including budgetary aspects; affirms its solidarity with the CA in any steps it could take in this respect;

13. Reiterates to the EU Member States that lethal weapons exports to Nepal remain prohibited under the CPA and calls on them to lend financial and technical support to creative solutions for the restructuring of the Nepalese army;
14. Expresses its full support for the crucial role that UNMIN plays, and believes that its mandate should be extended at least until the peace process has entered a consolidated phase;
15. Expresses its concern about the reports of the increasing incidence 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 by law;
16. Expresses its concern that the Government of Nepal extended the mandate of the UNOHCR by one year with only 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;
17. 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;
18. Deplores strongly the fact that, so far, there has not been a single prosecution in the civilian courts for any of the serious crimes committed during the conflict by both sides;
19. Urges the parties and the government to end political interference in criminal proceedings, to create a politically independent judiciary within the constitutional process and in the same connection to plan ratification of the Statute of the International Criminal Court;
20. Hails the announcement in 2009 by Nepal that it would support the draft United Nations principles and guidelines to eliminate caste discrimination but expresses its concern over the continuing practice of bonded labour, notably in Kamaiya, Haruwa and Charuwa, as well as the worrying situation of the millions of landless people, which is in danger of deteriorating further under the impact of climate change, and calls on the government and the parties to encourage the functioning of the Revolutionary Land Reform Commission;
21. Calls on the Nepal Government to address the problem of the 800 000 stateless Nepalese by simplifying bureaucratic procedures and reducing the costs of applying for citizenship certificates; considers it vital that they are also taken into account during the peace process negotiations;
22. Urges the Nepal Government to ensure standards of protection for all refugees and to continue with efforts to prevent and reduce statelessness, in particular of Bhutanese people, in accordance with international standards, to sign the 1951 Refugee Convention or its 1967 Protocol and to follow the standards set out by the UNHCR;
23. Considers that the continuation of the full implementation of the Gentlemen's Agreement on the Tibetan refugees by the Nepalese authorities is essential for maintaining contact between

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the UNHCR and Tibetan communities; welcomes in this regard the possibilities to afford access to the territory in the framework of the 'Gentlemen's Agreement' with the UNHCR and provide for more durable solutions;

24. Calls on the High Representative of the EU through its delegation in Kathmandu to closely monitor the political situation in Nepal and to use her influence to appeal to the neighbouring powers in the region, in particular China and India, to support the negotiations to create a government of national unity;
25. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Government of Nepal, the Governments and Parliaments of India and the People's Republic of China, and the Secretary-General of the United Nations.