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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

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

on behalf of the ALDE Group

European Parliament resolution on Nepal

The European Parliament,

- 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), which controlled large parts of the country, 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 the 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 decided to terminate 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 CPM (M) withdrew from government in a dispute with the President (Nepali Congress) 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 combatants,
- 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 timeframe for the resignation of the Prime Minister, which threatens to prolong the stalemate in Nepal's political system,
- H. whereas Nepal, being located in the middle 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 the Nepalese authorities are to be commended for having honoured "the gentlemen's agreement" on the Tibetan refugees,
- K. whereas Nepal will be at the forefront of countries immediately affected by climate change due to the melting Himalayan 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;
- L. 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,
- M. whereas on 28 May 2010, pro-Maoist cadres burnt copies of the *Nagarik* and *Republica* dailies in the capital, Kathmandu, and other places, for publishing a news report alleging Maoist involvement in the abduction of a medical doctor,
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 seriously concerned that political engagements whether, written or made orally, seem to be more intended to avoid clear decisions than to bring them about;
 3. Strongly appeals to the Prime Minister, the parties and the members of the Constituent assembly to use this possibly crucial last opportunity to address outstanding peace process issues without further delay;
 4. Welcomes the white book which has been promised to explain the situation to the population;
 5. 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; calls on the CPN-M to ensure unhindered access to the rehabilitation packages offered by the government to minors discharged recently from their cantonments;
 6. 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;
 7. 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;

8. 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;
9. 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;
10. 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;
11. Is concerned about the reports of 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;
12. 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;
13. 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;
14. 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 the same instance the ratification of the Statutes of the International Criminal Court;
15. 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 is likely to deteriorate 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;
16. Considers that the continuation of the full implementation of the Gentlemen Agreement of the Tibetan refugees by Nepalese authorities is essential for maintaining the contact between the UNHRC and Tibetan communities;
17. Calls on the government of Nepal to guarantee free media and internet access and to provide adequate security to media publications and ensure that newspapers are allowed to be circulated across the country without any disruption;

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.