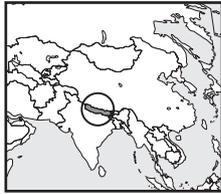


## ■ NEPAL

# Human rights in political-economic perspective



By and large, the general population has suffered economic, social and cultural rights abuses that include the rights to earn one's own living, to adequate food and freedom from hunger, adequate housing, health, education, and women and children's rights. The overthrow of the monarchy and elections for a new Constituent Assembly provide grounds for hope that the long period of violent conflict is finally over. The new Government faces major immediate challenges, both political and economic.

### Rural Reconstruction Nepal (RRN)

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Nepal has signed 20 United Nations (UN) treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as seven International Labour Organization (ILO) conventions. However, up until now the country has failed to make significant progress in addressing human rights violations.

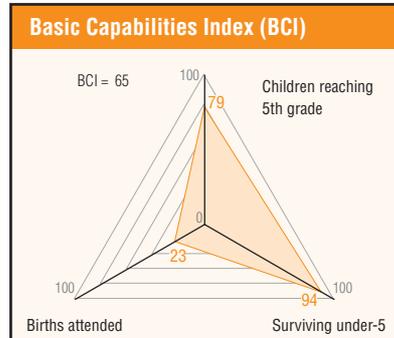
### A decade of violent conflict and rough contours of human rights

The Communist Party of Nepal-Maoist (CPN-M) announced its armed struggle to overthrow the existing state and establish a new one on 13 February 1996. The Maoists declared that this was the only way to genuinely liberate the Nepali people from centuries of feudal exploitation, deprivation, exclusion and discrimination based on class, caste, gender, ethnicity, religion, language and geographical isolation that remained pervasive despite the reinstatement of democratic government in 1990. In the years that followed, the root causes of the conflict – poverty, injustice, hunger, and other forms of socio-economic deprivation remained largely unaddressed (Karki and Bhattarai 2003). The State's failure to meet the needs of the poor majority allowed the CPN-M to win wide support, particularly among the most marginalized sectors of rural society.

Those who hoped that the conflict would produce a better, more equitable society were soon disappointed. Consequently, the country fell into a maelstrom of torture, property seizures, intimidation, illegal detentions, extortion, abductions, disappearances and extra-judicial executions, compounded by the already widespread poverty and misery (Karki and Seddon 2003; Karki and Bhattarai 2003).

### The period of autocracy: "war on terror" versus civil rights

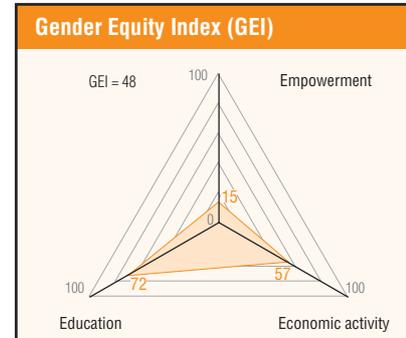
After the King assumed direct executive authority as Chairman of the Council of Ministers and restricted civil liberties on 1 February 2005, the human rights situation deteriorated even further. The authorities severed all communications links within Nepal, as well as with the outside world. Freedom of expression, freedom of movement and freedom to assemble peacefully were all suspended, along with many



other rights. Despite Government assurances that this crackdown would allow it to end the Maoist-led rebellion, the conflict continued with the same brutal intensity. Although the opposing forces renewed their commitment to international human rights standards and humanitarian laws, both continued to commit serious violations.

In the months after seizing full control of the Government, the King consolidated his control over key institutions, such as the National Human Rights Commission (NHRC), the judiciary, the civil service and the media. An amendment to the Human Rights Commission Act gave the King the right to change the composition of the NHRC appointment committee, undermining its autonomy. New York-based Human Rights Watch reported that beneath velvet gloves, the Government and the Royal Nepal Army were wielding iron fists, consistently interfering in the work of the judiciary, the media, civil society, legally operating political parties and the NHRC. Strict media regulations prohibited broadcasts of any news critical of the King and his family. During a three-month state of emergency in 2005, the security forces killed at least 333 people, including 13 children (Pyakurel 2007).

Furious at this repression, hundreds of thousands of people spontaneously swarmed into the streets, demanding an end to the feudal monarchy system. Despite Government assaults that killed 21 people and injured more than 6,000, the demonstrators kept coming back. After 19 consecutive days, this extraordinary explosion of popular power (usually called People's Movement-II, or *Jana Aandolan-II* in Nepali) toppled the autocratic regime on 24 April 2006. The elected Parliament reconvened, and all political parties to the violent conflict agreed to make peace for the sake of the people and the country.



### Interim period of democracy, or Loktantra

The widespread expectation that the violence would end with the collapse of the monarchy and the establishment of a "democratic interim government" was soon disappointed. Killings, abductions, torture, intimidation and extortion persisted even after the formation of a Constituent Assembly. The Government's failure to take strong measures against the perpetrators and maintain law and order permitted the culture of impunity to continue. Armed combat and widespread human rights violations continued throughout the country. Fighting grew particularly fierce in the lowland Tarai region near the Indian border. The Tarai (from the Madhesi ethnic group) representatives, unhappy with the interim constitution, demanded immediate establishment of a federal system of government and proportional representation. When the Government did not respond quickly, more than 20 small armed groups emerged in the Tarai, some of them political, others criminal in nature.

Fortunately, after successfully completing the election for the Constituent Assembly in spring 2008, the country appears to be making a transition from autocracy to democracy and from armed conflict to peace. More importantly, this transition delivered a message that the people of Nepal want true democracy and generated widespread hope that future governments will promote economic, social cultural rights in addition to civil and political rights.

### The national budget: security versus development

Nepal is one of the 49 least developed countries of the world, and is ranked 142nd in the Human Development Index (UNDP 2007). About 31% of Nepalese live below the poverty line, earning less than one US dollar a day (NLSS-II 2004). The conflict with the

Maoist insurgents virtually paralyzed the Nepalese economy. Once peace was declared, the Government was looking forward to 4.5% growth the following year, however GDP inched up only 2.5% in 2007 (UNESCAP 2008). The budget that year allocated only 3.44% of total expenditures of NPR 168.99 billion (USD 2.54 billion) for agricultural development, even though this sector contributes 39% of the country's GDP. This is a violation of General Comment No. 3 of the UN ESCR Committee, which states that where minimum living standards are not met, state parties have a responsibility to use "all resources that are at [their] disposition in an effort to satisfy, as a matter of priority, those minimum obligations."

### Impact of trade liberalization on social, economic and cultural rights

Nepal became the 147th country to join the World Trade Organization (WTO) in September 2003. Government officials predicted that the ensuing trade liberalization, augmented by Nepal's membership in two regional trade agreements – South Asian Free Trade Area (SAFTA) and Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) – would contribute to high, sustained growth and poverty reduction. However, the benefits of trade liberalization have been confined to a few manufacturing industries and urban centres, and have not led to a transformation of the agriculture sector, which employs more than 75% of the country's 26.4 million people and accounts for 13% of its foreign trade.

Agricultural productivity is low, and poverty is particularly acute in rural areas. Most of the rural population is engaged in subsistence farming, and productivity remains low. Planting, harvesting and seed production and storage are all largely performed by women. As a result, they have borne the brunt of competition from the food imports that have poured in under the trade liberalization policy. This constitutes a violation of farmers' rights to food security and agriculture-based livelihoods. The Universal Declaration of Human Rights has proclaimed that "everyone has the right to a standard of living, adequate for the health and well-being of oneself and the family, including food..." Similarly, the ICESCR stresses "...the right of everyone to ...adequate food..." The State has an obligation to ensure this right.

### Conclusion

Several UN human rights treaties and ILO conventions that Nepal has signed obligate the State to make budgetary provisions and implementation efforts to meet the fundamental rights of its citizens. The State is also obliged to ensure that all citizens have a right to redress or reparation if these rights are denied or infringed upon. Finally, it has an obligation to take measures against widespread and worsening hunger, soaring prices for basic commodities and environmental degradation, including the consequences of climate change, without further delay.

The country recently held its long-awaited elections for a 601-member Constituent Assembly. The former rebels of the CPN-M emerged with the largest number of seats. Of the 575 winners announced before this report was written, 191 (33.2%) were women, a milestone in the political history of Nepal. At its first meeting on 28 May 2008, the Constituent Assembly abolished the monarchy that had ruled Nepal for nearly 240 years (1769-2008).

The new Federal Democratic Republic of Nepal has huge tasks ahead. They include drafting a new constitution; institutionalizing democracy; promoting human rights; ensuring that the entire population benefits from peace, with a focus on the grassroots, and establishing the lasting peace that the Nepali people need and expect. The new Government should quickly introduce reforms to address the human rights abuses afflicting traditionally excluded and marginalised groups; otherwise these issues may once again fail to receive the attention they deserve. ■

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