

# Again About the Human Rights Accord

By BIPIN ADHIKARI

After 13 years of war, anarchy and no real central government in Somalia, the country's main warlords, clan chiefs and community leaders signed a peace accord on 5 February 2004 to set up a parliament and pave the way for a new government. After more than a dozen failed attempts to reach a deal, 42 Somali leaders finally signed an agreement on 5 February in Nairobi, Kenya. Many knowledgeable Nepalese people were jealous to hear about it for obvious reasons.

The conflict situation is getting more complicated in Nepal. We are failing even by Somalia's standard. The guerrilla insurgency that the Maoists began against the constitutional monarchy eight years ago has wreaked great havoc on this impoverished country. More than 10,000 people have died, including more than 1,500 since the end of August, 2003, when the second round of cease-fire broke down. As a result, hundreds of people have "disappeared", are in unacknowledged detention or have been extra-judicially executed. Fake encounter killings have increased, and the legal system with the responsibility of bringing the captured rebels to justice under normal criminal proceedings has come under the boots of the army. While indiscriminate killing continues from both sides, the security forces have broken all past records in their unsuccessful bid to clean up Maoists with military style.

The death rate has sharply increased with the arrival of almost 8,400 American M-16 submachine guns, accompanied by U.S. advisors, high tech night fighting equipment, and British helicopters. Most of the civilians do not see their army as a force that protects them from aggression. They rather see it as a threat to their personal and societal security. The number of the people who wish the military abolished are increasing. But it is not strange. There are about 30 such countries today, which do not have military force, most of them small islands or land-locked countries, who have lost faith on the security forces as the guardian of the security of the common people.

Recently, the European Union (EU) ambassadors to Nepal urged Prime Minister Surya Bahadur Thapa to improve the country's human rights record and reach a new ceasefire with Maoist rebels. According to the news report, the ambassadors met with the Premier and told him about the need to resolve the "political and parliamentary crisis" in Nepal, and "take urgent steps to significantly improve the observance of human rights in conformity of its international obligations." The move was owed by the Amnesty International, which also called on the government to sign the Human Rights Accord, which would give the National Human Rights Commission a mandate to establish up to five regional offices to monitor human rights with technical assistance provided by the United Nations.

Similarly, the acting High Commissioner for Human Rights, Bertrand Ramcharan, has also taken note of recent initiatives and public statements in support of an early signing of the Human Rights Accord

proposed by the Commission. In this regard, he expressed, on February 6, his concern at the increasing number of reports of human rights violations since the breakdown of the ceasefire. He wished to reiterate his call on both parties to sign urgently the Human Rights Accord, as a mark of their commitment to international human rights and humanitarian law. The implementation of the Accord would help to protect civilians and could build confidence between the parties. He assured that the Office of the High Commissioner for Human Rights stands ready to provide technical assistance to support the Commission in carrying out its role to monitor and verify the implementation of the Human Rights Accord, once it is signed.

The military state which Nepal has been converted into is the gift of Maoists to the impoverished people of Nepal. Had they been a little bit serious about the effect of their strategies, the Royal Nepal Army

would never have come out of the barracks, and the political handling of the Maoist demands would not have been as difficult as it appears now. There is no controversy that the military response to the insurgency is determined by the level of assaults of the insurgents, and the emotional resource of hatred that the army has developed for the Maoists. But this does not give the army *carte blanche* in the use of its force. As far as the King is concerned, he needs positive attitude and determination to set aside the hurdles that he has in his relations with the political parties, and the need to continue the course of building coexistence with all parties in-

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cluding the Maoists. This can only happen through mutual determination and with the effort that will be made with all parties on all the tracks to establish the foundations of a just and comprehensive peace.

It is never too late. The Maoist party, which wants the United Nations to facilitate the prospect of peace, must be wise enough to stop triggering the escalation of the human rights crisis to ease its unfortunate ambition. They must first stop to harm and hurt, and get themselves and the civilians in their areas killed by a militarily superior national army. They must have learnt by this time that a military action, whatever is the position in law, differs from a police action, and the army-men hardly care what the rule of the law means.

If the history of the conflict-torn countries including Liberia, Congo, Haiti and Somalia gives any indication, it is that killing each other only creates a basis for further killing. Lets first make efforts to stop it. A Human Rights Accord, such as the one advocated by the National Human Rights Commission of Nepal, would immediately start generating positive processes, giving way to virtuous cycles that would start overshadowing the vicious cycles of retaliation, giving the opportunity to quantum jump in the agenda of peace. This is indeed long overdue. ■

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