

# Donors on Human Rights and Restoration of Democracy

By BIPIN ADHIKARI

The donors of Nepal assembled at the meeting of the Nepal Development Forum (NDF) did not hesitate this year to enter into more substantial questions of governance in this country. The forum is held every two years to allow donor nations and agencies assess Nepal's situation, and commit their level of support. The forum is important because international donations make up about one third of the country's annual budget, and their support is crucial for His Majesty's Government in its battle against the Maoist insurgents.

The last meeting of NDF, held in 2002, had resulted in agreement on the framework of Nepal's 10th Five Year Plan and Poverty Reduction Strategy Paper (PRSP) (2002-2007), which provided an overall structure for national development and donor assistance, as well as pledges by donors to help meet the annual US \$ 500m funding gap in the national budget required to implement the Plan. Nepal's political environment has substantially deteriorated since then making the context of development and poverty alleviation more challenging.

In the first official and public criticism of King Gyanendra, the donors assembled at Nepal Development Forum this year, expressed concern over the lack of democracy in the country, and deteriorating human rights situation and security situation. They called on the Government to take urgent steps to restore the democratic process, which remained stalled after King Gyanendra fired the elected prime minister in October 2002, took executive power, put off new elections, appointed a royalist administration, and continued accusing the country's political parties of incompetence and inability to handle the Maoist rebellion in the country. Apart from pleading for the restoration of the democratic process at both national and local levels, they also pushed for political stability and peace, respect for protection and promotion of human rights, and partnership among stakeholders as essential to effectively use the resources for development in the country. The criticism is a major departure from the past practices of the NDF, which had till now limited its discussions to technical issues of poverty and development.

The NDF ended without an agreement on Nepal's request for US \$560 million a year in support. Although the donors pledged to continue assistance, the way they did before, they also called for an early restoration of democratic rule, a peaceful resolution of the eight-year Maoist insurgency and an improvement in the worsening human rights situation. Participants said privately they might be prepared to give more aid if they see progress on these fronts. The comments of the donors gave strong signal to the king that his approach to the resolution of the national problems has not helped the situation anymore.

The donors were also able to build on the momentum generated at the United Nations Commission on Human Rights in April, where the Statement of the Chairperson on "Human Rights Assistance to Nepal" was

released, and the March 26 Declaration of Commitment of the Prime Minister of Nepal to abide by Nepal's obligations under international human rights law and humanitarian principles. Although the National Human Rights Commission of Nepal (NHRC) had not made any appeal, the Amnesty International had requested donor delegates to the NDF to urge the Nepal government to sign the proposed Memorandum of Understanding with the Office of the United Nations High Commissioner for Human Rights (OHCHR), which provides for technical assistance and capacity building to the NHRC to enable it to take on an enhanced monitoring and protection role; and to insist that the Nepal government meet its existing

human rights commitments, including those in the international treaties to which it is party and those contained in the government's "Commitment on the Implementation of Human Rights and International Humanitarian Law", of 26 March.

Similarly, the Human Rights Watch had also urged the donors to use this year's NDF to support respect for human rights and warned that "ignoring the current human rights crisis in Nepal would

contradict the objectives of good governance, accountability and transparency of the NDF, threaten successful implementation of aid programs and be a major step backwards for poverty reduction and development in Nepal."

The effect of the NDF meeting is before us. The King whose commitment to the idea of representative government had been less than straight forward has finally dissolved his illegitimate government giving way to a government acceptable to all. The representatives from the World Bank, the Asian Development Bank and 20 countries, mostly European, were able to show unanimity in their approach to Nepal's current problems. Their approach will remain binding to them in their dealing with the future governments. The meeting also comprised delegates from Japan, Britain and the United States, who are serious development partners of Nepal. Although not a part of the NDF, the Indian diplomats in Kathmandu also attended the meeting as observers. None of the donors however condemned Maoist violence, questioned their movement towards a communist republic, and reiterated their official position. They were falling heavy on the government side without being critical to the Maoist "people's war" - which has equal bearing on the state of human rights and governance in the country. Similarly, a couple of donors had little idea about the difference between "civil war" and what is going on in Nepal. Such a loose expression not only has the possibility of betraying the understanding about the nature of the problem, but can also seriously defame Nepal in the eyes of international observers. Notwithstanding these comments, the NDF has been able to give strong signals to the government on the priorities of this ailing country. ■

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[Adhikari is a lawyer. He may be accessed at [human\\_rights\\_nepal@yahoo.co.uk](mailto:human_rights_nepal@yahoo.co.uk)]