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हामी सबै
आफ्नो अधिकारका
बारेमा जागरुक र अरुको
अधिकारका बारेमा सचेत हुन
सक्ौं।

LET US REMAIN ALERT
ON OUR RIGHTS
AS WELL AS
OTHERS.



Greetings
शुभकामना



Against Irresponsible

Human rights records of Nepal have been our concern for quite some decades now. But, they never meant only the political and civil rights. We also have been quite sensitive to the provisions made in the various international human rights instruments regarding the Economic, Social and Cultural Rights of the people. The inter-dependence of the rights can be clearly seen, since the violations of the economic rights of the people have clearly led to the violations of their civil and political rights.

Nepal has been the state party to Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights, and various other international human rights instruments. These instruments demand the government to be responsive to the economic, social and cultural needs of people. The state responsibility in a democratic setting is very important for the realization of these rights. For instance, the Convention on the Rights of the Child requires state to guarantee all the rights for the children deprived of family environment, children in conflict of laws, children in difficult circumstances and refugee children.

Provisions have been made in other instruments including International Covenant on Economic, Social and Cultural Rights pertaining to social security, cultural identities, health services and dignified life of human person. The government, however, instead of making these rights accessible to the people, has been violating them by (a) adopting policies and (b) taking actions which are contrary to the norms, values and practices of international human rights and the spirit of Nepal's own constitution.

These policies are based on the World Bank's Structural Adjustment Programme(SAP) and Monetary Stabilization

of International Monetary Fund. The Structural Adjustment Programme(SAP) adjusts out the marginalized people from the mainstream. As a result of the policies of SAP, the budget previously allocated to education, health and other social security measures are being cut down. Thus, the state is gradually becoming non-responsive to the needs of the people, which are their rights enshrined in the international instruments of human rights. Therefore, there is a pressing need for creating an environment whereby the government would not adopt policies which are in violation to the rights provisioned in the international human rights documents to which Nepal is a state party.

The three-party coalition which preaches the privatization going beyond to the level what is practised in the Federal Republic of Germany, has increased the tariffs of the all the essential services. This has made the life of people even harder.

The coalition government itself has been a burden to the lives of the commoners in the country. In the name of political stability, all the coalition partners have tried for the biggest pieces of monkey's share. These has led to the formation of a biggest cabinet in the history of Nepal. The country now feeds forty-eight ministers spending its one percent of revenue. They, in turn have done very little to enhance the quality of life characterized by the total foreign debt of nearly 13,000 million rupees, the low percapita of US\$ 170, and the death rate of children under the age of one 98/1000.

The country is being dragged to an irresponsible *culture* where everything is taken as granted. It achieved democracy with the sacrifice of less than hundred lives. This had roused a sense of sympathy, reverence to these people and anger against the perpetra-

Culture

tors. In the recent five months, the police bullets have killed 32 political opponents of this poverty-stricken country. The country became less sensuous to the political killings. Even the opposition parties have not been effective in initiating political dialogue between the 'insurgents' (mainly innocents) and the governments and raising voices against such gross violations of human rights.. These violations of political and civil rights were the results of the government's violent response to the actions of the people extremely frustrated because of the violations of their economic and social rights incarnated in the form of poverty. The wise steps of the government could have been to make politics with human face!!

It is in this context, there is a greater need for the appropriate policies of the government, financial institutions, both national and international, political parties to sensitize themselves regarding the enjoyment of the economic, social and cultural rights of the people, the violations of which often results in the political instability, ethnic conflict and social tensions. ■

Impression



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Human Rights in 1995

Right to dignified life

The reports compiled in the year book suggest that many citizens were deprived of their rights to a dignified life. The violation of human rights by the use of state force which had significantly come down during the earlier period of the year increased significantly in the later period. The killings of persons by others for minor differences too went unabated within different communities.

There were a total of 305 cases of homicide out of which 8 were committed by the state and 297 cases were cases of personal violence and attacks. The victims were 205 males, 87 females and 35 children making a total of 327. The 8 cases of state killings resulted in casualties of 10 persons, five from the gun firing by forest security guard and the other five by police firing.

Dilli Prasad of Dang, Santinagar killed his own daughter Dhami Kumari Pande by hitting with wood when she did not comply to his instruction. Jaya Bahadur Gharti of Rukum, Hukam killed Desh Bahadur Gharti by using powder filled gun. Sabita Devi Mahato of Parsa killed Anju Kumari Mahato by slicing with Chuleshi (a sharp edged weapon used in kitchen). Jyoti Karki, 21 years of Dharampur Jhapa was killed by her own father Keshab Karki by piercing stomach and deforming her private part with nail.

This year too family quarrels between husbands and wives resulted in deaths of the conflicting partners. Budhe Damai of Surkhet, Tatapani killed his wife by hitting with an axe. She had objected her drunken husband to have an intercourse. In a similar brazen case Dambar Bahadur Sarki of Latikoili, Surkhet killed his



Kapil Dev Das : Death by Firing

own wife Ujal Durga Sarki by twisting her head. Hira Lal Khanal of Gorkha, Arunpokhari killed his wife by hitting with spade after accusing her of trying to feed him stale food (rice). Other significant cases of murder of the wives by their suspect husbands are the murder of Anu Maya Bhandari by her husband. Dharma Raj Bhandari of Thikur Pokhari, Kaski, murder of Draupati Teli by Dipa Raj Gupta of Kapilbastu, murder of Kantikala Gyanwali by Himalal Gyanwali of Bale Taxar, Gulmi, Mankumari Biswokarma by Balaram Biswokarma of Burtiwang, Baglung, Khimadevi Subedi by Ram Hari Subedi of Parvat, Majhakant. There were 15 deaths of wives from the hands of husbands and three husbands had been killed by their respective wives.

How a blind belief takes men to the height of cruelty is justified by a case of murder in Paundaun, Kailali. Bir Bahadur Sunakhari Magar of the place sacrificed his wife Amrita Devi, a 16 year old daughter Lalmati Magar, an eight year old son Sher Bahadur Magar and a 3

year old daughter Batuli Magar heinously by slicing with sickle. Similarly men and women lost lives after being accused of practicing witchcraft. Three women were beaten to death by accusing of practicing witchcraft and 5 others were treated in inhuman and savage way. Kale Gurung of Dudh Pokhari, Lamjung beat Sun Maya Gurung to death accusing her of being a witch. Phulchan Sahani of Khesraiya, Rautahat was killed by tying his neck with nylon rope by Satya Narayan and others. Similarly Dhana Bahadur Tamang of Dhading was brutally murdered by being accused of practicing witchcraft.

In this year, there were no state killings related to the cases of political movement. In Gajuri, Dhading, Top Bahadur Pathak was killed by an attack of forest security guard and police. A leper Babulal Satar of Jhapa, Pathariya was also victim of bullet attack. He had been killed by police who were deputed to detect the killer of Kaluwa Rajbansi. In this year there were a total 15 incidence of firing victimizing 24 - 18 males and 6 females. Among the 15 incidences 4 originated from state 10 from public and 1 from political level. While comparing this statistics with that of last year, it becomes obvious that there can be an improvement in situation where the state does not use force and kill while people are exercising their fundamental rights.

Arrests and Torture

The comments made in connection with the right to life need reiteration here too. This year book compiled 100 cases of tortures by state



Prevention of arrest by the Human Rights observers in a protest

where 460 persons were victimized. From among the cases of tortures 95 were arrests by state, 3 by public and 2 from political parties. While looking into the gender composition of victims from tortures 274 were males and 12 females. The cases recorded after September 12, 1995 were 45 victimizing 290 persons. Among those cases 16 occurred in Rolpa, Dang and Pyuthan where 235 were direct sufferers.

The form of torture did not significantly change from what was it in the earlier years. A case was reported where the Bara district forest office tortured by putting into fetter. Forest offices, forest reserves and custom offices are found to have rooms for taking into custody, put in fetter and such rooms were found to be in worse condition as compared to the police custody. Persons arrested by being accused in different crimes underwent the old form of tortures, before producing them to the court. Those included beatings, piercing nail joints with pins, hanging upside down, squeezed by using iron bar, beating on the soles with pipe, wetting floor by spilling water to make the accused difficult to sleep. To give examples - Man Bahadur Saud arrested for theft in Dunai was hit with baton and boots on knee and back. Prem Dutta Joshi arrested for killing cow in Darchula was burned on the sole by a burning cigarette butt while in police custody. Govinda Basyal, an accused in a rape case in Dang was hit with boots in buttocks causing skin to come off and was also hit on the testicles.

Another case of serious concern is that police came over a large gathering of public, community or political workers in a very rude and cruel way. There were such inhuman cases where baton were inserted in women genital by making the cloth pulled up and inserted fingers, given left over tea, burned sensitive parts with cigarette butts for those arrested in Rolpa police operation.

Modern techniques and scientific equipments were used in connection with crime investigation in police head quarter and some other few cases. But traditional methods of giving inhuman torture to make the accused confess

were the common methods used in most of the cases.

In connection with crime investigation, the examination of evidences is done by Royal Nepal Academy of Science and Technology. But such evidences coming from remote region keeps laying in the laboratory for quite a long time in most cases which gives enough time to let the criminal scott free as the police shall not be able to produce sufficient evidences. The accused on rape and murder go free because of such reason.

Nepal police has started imparting human rights education to policemen. Further, it has also formed a supervisory and monitoring committee for taking action over the policemen abusing their powers. This is a commendable initiation. Despite the deceleration in the cases of inhuman torture, the traditional style of torture has still continued.

Prison and Prisoners/Political Prisoners

The worst condition of jails continued to be a matter of concern. From the beginning of the year, the number of prisoners was continuously on decline. The physical condition of the prison



Nawalparasi Jail : Cooking under open sky

was not improved but the ration given to the prisoners was increased in the beginning of the year. The inmates of Bhojpur, Siraha, Mahottari, Nawalparasi, Rolpa and Bardiya jail were found to have protested with hunger strike, slogan shouting while demanding health,

sanitation, study facilities, newspaper and for solving other problems.

The budget allocation for management of majority of jails seems to be inadequate. The allotted budget can not even provide for minimum health requirement of the prisoners where maintenance of the building is remote. The prisoners of Mahottari jail had to pay Rs 100 each for health check-up they had had from a doctor called from local hospital when the health assistant appointed for the job was not available. When the amount was deducted from the ration to be given to the prisoners, they staged a protest. The jailers from some jails including Malangawa, Sarlahi were found worried on the settlement of credit bill incurred for treatment and check-up of the prisoners.

As the jails of Mustang and Mugu were vulnerable, the prisoners there were found to be in fetters for all the 24 hours. The women inmates from Nawalparasi jail were found to have been beaten by the Chowkidar (watchman).

The number of political prisoners implicated in different cases is 12 as at the end of the year. They are Him Lal Upreti in Morang, Ram Bahadur Tiwari in Palpa, Jhak Bahadur G.C., Mahendra Rai and Bir Bahadur Basnet in Kathmandu Central jail, Prakash Ghimire in Nakkhu jail, Lalitpur, Salikram Upadhyaya, Megh Raj Giri and Baikuntha Bahadur K.C. in Dang, Tulsipur, Dabhal Sing K.C. in Nepalgunj and Chhaidup Lama and Hari Shrestha in Sindhuli jail.

Intimidation/Death Threat/Beatings

There were a total of 426 events of intimidation, death threat and beatings this year where 656 men were the victims. Among the victims 75 were females and 6 children. Out of the events 11 were originated by the state, 401 by society and 14 by political parties. Such wicked events were higher in the remote villages in the west compared to eastern part of the country. Jyoti Damini of Kanchanpur made her husband seriously wounded by hitting with an axe while he was sleeping. A five year old daughter of

Rabi Lal Acharya of Parbat had her eye damaged when Mohadutta Jaishi hit on her eyes for taking sugarcane. Jivan Siwa of Ilam tied his own wife Phul Maya Siwa with animal rope and beat her continuously for 10 hours. Janga Bahadur Kami of Surkhet was taken to police post in Babiya Chaur by a mob of 40/50 people where they had beaten him.

In this year victim of beatings included journalists as well. Laxman Devkota of Palpa, Navaraj Basnet of Janakpur, Lekh Nath Bhandari and Krishna Bhattarai of Kathmandu were those journalists beaten with different accusations. Among the victims of beatings and lethal attacks were policemen, forest guards and military-men too. Captain Baudhu Karki was beaten in Silgadhi while he was taking photograph of Lord Krishna's chariot procession. The office in-charge Lal Narayan Singh Karna of Salyan forest office beat the forest guards coming from different range posts by making them stand in queue. Policeman Sita Ram K.C. of Bardiya and 5 policemen from Gangadi were found to have been beaten. More than 21 policemen become the victim of attack while performing their duties during this year.

Death in Custody

There were 23 deaths while in custody or prison. Among the deceased 21 were males, 1 females and 1 minor girl. The causes of deaths are torture, inadequate medical care while sick, suicide and some natural death.

Fundamental Freedoms

The number of cases of violation of fundamental freedoms guaranteed under the constitution seems to have declined to a minimum compared to that of last year. However, such cases were observed in different districts in some or other form. There were 34 cases of violation of freedom of expression out of which 3 were committed from state level, 4 social level and 27 due to political reasons. There were 140 victims in those cases.

On 1 September some people threw stone on a procession in Salyan that came out after the supreme court decision of 28th August 1995. In Salyan local office of UML was broken where Chandra Bahadur Hamal and Ram Bahadur Hamal were beaten. Police baton charged and arrested 13 students while staging sit-in protest in the street in Banke on August 1, 1995. They were supporting the Banke Bandh (District-wide strike). Similarly police arrested Sanjeev Kumar Ghimire and Krishna Bahadur Shrestha in Nawalparasi while being accused of participating in Nepal Bandh (all Nepal strike) called by Nepal Student Union (NSU). On 1st September 1995, Nirmal Kumar Sherchan, Secretary of FOPHUR, Syangja and Shankar Adhikari were beaten by the participants of the protest bandh called by NSU. They were observing the protest strike.

In Mugu a person was wounded when police opened fire to disperse protest rally staged during the visit of the then deputy Prime Minister on August 3, 1995.

Religious Freedom

Like in the last year, religious tolerance was generally maintained during the year. Some activities were observed in some districts where attempts were made to attract towards Christianity by luring with money. The religious riot of Nepalgunj from October 25 to 28, 1995 between Hindu and Muslim was the main reported case. Such cases were not repeated elsewhere.

Prompt and Fair Trial

Fair trial is an inalienable rights of the people. But there were 23 reported cases of violation of this right. Nine of those cases were committed by state where 12 persons were victimized.

In spite of having legal provision prohibiting arrest of citizens without committing any crimes and without serving arrest warrant, the CDO of Kaski gave order to keep two persons as mentally imbalanced prisoners.

There have been many examples where justice has been delayed due to absence of judges in different districts. As a result, many accused citizens are deprived of opportunity to clarify which thus deprived them from right to life and justice. Dolpa, Jumla, Kalikot, Mugu, Humla which are comparatively remote districts are such examples characterized by the absence of judges.

According to the prevailing laws, cases regarding the (forest/wildlife) reserves is within the jurisdiction of special court. Accused for such cases in Dolpa are in custody for more than 2 years in absence of the court.

Even after the expiry of jail term, a prisoner was still in jail in absence of timely arrival of the notice from the court. Chandar Kumari Newarni of Okhaldhunga was still in jail at the year end after the expiry of sentence period on May 25, 1995. The Supreme Court seems to have reinstated employees who were discriminatorily dismissed by HMG on different dates.

Supreme Court has issued order to the HMG to present an appropriate bill in the parliament within a year so as to resolve the issue of discrimination between sons and daughters as regards the share of property according to the common law code (Muluki Ain). Such an discrimination is against the provision of the constitution.

The Supreme Court has sought for the enforcement of rights of criminal justice and guaranteed the rights of seeking and getting information on the subject of public interest. The relevant petitions concerning these areas were Kiran Shrestha vs. Kathmandu District Court and Advocate Bala Krishna Neupane vs. HMG, Ministry of Water Resources.

Transfer/Demotion/Discrimination

There were 18 cases of unlawful transfer/demotion/ discrimination compiled this year out of which 14 were from state, 5 personal and 2 party level. There were 205 victims in the

cases. Earlier in the year some teachers and employees were transferred to inconvenient places based on their political conscience. District working committee of NSU Panchthar send a letter to central committee branded 29 employees to be extremely objectionable and demanded those to be transferred elsewhere. A letter demanding the transfer of employees affiliated to rival organization was public.

Women's Rights

Women's rights area has been characterized by preponderance of horrific cases of rapes. Regret is that police also were involved in the rape cases in and outside police custody. From a total of 151 rape cases 6 were by policemen. There were 157 victims in the 151 rape cases. The 88 victims are women above 15 years and 69 are below 15 years old. The victims of the



February 1995 Dhankuta :
Women's chain for Rights

heinous crime ranged from a 3 year old baby to 62 years old.

The rape of girls by their fathers justified the proliferation of social distortion. Selected cases of rapes are Dhune Auji o f Masthamandau, Achham raped his own 11 year old daughter.

Hawaladar Man Singh Saud of Sarmali Police Post raped a 15 year old girl of Baitadi while she was returning home back from local oil mill. A 17 year old woman of Narayanpur, Dang was raped by her own father by tying her hands back with ropes and mouth stuffed with his cap. A 5 year old girl child of Banke, Bageswori had been raped by a 61 year old Manbire Mahatar. A 28 year old women was raped by Bablu Halwai while she had gone to

medical clinic for X-ray where the rapist also worked. A 11 year old child of Adhikari Chaur, Baglung was raped by 64 year old Bhim Bahadur BK. A woman of Kajarmaul, Dhanusha was victim of gang-rape by 6 rapists including Hadiv Nadaph, Sarik Nadaph, Nam Narayan Halwai and Hadis Nadaph. The rapists were equipped with weapons and entered her house when she was alone. A 14 year old girl of Kohalwi, Bara was raped by policeman of area police office, Kohalwi while she had gone to jungle to graze buffalo. There were 7 reported cases of rape of daughters by their respective fathers and 6 women were raped by policemen. From among the 6 rapist policemen, 4 were under action immediately.

There has been no substantial improvement in the activities violating human rights by individuals and community. However few months back police banned the use of alcoholic drinks in the late night. There have been some improvement in cases of vandalism, mutual fighting and the cases of victimizing women and family under the influence of alcohol which is observed to have abated to some extent.

It has been realized that a mere campaigning is not enough to fight the social evils but needs a social movement. Cases of feeding human excreta for those charged of practicing witchcraft, making to sleep with corpse and murdering on the charge of being witch have been reported this year. Such cases were reported from better literate and relatively developed and also in remote districts. The districts with such records are Ilam, Morang and Bhojpur of Eastern region, Mahottari, Rautahat, Makawanpur and Dhading from Central region, Lamjung from Western region. Three women were subjected to violent attack for practicing witchcraft and were murdered in Rautahat, Dhading and Lamjung.

Our society has turned wicked and sometimes barbarous too. The rape of daughters, rape and murder of wife by her husband, rape of three year old child and that of 62 year old woman all signifies the degradation of social values and

civilized norms.

We collected various cases of abortions but could not decide whether they really are the violation of human rights. So we have not included the statistics in this year book. The deaths of many women have occurred by employing unauthorized and incompetent persons for the abortion. Some quacks have attempted to take out fetus by cutting women's womb and some attempted abortion by feeding metacid, an insecticide. Such cases occurred in Khotang and Pyuthan. This all suggests that women should have reproductive rights for the cases of undesirable conception.

Women were found to be neglected and victimized for the lack of property rights. A husband became furious for keeping the property brought by his wife from parents in her own name. He made his wife naked in front of public and inserted stick inside her private parts to retaliate her for retaining property.

Wives had to lost lives from the hands of their respective husbands for not getting dowry in Mahottari and for taking meal before her husband in Dhading. Many such events were reported from districts. A person in Saptari killed his wife under the pretension that husk was found mixed up in the meal she prepared.

The rape victims could not go for redressal against the crime over them due to ignorance and fear of life or prestige loss. Many women choose suicide rather than bear the agony of rape by surviving. Putali Thapa of Badikhel, Lalitpur was forced to abort by her husband and lateron the police tortured her for abortion in police custody.

In many cases women were found to have helped men to torture other women. Discrimination still exists in providing remuneration or wage paid to equal work of a male and a female. For example, males are paid more wages than females for equal work in state owned tea estates.

In Taplejung a brother killed his 34 year old

sister by beating as he was not happy with his father giving a piece of land to his daughter.

Women Trafficking

There have been 76 reported cases of women trafficking. The number of victims in these cases goes to 133. The number of women suffering from inhuman torture and maltreatment due to gender discrimination is also significant. There were 73 reported cases of tortures specific to female sex where 84 were the victims. Among the victims 12 are girl child. There were 240 victims in 127 cases of Jari, Polygamy and Prostitution. 9 male, 221 females and 10 children were sufferers in Jari related cases.

Luring women outside the country and their sale is continuing and expanding owing specially to the widespread poverty. A case where a person imposter as a film hero and had sexual relation with a girl promising her to make film actress. Nepali girls are being increasingly sold to Bangladesh, Philippines, Malaysia, Singapore and Japan while India continues to be the most popular destination of girl trafficking. There is not yet a machinery to assess the situation of those manpower exported by manpower export agencies.

It is estimated that more than five thousands Nepali girls are sold in India alone. They are sent back here after suffering from AIDS. After their come back police and administration makes them go for HIV test. But males do not go for similar test. Thus the male AIDS victims go undetected and they are becoming propagators of the deadly virus.

The law of the land has not prohibited prostitution and so police has also been unable to control it properly. On the other hand the law has not regulated prostitution. There have been flesh trade in many part of the country which basically has root cause in poverty. The form of prostitution differs with the nature and geography of the place. Prostitution has been accepted as a form of social culture in some western part

of Nepal.

A tradition is alive where a husband can get rid of his wife at any moment simply by offering a cow in Rolpa and after paying Rs 6,000 in Dolpa district. Further, a tradition is still practiced where a wife can be purchased by paying her ex-husband money as agreed with the consent of society. A case from Mugu district has been found where the new husband had to pay upto Rs 50,000 as fine (Jari) to her ex-husband.

Child Rights

Due to lack of means of production and productive sectors, children in Nepali family start

working as labour soon after they learn to stand. Many of them are compelled to do the job done by adults. Their suffering aggravates when their ignorance results in wrong in work performance.



A child killed by his father

When survival is at stake, these children can not attend schools. A sensitive situation came together with increased publicity for education. An 11 year old girl committed suicide when she could not bear her staying away from school.

Children are more prone to be the victim of social ill traditions and distortions. By being victim of rape, murder and public torture they are meekly watching their mothers running away from them after being sold. Many children are subjected to inhuman rules and physical tortures when working as child labour in domestic household and factories.

There were 31 cases of violation of child rights

where 35 children were the victims. Sixteen minors have died this year from family violence.

The role of the state sector was not observed to be encouraging towards working for the restitution of child rights as per international norms and commitments.

The state has been contributing to the uncertain future of the children of prisoners who are in Nepali jails.

In our country, frustration, cruelty and distorted spirit of revenge seems to be brewing in our society together with the growth in population.

The boarding schools which are mushrooming in the name of delivering modern education are producing book-bugs and overburdened child. The present education system has not been able to induce self-reliance, consciousness and analytical talent among the students.

While caring about child health the preventive measures are more important than curative prescriptions. The state role in preventing child from diseases remain dismal. Although a child can use surname of either of father or mother but it has not been implemented to practice. A child using the surname of mother is being called as fatherless or ÒBataseÓ (wind like because of no identity) and thus is neglected and despised in society. In government offices, it is still compulsory to mention the name of father and grand father in official documents. Thus there is no meaning of legal permission to use the name of mother.

Related to Senior Citizens

The aged senior citizens were, for the first time, honoured by CPN (UML) government by providing old age pension.

Due to absence of any old age housing, disable and destitute old people are to seek shelter in temples, public shades and go for alms for living and fooding.

Economic Rights

Government was not responsive and concerned towards guaranteeing the rights of labourers. The wages and working time of agricultural laborers are still at the discretion of the employer. Kamaiyas, who make living with a piece of land given by their masters and whose family work without wages for their masters, are spending very miserable lives.

There is no proper system to guarantee the provident fund and gratuity of factory workers. The factories and government enterprises themselves have operated their provident funds and have eaten up their savings. The government has not permitted to give life assurance facilities to the workers depriving them risk cover. There is no predetermined standard of promotion and training. Furthermore, no standard has been set to fix the annual grade.



Workers for their Rights

The payment based on work contract adopted by factory owners has made workers equivalent to machines. The government has increased Rs 300 per month as dearness allowance which the management has not yet paid to them.

The economic condition of all kinds of low paid workers is very worse. Due to their economic crisis, those workers are compelled to mortgage their voice and senses. There are also cases where their family members are called in order to keep them quiet. There is no legal backing to ensure workers participation in management. The government has not adopted any long-term or short-term measures to win the confidence of the workers.

The workers are always insecure. The government departments responsible to look after their

interest are incompetent and helpless. In spite of court decision in their favour, many workers have not been reinstated by the employers even after many years of the decision.

In the year 1995, workers from 200 enterprises have put forward their demands before their respective managements. The dearness allowances Rs 300 a month announced by the government was the main demand. The Federation of Nepal Chamber of Commerce and Industries filed writ petition against the decision of the government after which enterprises kept the decision pending to be considered after the decision.

This has deprived workers of their rights. The local commercial organization was found to have fined Rs 500 each for charging less price by running fair price shops.

331 workers had been released from their employment and 526 workers were terminated by vacating positions. This year 14 workers died and 19 were deformed as a result of industrial accident and occupational diseases. Out of those only one family of the deceased got compensation. There were police intervention



Dhanusha : Conflict over guthi land

in 4 enterprises in connection with worker's struggle during the year.

The most neglected and exploited areas from the point of view of human rights are unorganized sectors, women and child labour.

Untouchability

Many cases of untouchability have been compiled under the heading other inhuman behaviour. In 35 events, 70 people were victim including 15 women and one minor. Some examples -

¥ Policeman Uddhav Tamata working in Dadeldhura jail was prevented from using tap by Hawaldar Chambu Singh Rawal working in the same jail. Tamata was said that his touching of the tap shall spoil the health of the Hawaldar of higher caste. Dilli Raj Rijal, Madhav Rijal and Shiva Raj Rijal of Pyuthan, Lung, beat Juddha Bahadur Tamata seriously for entering into their house.

¥ Sarki Kami, son of Surajan Kami of Simkot, Humla was fined for taking his marriage procession with music bands and being accompanied by people with red waist covering robes and turban. The so-called higher caste people came over the procession celebrating marriage of Dande Luhar of Jajarkot charged of playing music bands. Nande Luhar was seriously wounded in the scuffle.

Suicide

Suicide does not directly relate to human rights. However, the causes of suicides in Nepal lies in the poverty, social traditions, love marriages, failures etc. People committed suicide due to inferior complex of being disabled for not being permitted to marry man/woman of her/his choice, lack of medical expenses for the treatment of children, for not getting approval of marriage from family members.

A total of 886 cases of suicides had been compiled this year. Out of 887 lives lost due to suicides 180 were females and 4 children.

(Source: Human Rights Year Book 1995).

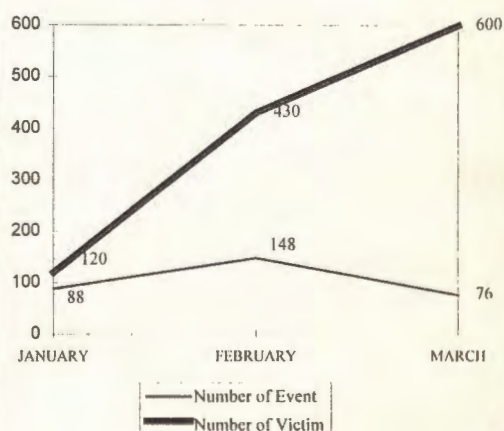
Human Rights Situation in Nepal : Statistics

(This statistics covers the period from January to March 1996)

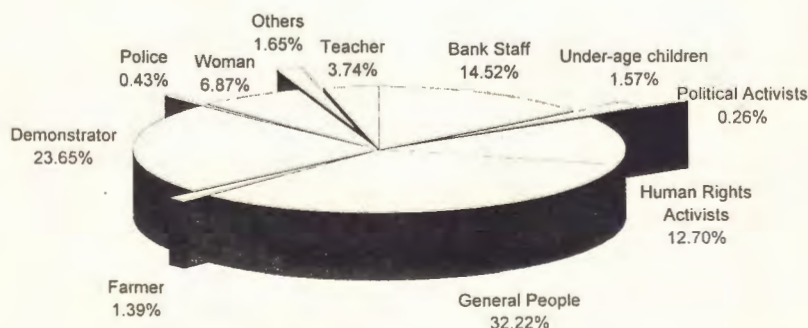
Human Rights Situation in Nepal during the past three months: In Statistics

Type of Events	No. of Event	No. of Victim
Arrests	46	725
Tortures	2	2
Death by Police Firing	14	28
Death by Firing except police	4	4
Wounded by Police Firing	4	12
Wounded by Firing except police	3	3
Wound by Lathi Charge	4	29
Killing by Police/Military	4	6
Other Killings	69	70
Fatal Attacks	27	35
Beating by Police	3	3
Beatings	42	93
Threat	6	7
Rape	16	17
Women Trafficking	6	12
Suicide	48	50
Other Inhuman Behaviour	16	54

Human Rights Situation in Nepal during the past 3 months : In line graph



Types of Victims of Human Rights Violation in the past 3 months : In pie chart



Human Rights : All in One Doti

— A report by Kundan Aryal



Photo by- Bengt-Goran Jansson

Once known as *Kalapani*, Doti District headquarters Dipayal Silgadi and its surrounding villages still experience some age-old values, practices and superstitious ideas which are the factors for the violations of the human rights.

Silgadi is a small village having comparatively educated populace. Nearly one-half kilometre rocky street divides the scenic slope bazaar, with houses in both sides. The houses are mainly used as the shops. There are photo studios, two video libraries and two antenna dishes which serves two hundred houses to watch Doordarshan, the Indian State-run Television. You can see one hundred and forty-six telephone in the bazaar which is the communication means for outside contact. However, you also can see in this "touch of modernity" the "untouchables" washing their glasses after they go to restaurant, sit separately and take tea. Such an ill-practice still prevails in the educated area like Silgadi, let alone be the cases of the interior villages in the district.

No-Entry to "Lower" Caste

The Public Relation Officer, who is also the Administrative Officer, at the Chief District Office, Krishna Bahadur Bista speaks of his experience in the district. "I have experience the district for three years now, I pray even for my enemy no to come of a 'lower caste' ". The untouchability is so rampant that some of the qualified persons have been deprived of jobs. Mukti Nath Sharma, the headmaster of Prabhat Secondary School at Dehimandi, speaks to a "Kami"(blacksmith) with sympathy, "Okay, I would try to put your son in the additional quota, it might take 6/7 months. Let's see what we can do." His son who is an intermediate in science (I.Sc.) and is deprived of being teacher just because he is "untouchable". The father of "unfortunate" Biswokarma begs to the headmaster, "Sir, I would be grateful if you make it. I would be doing anything you say!"

A vacancy for an I. Sc. teacher is there in Mahuwa School. But the school board is not prepared to recruit any "untouchable" in the school. No other has the courage to go against such an inhuman practice.

A Damai (an untouchable cast traditionally tailor by profession) who is doing his Master's in Commerce in Kathmandu, rolls down tears for the fate he meets as an "untouchable", his friends report.

The educated people who are exposed to outside world have not given enough thought to eliminate such inhuman practices. After acquiring certain degree and quality, most of them leave this remote district. Those who are left behind also do not want to loose their social status served by this practice.

Not only educated, but the politicians in the Doti District are the lineage of the old monarchs and "high" castes. In Silgadi, the Newar community is the most educated, in other villages the children of Brahmin and Kshetriyas are educated. But they do not seem to disseminate the knowledge they have acquired. There are all the facilities in the cities ranging from Dhangadi to Kathmandu for the rich. They come for leisure to this district. Even if they come for prolonged period, they do not want to loose all the "respects" they are entitled through the practice.

A Headmaster of interior Doti School says, "The system should remain as it. All are supposed to have their own *Karma* (Destiny)". He is the founding Headmaster of the school and has contributed a lot for the school but he is of the opinion that "untouchables" should remain far from the school.

This reporter saw *raksi*, home-made alcohol, being served pouring into the glass of a person without touching it. "Is *raksi* also not allowed to touch?" A drunk Brahmin (who is not supposed take *raksi*) said, "They are not allowed to touch anything. The dishes washed by them are used only when they are dry". Some of the restaurant owners dry the waterdrops of the dishes washed by these people. There is widespread practice in

Silgadi to throw water drops to "purify" the streets after the "untouchables" by pass by. The civil servants who come from outside say, "The untouchability problem is grave in this district". But they have not been able to reform it, let alone the elimination.

Dilip Kumar Karna, a telecommunication technician who comes from Janakpur, Dhanusa District, says, "The practice is not so worse in our district. I sit together and eat with untouchables. But people here do not dare to do so".

This practice has contributed to the exploitation of "low" caste. Brahmin, Kshetriya, Thakuri, Khatri, Newar are relatively well-off, while the "low" castes people like Damai, Kami, Lwar, Mul-Sarki live in great adversities. Their social life is without any status. Still they need to use separate tape.

"An Assistant Engineer of Baitadi Patan who is a *Kami* (blacksmith by profession) had to request for transfer his job because of social discrimination.", Said the Chief District Officer of Doti Kishan Bahadur Bista over a tea table. "People of such castes should not be deployed to such a place. You have to be little alert about it."

Unless a huge campaign is organised, the untouchability can not be eliminated from Doti. The "untouchables" themselves feel their duty to adhere to the rules of the age-old practice. The educated elites do not want to eliminate it for continued respect. The rural communities of "upper castes" do their level best to keep their practice on. The political activists show by their activities that such "beliefs" would be beneficial to them.

Poverty: Shadow of Doti

Majority of the 150,000 population of Doti are poverty-stricken. The food production of none of families does not suffice to run the year.

Tej Nath Joshi, the chief of Small Farmer Development Project, run by Agriculture Development Bank, says, "The inhabitants here do not labour much". Most of the Civil Servants

say, "What to talk about the people here?". Most of the people from outside say that the reason behind the backwardness of the district is the lack of diligence of the people.



School is working field for these children

People of Silgadi Municipality live on small business. They rely on mostly the population of Acham, Bajhang, Bajura districts and local employees. The life in interior villages are so beggared that they hardly are able to wear clothes.

The male members of the families in these villages go to India after they harvest rice and sowing wheat in September. Two teachers in local schools Ramashis Thakur and Dukhi Yadav say, "The people here do not send their children to schools due to their poverty. They are sent to graze animals. Thus they are always lagged behind".

Tej Nath Joshi who has been living in Mahuwa for three years opine, "Due to the low rate of fertility, a person even having a hectare of land can be said almost landless, here if you have fifty thousand rupees you are counted as rich."

Small Farmer Development project has provided loans to thirty five farmers to buy local buffaloes and chicken farming. According to the project official Joshi, the deadline for repayment is already due. "Whatever profit they made has been consumed", he said.

The exploitation of local feudals and landlords

widespread in the district. But the people do not realise this. The feudals and landlords charge the interest of 60-120%. The locals prefer to take loans from them than to go to banks for low interest. "Local landlords take house, buffaloes or any other thing, the banks need cash", they say.

Sales of Daughters to Pay Loans

The birth of daughter is not an happy event in Nepal. In Doti, this is more so. The life of the girls are pitiable in the district. There is a song, on birth of girl-child, which goes:

*I wished for a lad
But had a lass,
Thus will pay the loan
And bad days gone.*

The rural areas Doti, has a practice of , "dhankhane", (practice of taking money from the groom for the marriage of daughters). The practice changes women into commodity. Less practised by Brahmins and Kshetriyas, parents of the groom demand certain amount from the groom sides. Bir Bahadur, a tenth grader of Dehimandu Secondary School, says that the price for the brides in "upper" castes is ranges from 20 to 22 thousand rupees. In case of "lower" castes it ranges from 5 to 7 thousand. According to this practice, the parents send their daughters even if bride groom is absent in the bridal procession. Similarly, there is a practice of child-marriage, known as *Pithaya*. According to this practice, performing rituals of *tika*, which makes them men and women.

The Sauds in Doti are Kshetriyas. But there still prevails "dhankhane", practice in this community.

A women thus married, if elopes with some one else, is known as 'baan'. She is sold. There is an inhuman aspect in the process. The representatives of the first and husbands meet some where at the middle point of the village to "return the riches". Often documents are prepared mentioning more amount than actually paid. In case, the women's elopement with third one, the second

one takes more than what he paid to her first husband.

Every thing possessed by women like clothes, jewellers and the amount paid to parents or previous husbands are taken away in after the women elope. The negotiations are often tense. Both sides carry big sticks. The husbands are not present but their fathers represent them.

Arabinda Shrestha, an inhabitant relates what he witnessed in two villages seven years ago. "Then a document mentioning Rs 5,200 was thump-printed taking only Rs 2,200, the recipients were illiterate and the writer too smart".

In Doti, women work more than males. Women take workload of the district, with an exception of Silgadi. Raksi and cards are very dear to the males in the district. Durga Dahal, an inhabitant of Udaypur district, who works in Silgadi, says, "The males here are busy with cards in day time and high up with raksi in the evening. Work is the only share of women".

There are a lot of "hut" shops in Doti. Tea can be hardly found here in day time, almost nothing to eat. They start serving alcohol at around five in the evening. Some males bring meat to these shops, make it cooked and finish it there.

In the villages, women of all age are engaged in all sorts of household work. Young and adult woman mostly fetch painful of water. They wear almost same kind of dresses: *gaghar* and blouse or saris and blouse. Unmarried girls also wear *pote*, a kind of beads wore by only married women in other parts of the country. Unmarried girls under fifteen are hardly found in the district.

A natural phenomenon found in other traditional societies are found in Doti too. There is widespread belief that the fate of human dependent on the deities. There is still the remnants of age-old practice of "offering deities" with girls bought from poor families. The practice is said to have started by King Nagraj Malla. They are called Deuki. Journalist Bijay Chalise wrote in

1989 that there were still two such Deukis in Girichauka and Chapali. Mukti Nath Sharma, the headmaster of Prabhat Secondary School says, "There must be still one or two in Girichauka and Chapali. Now, may have been old". The locals say, "There were many before, now many have married, some took up prostitution". Previously, Deukis were not married. But they have been sexually exploited and abused since the beginning of the practice. This is being recognised in the society. Saileswori Temple of Silgadi was one of the seats to make the offerings of girls.



Shaileswori Temple, Silgadi

Kings Without Crowns

The Chands, Singh, Thakuris and Shahs in Doti are called 'Kings'. You can hear people addressing them as "lord" or "Kings". But no one opposes such an address. No one retorts by saying, "How come, I am a King? There is only one King for whole Nepal!"

Yangya Raj Shrestha, who has been living in Doti for 7/8 years running tea shop, of the view that Doti is the place exploited by the Khsetriyas of the 'west'. The people of Doti are so terrorised that they do not forget to greet any confident looking person who come across them. This is same for a photographer who takes their photos. Mostly they address them with *hajur* or *Sarkar* (literally meaning lord or Majesty).

As the inhabitants of Doti are simple and help-

less, the 'kings without crown' exploit and suppress them in various ways. Nearly 30-33% of the population are "untouchables". There is a practice to bend down with reverence when they come across of some 'high' caste people. Even an old man of this community is addressed disrespect. The practice of untouchability is so severe in Silgadi that water pipes run from the areas of communities of the 'high caste' people living in highland to the villages in the lower areas of the 'low castes'. The villages are so settled that the lower we go, the more villages of the 'low castes' will be seen.

Even today, these people are not allowed to enter into the temples. A political worker Gopi Nepali, an "untouchable" shows his indignation time to time. But to-date, he has not mustered his guts to enter the Shaleswori Temple.

The socio-economic structure is so worse that except for the Sunars, all the 'untouchable' castes are poverty stricken. As the workers of many districts, the people from Doti also go to India for seasonal work. The male members of the families work as guards and gate-men. A human rights activist Shanker Bogati finds it an insulting job in India.

Doti produces minimal amount of vegetables. The combination of rice and pulse is taken as the best food here. During the festivals, big *bread*s are made. An Official of the District Agriculture Branch says that it has invested to introduce the vegetables here but they saw little progress. "It is like pouring water on sand", he says.

The farmers of interior Doti, though raise buffaloes taking loans from the banks, do not sell milk for the fear of 'anger of deities'. However, this is not the case for the farmers of Kalaina, Dipayal, and Rajpur. Due to the insistence of the government officials, farmers of the interior villages have started selling butter. The agriculture officials in the district are encouraging to start cash crops but they do not want to "have this fuss". For them, easier way to earn money is to go to India to work.

These days (four years ago), a kg of rice costs

Rs 14. This can not be bought in other places except for Silgadi and Dipayal. The state owned Food Corporation has not been able to make it available in all the villages. A kilo of sugar costs Rs 20. Therefore, the refuge for them is the work in India.

Money is very precious for the people in Doti. An Agriculture Officer says that most of the peasants took part in agriculture tour just for the money amounting to Rs 52.50. "People go for family planning because they receive a small amount of money", says a health professional. The health clinic run by Family Planning Association are running only because it provides 70% subsidy for the medicines.

The majority of the males are not in their place of domicile after December. Only five percent, most of them old people, do not go to India for job. The villagers say, the fifty percent of the people who go to India, later migrate to some other places.

The experts say that there is potentiality of growing fruits and raising cattle in the district where still the barter system is in existence in many areas. But success has not been achieved. Forty years ago, a Cottage Industry Centre was established in the district, but the local cobblers do not have any knowledge about it.

The poor people in Doti have to provide free service as agricultural labourers and helpers to the landlords. This also is one of the factors that make the *Dotelis* to go to India.

Easy Deaths and Diseases

Answering to a question, "We go to Silgadi hospital or call a witch doctor when we fell ill", says an old man from Dhikimandu. "The witch doctors are not as powerful as before and if Silgadi hospital can not cure, we have to die".

This is a bitter truth about Doti. The Chandra-Surya hospital, the only one and the oldest in the district, has position for three doctors, three health assistants, six assistant nurse midwives and many other administrative staffs. But the

Chairman of the District Development Committee says, "There is a position for a lady doctor, but apart from two male doctors, we have not seen any lady doctor here". Most of the junior workers in the hospital found to have assigned to sweep the rooms of the doctors residence in addition to their work in the hospitals. A formal notice about this assignment patched on a wall surprises many as does its method of treatment. The hospital has an outdated x-ray machine. There is none in the hospital who can handle the machine. The health assistant informed that one Ratan Bista, a runner, took training in Bir Hospital for maximum for ten days, who now runs the machine.

Answering to a question, he said, "We do not have any other option. At least, he brings good x-ray picture of hands and legs". The doctors are helpless without medicines and equipment. But the *quaks*, the fake doctors are making business opening medicine shops. Indian and local *quaks* have taken advantage of the notion of the locals that injection would cure any type of diseases.



The "shop" is empty but *raksi* can be bought here

It has been reported that epidemic breaks out in summer due to the pollution in water. In Dipayal, mostly the water of the Seti River, the bank of which is the place to keep the donkeys,

is used for drinking. "We not only have diarrhoea, but also malaria in rainy seasons", a personnel of the military hospital says.



In Doti, there is no scarcity of *raksi* and beer. But it is very hard to saline water which is very essential for treatment. "There was crisis of saline water last year when the epidemic broke", says a youth in Silgadi.

Some years ago a doctor of Silgadi hospital even invited a witch doctor to his residence for treatment. This is still a subject among *Dotelis*. Even if establishing a health post finds the place in election manifestos, the most of the people take refuge to the witch doctors. The traditional witch doctors wearing silver bangles are found everywhere in Doti.

Schools Under the Open Roofs

Most of the children of Doti study in the schools with open roofs. Most of the children's childhood passes as shepherds.

It is not that there is not any school in Doti. There are fourteen secondary schools and twenty four lower secondary schools and primary schools. There is a college in Silgadi which is catering services since 1961. There is even an English medium school in Silgadi. But the more we go to the interior part of the district, the more measurable condition of the schools can be seen. Even in Silgadi, one of the official of telecommunication takes classes due to the lack of teacher. In the interior part, teachers are mostly brought from India. Eleven Indian nationals have been employed as teaching staff to teach mathematics and science in various parts of the district. In the primary sections, most of the teachers are the youths from Terai (plain areas). The teachers who are not good in

Nepali have to teach Nepali, at times.

"The education officials can not pay attention in case of closure of many schools in various parts in the district", person from Lana says. The District Education Inspector, Dr Sahadev Bhatta is does reluctant to accept this. However, he admits that they are not able to inspect whole district as there are only four inspectors working in the district.

Most of the children drop-out after completion of the primary education. The percentage absentees is also high. The number of male students in these schools is very low, let alone the girls. This columnist saw only one or two girls standing during the prayer's assemblies in these schools. There were only two girls in Prabhat Secondary School in Dehimandu. There are only three hundred children in the school.

Similar fate of Silgadi Campus (college) can be observed. There is scarcity of teachers in the Campus. There are four Indian teachers in the college. "Seventy five percent of the students in B.A. are government employees", says Harka Bahadur Sing, a teacher of political science.

The Mornings Seem Not So Promising

"We should not be so pessimistic, we recently had democracy in the country", says the Vice-Chairman of the District Development Committee. But people who have seen the district can say— no footsteps of democracy was heard in the district.

Seventy years ago, Dr Bhim Rao Ambedker had to resign from a prestigious position of Defence Secretary of India just because he was "untouchable". Doti can invite similar situation. Rahul Sanskritayan had long ago written that society can lead to chaos due to the caste-system, but Doti has not realised this yet.

A youth of Patkani says, "We have human rights not eat or drink touched by some others, we have fundamental rights, we can practice it".

He narrated an event: A communist leader invited a Damai (an "untouchable") and ate something touched by him. Then he invited a Kami (another caste among "untouchable") and asked the same Damai to eat touched by the Kami. The Damai refused to eat and said, "You were sinner and ate what I had touched. Why should I eat touched by a caste lower than me? I do not like to eat, please do not violate my human rights".

Twelve years ago journalist Bijay Aryal had written of Doti: "Because of the illiteracy, Doti is grappled hard by poverty, ignorance and superstition. The villages are full of dirt. The children in these villages are brought up in unhygienic condition. They are suffering from various diseases. Poverty compels many of the population to go for work outside the country." *Raksi* and gambling are common in the district. A local leader of CPN (UML) was found in gambling and shouting. He was later arrested by the police. The elected Mayor, who is the local leader of the Nepali Congress was also reported to have been arrested in Kathmandu for drinking and shouting in the public place. This shows backwardness in the political culture of the district.

The Chairman of the District Development Committee Keshav Raj Joshi finds budget deficiency to the development of the district. But, there seems a greater need for the work culture. An engineer R.P. Singh says, "very danger people of my district have influence in this district. Despite, time extension the tender winning parties never complete their work. There is a deep rooted corruption here".

People here sometimes boast of the positions held by Doteli: They have been ministers, secretaries of the ministries and reputed intellectuals. But, R.C. Bhatta, the chief of Nepal Desk of Banarasi Hindu University (India) is of the opinion that people are compelled to leave the place, despite its affection, for employment. Thus, Doti awaits everything and everybody for the change of its fate.

(Translation: Krishna)

Social Clause in Multi-lateral Trade Agreements

A three-day Consultation of South Asia Consultation on Social Clause in Multi-lateral Trade Agreements was held in Kathmandu. Centre for Educationa and Communication, New Delhi organized together with the local local group National Labour Academy. The consultation issued a Statement, Statement of the Environment Standard and Rights, Statement of Human Rights Standard, and passed some resolution.

STATEMENT OF THE CONSULTATION

A South Asian Consultation on Labour Rights in the context of multilateral trade agreements was held in Kathmandu on May 20-23 1996. This conference, the first of its kind was attended by representative of trade unions, NGOs and support organizations from India, Bangladesh, Nepal, Pakistan, and Sri Lanka.

The consultation reviewed the situation of labour rights in South Asia in the context of globalisation, structural adjustment programmes, new trading system under WTO and general developments in the world economy. It is noted with concern that IMF/WB and WTO initiated developments have led to economic disasters in many countries and increasing marginalisation of the people. Policies of unbridled liberalisation in South Asia has led to increasing job losses, insecure working conditions and shift from the organised sector to the informal sector. This has aggravated the poverty, destitution, and misery in these countries.

The increasing encroachment of the sovereign economic space of these countries through the WTO regime has reduced the macro economic policy making capabilities for autonomous development.

The consultation is of the view that these poli-

cies should be replaced by a people oriented development model appropriate to each country.

In this context that the South Asian Labour movement feel the need to come together and address the issues.

The consultation has decided to monitor the situation of labour, take up the issues affecting labour rights and conditions, wage common struggle for effective enforcement of these labour rights, utilise all available instrumentalities and opportunities for advancing the cause of South Asian labour and to build a united labour movement.

The consultation views the move of developed countries to link labour standards with trade through the institutional mechanism of WTO, termed social clause, as a premeditated political project to ideologically weaken the international labour movement and serve their protectionist interest.

The consultation affirms the principle of universal labour standards as expression of human rights of labour in the work place and expresses its determination to take forward the worldwide concern for human rights to enhance the labour rights and its position distinct from that of the respective government who have accepted the WTO and are now rejecting the social clause without expressing a firm commit-

ment to protect labour rights in the region.

The consultation further affirms the need for a South Asian Charter of Labour rights. It agreed upon the principles and elements for formulation of the Charter. It is resolved that a draft of this charter shall be discussed among the trade unions and the labour movement in the region which will then be presented for adoption in the next consultation to be held in Kathmandu within three months.

The consultation resolves to formulate a draft UN Convention on Labour Rights. The Convention intends to

- i) codify universally acceptable norms and standards of human rights in the work place;
- ii) to ensure the accountability of trans national corporations (TNCs), and
- iii) build in effective mechanisms for their monitoring and enforcement, as an alternative non trade linked enforcement of universal labour standards.

The consultation resolves a South Asian Labour Forum to strengthen the solidarity of the labour movement and initiate actions for fulfilling the objective of this declaration. As a first step in this direction, the consultation further decides to set up a Preparatory Committee consisting of two representatives from each country of the region.

STATEMENT ON ENVIRONMENTAL STANDARDS AND RIGHTS

The health and needs of populations is of foremost importance and hence we reaffirm the significance of environmental standards. However, the environmental standards should be kept in conformity with the sustainable development of South Asian communities.

Since the livelihood question is related to the alternate systems of development, the decentralised need based production with sustainable use of resources must be stressed in opposition to

a predominant macroeconomic market propounded by GATT.

The GATT philosophy of rapidly increasing unregulated production along with intensive trade cannot but have an increasingly adverse impact on the environment. Coupled with this is the fact that the GATT is a rule based treaty permitting cross retaliation which does not allow plural macro economic policies. Taken together, these are fundamentally inimical to environmental safeguards:

Developing countries would have to raise their environmental standards. There could be more than one path to do so. In the conventional manner, such improvements would have to be incremental, requiring proper planning and adequate time frames to switch over to appropriate technologies ensuring that in the interim, there are no adverse economic impacts. The other path is to bring in alternative approaches to development that are participatory, need based, decentralised and sustainable.

1. We are not against environmental standards per se; however, we are against the linking of environmental standards with trade.
2. Setting up of environmental standards should be a matter of internal pressures and interests, and not driven by external trade pressures.
3. Setting environmental standards from outside would affect the competitiveness of developing economies. The environmental standards and technologies used by developed countries are in a position to impede our market access.
4. In the context of developing countries, the question of environmental standards has to be based on the wider concern for preserving livelihood support systems of large populations, that are dependent on traditional access to and use of natural resources. Promulgation of standards that adversely affect the use of and access to such support systems would be unacceptable.

5. Reform the world trading system so that it can take into account the ecological cost of producing goods in order to enable developing countries/allienated communities to take care of the environment. These costs can be captured only through a series of fiscal instruments as part of a deliberate public policy. (Fiscal instruments are subsidies and taxes)
6. Consumption patterns of developed economies must be brought on the agenda, where large scale environment impacts occur, even though individual processes and products may be environmentally more friendly. The concept of per capita environment space needs to be made a yardstick in evaluating environmental impacts of various countries.
7. While enforcing adequate environmental standards, particularly in industries, due cognisance must be given to the protection of employment and existing living standards of workers with minimum physical displacement.
8. No trade of Genetically Modified Organisms should be allowed as the environmental consequences of releasing these into the environment is yet unknown. In addition, a universally acceptable biosafety protocol should be made part of South Asian environmental standards.
9. Pollution control standards adequate to the needs of local communities should be included in the South Asian environmental standards.

ACTION PLAN:

- a) It was recommended that the consultation should set up a permanent group to lobby, network, and prepare research based policy intervention to ensure that the governments' stands are consistent with the feelings of the people.
- b) South Asian countries should consistently

participate in the renegotiation of WTO till 1999, building up peoples pressure for a better deal. In order to equip ourselves in this participation, research and policy planning groups must gear themselves to the WTO First Ministerial Conference with a specific agenda, reflecting the commonalities and uniqueness of each country. The research and policy planning group must ensure the representation of all major actors including the industry, indigeneous peoples, trade unions and NGOs.

- c) South Asian coalition on the issue should be formed. An agenda of the coalition should include support of environment related struggles globally.
- d) Linkages and solidarity should be established/strengthened with Northern NGOs/trade unions opposing linkages of environment standards with trade. Similarly, dialogue must be initiated with Northern NGOs/trade unions supporting linkages of environment standards with trade.
- e) Continuous monitoring of our governments must be initiated and given wide publicity to influence their stands. This public debate should aim at ensuring transparency of all government stands.

STATEMENT ON HUMAN RIGHTS STANDARDS

We reaffirm our position on the indivisibility and universality of human rights, and that the promotion and defence of these in their integrated form with due recognition of economic and social rights as well as civil and political, is essential for the development of the South Asian societies and the well-being of all people.

1. The governments of South Asian countries should ratify the UN covenants of 1966 regarding the economic, social, cultural, civil and political rights and the ILO

- conventions without derogation; and make the rights given in these covenants and conventions, as well as those given under the UN Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women, legally enforceable.
2. At the same time the governments must repeal all the laws that sanction discrimination on the basis of belief, gender, domicile, sexual orientation, race, religion, language, colour, ethnicity, economic, or other status.
 3. While upholding the above, however, the majority of the participants take the categorical stand that the Social Clause must not be linked to trade and other economic agreements. Such linking not only goes against the premise of international law but lends itself to misuse, since it proposes to use trade as a means of power and coercion especially against less developed and less powerful countries.
 4. The governments and the people of South Asia must, however, ensure that the human rights of all citizens be established and implemented at the national, regional and international level. To this end, we propose the establishment of a regional and national mechanism to monitor and redress human rights violations in any form in the area. We propose effective, independent, statutory, and representative national and regional mechanisms. These mechanisms would also put pressure on developed countries when they are in violation of such rights, internally and externally.
 5. It is also imperative that people's action groups, such as trade union movements and women's rights movements, mobilise public opinion through the media and by orientations, actions, and information dissemination on this issue and exert pressure within the country concerned and the region. For this it is essential to forge alliances, links and to make common strategies with similar processes in South Asia so that the countries

in this region can jointly challenge any discrimination from any quarter, such as the WTO.

6. All national development policies should be in accordance with the South Asian Human Rights Charter. Also economic policies such as liberalisation, privatisation and Structural Adjustment programmes which infringe on human rights should be opposed.

RESOLUTIONS

1. Resolution on Afghanistan

The participants of this Consultation meeting representing trade unions, human rights and women's organisations, social activists, parliamentarians, academics and various people's organisations of South Asian countries view with grave concern and deep anguish the manner in which one of the countries of South Asia, Afghanistan, has been driven into a state of total destruction and devastation as a result of continuous interference of external forces for the last more than 15 years. As the warlords of various denominations who were armed, financed and pampered by the western imperialist powers and reactionary regimes during the unholy war, continue to ravage that unfortunate country in the ongoing civil war, these foreign powers are either totally impervious to what is happening in Afghanistan or are backing one or the other of the warring factions, further exacerbating the tragedy of the Afghan people.

They are also least concerned about the bitter after-effects of their Afghan policy in the shape of the spread of kalashnikov and narcotic culture in neighbouring Pakistan and beyond, and the growth of the worst form of fundamentalism and terrorism in the region.

This meeting calls upon all foreign powers to cease their interference in Afghanistan to enable the Afghan people to decide their own future independently. This meeting also calls

upon the South Asian countries to initiate an immediate move in the United Nations to allow Dr. Najibullah, former President of Afghanistan who has been languishing in the undeclared jail of the UN headquarters in Kabul, to leave the country in safety and freedom.

2. Resolution on Arrest of Trade Union Leaders in Pakistan

This Forum condemns the attacks on and imprisonment of trade union leaders and activists resisting privatization in Pakistan. This meeting calls for the immediate release of the leaders of Thatta Cement Factory Employees Union, Dock Labour Union, and the United Bank employees union, who include Mr. Abdul Aziiz Memon, member of the National Assembly of Pakistan who is also a member of this consultation but could not attend this meeting due to his arrest.

This meeting calls for the withdrawal of all cases against trade union leaders and also demands that the ban on trade unions and the right to organize in Railways, PTC, Security Printing Press, Television, Civil Aviation and other institutions in Pakistan be lifted.

3. Resolution on Sri Lanka

This consultation meets here on 20-24 of May resolves to urge the Sri Lankan government to take immediate action to pass and implement the National Workers Charter prepared in a tripartite way and announced by the government of Sri Lanka.

Resolution on South Asian Charter on Labour Rights

The World is witnessing the relentless onslaught of Transnational capital on the economies of the developing countries, which are increasingly being subjected to harsh conditionalities dictated by IMF and World Bank

under the Fiscal Stabilisation and Structural Adjustment Programmes. The situation of domination has been institutionalised by the conclusion of the GATT agreements and the subsequent establishment of the World Trade Organisation. This has also given the international capital the freedom to dictate their own terms on to the developing countries.

The process of globalisation and structural adjustment programmes has resulted in a steady increase in unemployment and a drastic deterioration in the living and working conditions of the common people, especially the labour. Privatisation, closures and retrenchments have lead to job losses and deterioration in working conditions. Further, the number of people below poverty line has increased.

The situation is particularly grave in the countries of South Asia where not more than 10 percent of the workers are unionised. About 90 percent of workers are unorganised of which a large number of are employed in the informal sector where they are denied basic labour rights. The disturbing fact is that the process of informalisation in the industrial sector is increasing, with all its perilous consequences for the working class in terms of labour rights.

Regional Economic Blocs

The international economic system is undergoing a process of reorganisation on the basis of economic regions, so much so that global capital is initiating investment and managerial policies and programmes in terms of regions rather than individual countries. In such a situation, it is difficult for any one country to individually face the challenges. The working class shall have to develop an appropriate response to these challenges in the shape of a democratically organised international labour movement. The trade unions in different regions have to articulate their interests in a coordinated and united way, irrespective of their international affiliation, and move towards a genuine regional and international solidarity. The time has come for the international trade union movement to seek cooperation, forge alliance for

common actions to resist the onslaught and to evolve alternative paths of development

The South Asian Context

South Asia also is moving towards closer cooperation among its constituent states, not withstanding bilateral differences and conflicts. A genuine South Asian consciousness, which has been present in a historical sense, is growing today, among the peoples of this region. In recent years the urge for regional cooperation and interaction has manifested itself at different levels. Writers, poets, artists, scientists, social activists, human rights and women activists of South Asian countries have initiated concrete moves towards establishing mutual contacts and developing cooperation among themselves. Trade Unions of South Asian countries have also taken similar initiatives towards regional cooperation and interaction.

Governments in the region too have taken initiatives towards this end, in the formation of SAARC, which was an outcome of the imperatives of regional cooperation. This cooperation is a pre-requisite to peace, progress and development.

Notwithstanding the slow pace of the process of South Asian cooperation initiated by SAARC, the recent signing of the South Asian Preferential Trade Agreement (SAPTA) and the proposal to conclude a South Asian Free Trade Agreement (SAFTA) by the year 2000, are to be regarded as important positive developments. Labour movements stand for the establishment of a fair and equitable trade system in the region. In the context of globalisation, this regional cooperation can enable us to resist the onslaught of globalisation and to bargain an effective and fair terms of trade.

The labour movements in South Asia have to establish closer cooperation amongst themselves on an organised basis in order to be able to effectively face the present challenges. This unity is necessary considering the fact that the governments of these countries have capitulated before the international agencies and endan-

gered the national sovereignties. Though all the governments of South Asia have ratified the UN's Universal Declaration of Human Rights and other Covenants relating to Economic and Social Rights, Civil and Political as well as some of the ILO Conventions relating to basic labour rights, they have done little, to ensure these rights.

Despite South Asian Government's commitment to regional cooperation within the SAARC framework, most of the South Asian Governments continue to overplay their bilateral differences and conflicts to achieve their short term political ends. This leads to major defence expenditure by governments in the region and the highly destructive arms race; resulting in the bulk of the region's resources being squandered at the cost of economic and social consequences for the working people. Further it also strengthens the chauvinist and communal tendencies among the people, which is extremely harmful to the unity of the workers. The working people of this region demand an immediate reduction of defence expenditure.

It is therefore resolved that a South Asian Charter of Labour Rights be evolved through democratic discussion and consultation of all the unions, federations, irrespective of international affiliations, based on the following principles and elements.

The Principles and Elements of the Proposed South Asian Charter

1. Establishment of basic labour rights in all South Asian countries, bringing all labour laws in conformity with the relevant Conventions and Declarations and their harmonisation into an enabling South Asian Labour Code.
 - i. Universal Declaration of Human Rights
 - ii. UN Covenant on Economic and Social Rights
 - iii. UN Convention on Elimination of All Forms of Discrimination Against

- Women
- iv. UN Convention on the Rights of the Child
 - v. UN Covenant on Civil and Political Rights
 - vi. UN Convention on Rights of Migrant Workers
 - vii. ILO Convention No.29 on Forced Labour
 - viii. ILO Convention No.87 on Freedom of Association and the Protection of the Right to Organise
 - ix. ILO Convention No.98 on Right to Organise and Collective Bargaining.
 - x. ILO Convention No.100 on Equal Remuneration
 - xi. ILO Convention No.102 on Social Security
 - xii. ILO Convention No. 103 on Social Security
 - xiii. ILO Convention No.105 on Abolition of Forced Labour.
 - xiv. ILO Convention No.111 concerning Discrimination in respect of Employment and Occupation
 - xv. ILO Convention No.117 on Social Security
 - xvi. ILO Convention No.141 on Rights to Organise Agricultural Workers
 - xvii. ILO Convention No, 138 on Minimum Age and Conventions relating to Occupational Health and Safety and Working Environment.
2. Adoption of UN Convention on Labour Rights.
 3. Adoption of ILO Convention on Trans National Corporations based on the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.
 4. Adoption of ILO Convention on Homeworkers
 5. Establishment of a SAARC Code of Conduct for Trans-national Corporations (TNCs), based on ILO's Tripartite Declaration.
 6. Establishment of national need based Minimum Wage and the formulation of Wage Policy in each SAARC Country.
 7. Establishment of Institutional mechanism, which should have a provision for SAARC Work permit, for protection of the Rights of workers within the SAARC Region as well as Migrants from South Asia to other regions.
 8. Establishment of mechanism for Protection from Detention and Atrocities of working people in the border of South Asian Countries, in sea and land.
 9. Establishment of SAARC Policies and instruments to protect the working people dependent on natural resources, including fishworkers and forest workers.
 10. Establishment of Right to Work in all the South Asian Countries. The growing un employment in South Asian countries to be addressed through the employment guarantee scheme and right to work.
 11. Establishment of Labour Rights Commissions in all South Asian Countries and a South Asian Labour Rights Commission at the SAARC level to monitor the labour rights situation and the implementation of laws. The Commission shall have trade union representatives.
- The Consultation resolves to constitute a Preparatory Committee for the formation of a South Asian Labour Forum, and further calls upon wider discussion within the labour movements in South Asian countries with a view to evolve and adopt a common Charter of Labour Rights at the next Consultation to be held in Kathmandu within three months.

Participation of Women in Politics

Informal Sector Service Centre (INSEC) organized a three day National Conference on the "Participation of Women in Politics" on 10-12 April, 1996. Inaugured lighting three candles, which symbolized martyrs, disappeared persons and struggling women, was chaired by a women



Inauguration ceremony

activist and leader of All Nepal Women's Association, Goma Devkota, who is also the wife of martyr Rishi Devkota. The candles were lighted by Laxmi Thami, wife of martyr Ille Thami; Indira Dahal, the wife of Peshal Kumar Dahal; Chapala Devi, the mother of Saket Chandra Misra. The chief guest of the programme was Lachhima Dahal, the mother of martyr Ram Nath Dahal who attained martyrdom in Jhapa Movement.

The programme began by showing respects with one minute silence to the martyrs who laid their lives for noble cause of society. Two hundred twenty participants participated from 62 districts of Nepal (Nepal has 75 districts) gathered at the Nepal Administrative Staff College, Lalitpur.

Among the persons who addressed the programme included Indra Kumari Adhikari from Chitwan, Indra Maya Sharma from Kapilbastu,

Poetess Bhuwan Dhungana, Laxmi Singh from Rautahat, Shanta Shrestha from Kathmandu, Shahana Pradhan from Kathmandu, Asta Laxmi Shrestha from Kathmandu, Bidya Bhandari from Kathmandu. A letter from Dwarika Devi Thakurani, the first female minister of the country, was read after their speech. It was noted in the letter that she could not attend the meeting despite her efforts to be present in it. The speakers threw light on the various aspects of the women's problems regarding their political participation.

Santosh Pyakurel of INSEC welcomed the participants while Kabita Aryal of the same threw light on the Directory of Women who participated in the democratic movement in the various periods of political development. Vote of thanks was given by Visheswara Dahal, the member of the Conference Organizing Committee.

The second half of the first day of the programme began with presentations. It was chaired by Shanta Shrestha. The Parliamentarian Shahana Pradhan presented a paper on the "Orientations to the Nepali Women's Movement". Her paper was commented by women activist Shanta Shrestha. The paper covered the history of Nepali Women Movements, its challenges and the future steps to be taken to unite the various groups in minimum common points. Commenting on the paper, she said that without the participation of women any political movements would not be successful, which, according to her, was imperative that movement cover whole population only when women's participation was ensured.

Another paper was presented by Dr Meena Acharya on "Political Parties and Women. The paper devoted itself to the problems faced by women in enhancing the participation of women in different political parties in Nepal. Commenting on her paper, Durga Ghimire raised

the issues that yet another social revolution is necessary to bring women in the political forefront. Pointing out that even after the advent of democracy, constitution has allocated only five percent of seats to women candidates, this, according to her, should be overcome by the political parties creating an environment for the greater participation.

Advocate Gita Sangraula presented a paper on "Constitution of Nepal and Women's Rights". Presenting her paper she highlighted the provisions of women's rights as well as the discrimination against women in the constitution of Nepal. Advocate Sandhya Bhatta commented on her paper. The first day's programme was over after her comment.

The second day planery began opening the floor. The participants commented on the various aspects of the political participation of women. Then groups were divided into three groups for discussions. The complete information regarding the discussions and other arrangements were provided by Sushil Pyakurele, Krishna Upadhyaya and Devika Nanda Timilsina. After this again, each groups were divided into two. The groups were assigned to discuss following guidelines for their discussion.

Group I: Women's Participation in Political Parties

- women in party committees
- women in policy making level



Group discussion

- women's role in policy formulation for women.

Group I(B): Recommendations for the participation in the political parties.

- The amendments to be made in the constitution and statute of the parties.



Group discussion

- The programmes to be conducted to increase the participation of women in political parties.
- the social campaigns to enhance the participation of women.

Group II: Women Movement

- Evaluation of the women's movement
- Changing women's issues into political



Group discussion

- agenda
- Methods and means to unite women's groups bringing them into common platform.

Group III: The Constitution of Nepal and Women's Rights.

- The provisions
- enjoyment of the provisions in the constitu-



Group discussion

- tion
- legislations yet to be enacted.
- The efforts to be made by women to materialize these laws.
- The administrative measures to be taken.

The groups after intensive discussions presented the following which have been presented here in brief:

The Constraints of the Women's Movement

- * political parties and women organizations should be clear about the implementation aspects
- * The character of the women's movement should be clear.
- * The lack of continuity of the women's leaders should be enhanced.

On the Unity of Women's Movement

- * The women's groups can be united in the common problems of women.

On the Constitutional Provisions and New Legislations

- * The Constitution provides for the equality in various provisions
- * unequal provisions as in the case of the citizenship.
- * There is a need for the amendments in the constitution and laws.

On the Administrative Provisions to Be Taken

- * To address the problems of negligence in administrative procedures and non-compli-

ance to the laws.

- * To increase the capability of the administration so as to implement the provisions of constitution and laws.

On the last day of the programme was chaired by Laxmi Singh. The planery was started with the



Plannery session

presentations and the draft proposal on the Pasang Lhamu Pledge, the copy of which is attached herewith. Sadana Adhikari was the chief guest of the programme. A Task Force was constituted to implement the Pasang Lhamu Pledge. The task force is headed by Goma Devkota. At the end of the programme, the chief guest of the programme Sadhana Pradhan addressed the programme praised the initiatives of INSEC for materializing the programmes to assemble the women from all over the country.

Pasang Lhamu Pledge Adopted by the Conference

Analyzing gender bias in the laws and Constitution of Nepal in the question of social justice and practice of equal rights between men and women,

Accepting that the struggle of women is an integral part of the social and national liberation; and that the involvement of women, who number more than half of the total population, is indispensable for the protection and promotion of democracy and for the effective realisation of human rights,

Considering the importance of domestic imple-

mentation of UN conventions and international laws relating to women at national level, particularly the Convention on the Elimination of All Forms of Discrimination Against Women and Convention on the Political Participation of Women,

Mindful of the fact that Informal Sector Service Centre (INSEC) brought the political afflictions of women to the political forum holding a conference on Politically Victimized Women in 1994 in Dhankuta,

Observing a bitter reality that the political parties in Nepal have yet to come open on the question of women candidature for the House of Representatives that they do so only for the response of the constitutional provision of 5% women candidacy,

Observant of the fact that the low level of participation of women in politics in all parties have hindered in the process of the nomination of women candidates and enactment of appropriate laws for the women,

We, more than 200 participants from over 62 districts in Nepal, from various social, political and professional institutions contributing to the struggle of women, representing the family of the martyrs of the democratic struggle and those who were disappeared in course of such struggles having participated in a 3-day conference on 'Women Involvement in Politics', and having discussed on (a) Women's Position in Nepalese Parties (b) Direction on the Struggle of Women in Nepal, and (c) Constitution of Nepal and Women Rights adopt this Pasang Lhamu Pledge to enhance the equal participation of women in the governance up to the decision making level.

Our Working Direction

- i. The struggle of women is a part of national struggle hence it appears in different political streams. Although political conscience, faith, principle and organizational diversities are considered to be natural in a democratic polity, it is imperative to launch a unified struggle on the questions of women welfare, security and common issues of public

concern.

- ii. Achievement of women rights does not mean curtailing the rights of men. While fighting for equal rights, women should also fight against all forms of oppression against men in the societies.
- iii. Equal treatment between men and women maintains a balance in the society. If it fails, it would invite a fragmentation in the society.

Our Working Procedure

- i. Commence a 'National Campaign on Social Awareness' to do away with social trends, superstition, and illiteracy that inhibit the women for their participation in politics.
- ii. Such social struggles will be driven down to all fabrics of society. The state machinery, parliament, political parties and the public will be mobilized to collectively combat the problems.
- iii. Opportunities for the employment and education for the families of the martyrs and disappeared will be explored. They will be encouraged into active politics.
- iv. Other parallel programmes will be launched to encourage all the women to raise their concern towards politics or to involve them in politics.
- v. Formulation of pressure to eradicate the inequality between the rights of men and women thereby to enact appropriate laws.
- vi. Pressurize political parties to increase involvement of women.

Our Concern

1. Men and women who were killed in course of the struggle for the establishment of democracy and for its consolidation be honored as Martyrs. Their spouses be provided with life-long special allowances. The state should

arrange appropriate means of livelihood for the martyrs' family. All the properties confiscated during the Panchayat regime be returned to them with due honor.

2. Unequal provisions, constitutional or legal, in connection with women rights be repealed.
3. For the increased involvement of women in politics and for the consolidation of democracy such legal provisions be adopted whereby at least 25 % women are mandatorily involved in politics from the grassroots level. Only women candidates should contest in the women seats reserved as per the constitutional provision for the House of Representatives. And, for other constituencies women contests be allowed in accordance with their capacities.
4. Provision must be made for at least 15% women representation in the Upper House, inclusive of elected and nominated.
5. 25% women involvement be made mandatory in each tier as well as unit committee of all political parties.
6. Legal terminologies that look upon women be changed. Those who oppress women be brought to justice with no impunity.
7. A separate women court be introduced for the in-camera hearing of women cases.
8. Constitutional arrangement be made for the formation of an independent and powerful Women Commission to resolve all types of problems that women are facing.
9. An easy and practicable policy be adopted to make women independent and self-sustained enabling them to enjoy the equal property right on all conditions whatsoever. Women compelled to divorce should have access over the use of properties, which their offspring are entitled to succeed as the heir, as the caretaker of the children until they are adult.
10. In the case of citizenship, unequal practices in

laws be repealed to enable women to acquire it easily and fairly.

11. Public or national properties, registered in the names of associations pertaining to women, such as 'Taragaun', be used for the welfare of women.
12. The government should initiate social rehabilitation programmes and manage an alternative employment in the country for those women who have been trafficked and/ or compelled to indulge into prostitution in Nepal or outside.
13. Women employees, be it in governmental or non-governmental establishments, should be entitled to enjoy compassionate leaves as equal to the men.
14. Jari system which still prevails in various parts in the country be legally abolished.

Our Friends

We the women should take a leading role for the successful execution of our plans as envisaged earlier. However, the government, social movements and human rights movements will be the important allies in our struggle. We would resolve the problems in cooperation with these forces. For this purpose, we form a "Women Task Force" out of this august conference.



INSEC Family with the family members of disappeared and martyrs

The secretariat of the Task Force will be the INSEC, Central Office.

The Moral Condemnation Of The South

By Frank Furedi

The past decade has seen a dramatic shift in the presentation of the so-called Third World in the West. Today, it is difficult to recall, that until the late eighties, the movements of the South Exercised considerable authority. Not so long ago the Non-Aligned Movement (NAM) occupied the moral high ground. Its demands were debated in international institutions and neither side in the cold war divide could ignore its aspirations.

During much of the post-war period, especially the fifties and the sixties, the momentum of anti-colonial protest, helped establish the moral authority of Third World movements. This process coincided with the discrediting of Western imperialism. For the first time, there was a recognition, even in the West, that the social, economic and political problems of the Third World were integrally connected to colonial domination.

The Struggle for the Moral High Ground

The consolidation of the moral authority of what used to be called Third Worldism was intensely resented by the Western political elite. During the sixties and the seventies, Western leaders were perturbed by the attraction which Third Worldism exercised over their own youth (Furedi, 1992, pp. 116-19). Many leading Anglo-American Cold War ideologists were sensitive to the vulnerability of the 'Free World' to the charge of imperialism. When Western youth opposed military adventures, like the American invasion of Vietnam and identified with Third World figures such as Che Guevara, many leaders in London and Washington felt vulnerable. This heroic moment of Third Worldism was experienced as the rejection of the West's imperial past.

The fact that Third World causes could command moral authority struck a direct blow against the old coherence of the superior Western self-image. The

sensitivity of Western liberal and conservative intellectuals was demonstrated by their obsessive concern with this problem. During the sixties and seventies, books and articles on a variety of subjects, lashed out against the Third World. Liberals and student radicals were denounced for their gullibility as regards Third World causes. For example, the leading American sociologist, Daniel Bell sought to limit the damage by attacking those who sought to play on 'liberal guilt about racism and exploitation'. Bell's attempt to lighten the burden of American foreign policy through pointing to the 'savageries' of 'Rawanda, Burundi, or Uganda' anticipated, by more than a decade, a central theme in North-South relations. (Bell, 1980, pp.150 & 206).²

By the mid-1970s, periodicals such as foreign Affairs and more liberal publications were depicting the Third World as a frightening threat to global peace. Increasingly, the West was represented as the new victim of Third World guerrillas and terrorists. This genre of anti-Third World sentiment was well captured by an article in Foreign Affairs in July 1975. 'The generations that have come to maturity in Europe and America since the end of the Second World War have asked only to bask in the sunshine of a summertime world; but they have been forced instead to live in the fearful shadow of other people's deadly quarrels. Gangs of politically motivated gunmen have disrupted everyday life, intruding and forcing their parochial feuds upon the unwilling attention of everybody else' (Fromkin (1975) p. 683).

Arguments such as this were mobilised to reverse the moral equation between the North and the South. Increasingly, the former was depicted as the victim of some unimaginable horror emanating from the South.

It was not until the late eighties that the moral

equation between the North and the South was finally reversed. The collapse of the Soviet Union and the new global climate of conservatism had provided the West with an unexpected opportunity to demonise the Third World, and at the same time rehabilitate its imperial past. The failure of the various radical experiments in the South helped to contain the anti-colonial challenge to Western hegemony.

In comparison to the triumphalist anti-Third World rhetoric of the nineties, Bell sounded positively restrained. The publications of the nineties, which proclaimed the 'Death of the Third World' or asked 'Who Killed the Third World?' reflected the sentiment that its moral authority had 'disintegrated' (Bissell, 1990 p. 23). This triumphalist tone, most eloquently captured in Francis Fukuyama's well known essay on 'The End of History' expressed the conviction that the moral authority of the West had been regained. With the reversal of the moral equation, the very idea that the West bore responsibility for problems facing the societies of the South was effectively negated.

In contemporary Western publications, the moral condemnation of the South- especially of Africa- is linked to a retrospective vindication of colonialism. Many societies of the South, especially those of Africa, are treated in pathological terms. Africans 'are divide by hysterical tribalisms and suffer anarchical social upheavals' stated William Pfaff in his call for the recolonisation of the continent (Pfaff, 1995, p.6). Africans, in particular are routinely represented as devoid of any moral qualities. Many accounts of the conflict in Rwanda have pointedly argued that its people simply do not know right from wrong. A major review of the conflict, in the Sunday Times reported that in Rwanda deceit and the nurturing of hatred is far more institutionalised and sophisticated than in Europe', and added that 'the process of dehumanisation begins at birth'. According to this report, Rwanda is a society where deception and dishonesty are the most highly esteemed values. The reader was confidently informed, that Rwandans 'found it more natural to tell lies than tell the truth' (Sunday Times, 31 July 1994).

The image of Africa, as a moral wasteland was the

central theme of Robert Kaplan's influential article 'The Coming Anarchy'. Kaplan introduced his social pathology of Africa, with the comments of a West African minister, "we did not manage ourselves well after the British departed" (Kaplan, 1994, p. 44). The spectre of primordial bestiality invited nostalgia for the good old colonial days. Just as the old caricatures of African barbarism are recycled as the problem of the nineties, so the demand goes up for a revamped version of the old imperial solution. News Week is only one of many influential voices to have talked about how 'the world is groping for an acceptable form of what might be called "The New Colonialism."' (News Week 1 August 1994).

News Week's advocacy of a New Colonialism is symptomatic of the reversal of the moral equation between North and South. Since the late eighties, there had been a significant sea-change in the climate of discussion. Instead of merely discrediting Third World societies there is now a new attempt to celebrate the record of the West and, in the process, to morally rehabilitate imperialism. It is worth noting, for example, that during the aftermath of the Gulf War, there was a tendency to celebrate imperial conquest in Britain and the United States (See Furedi (1994) Chapter 5). During the past three years, Western discussions of its colonial past have been more and more upbeat.

The emergence of a new, unashamed Western imperial rhetoric is not just motivated by the desire to settle accounts with the past. It is also motivated by domestic considerations. Its objectives are not merely to morally discredit the Third World that has already been accomplished. The emphasis of imperial rhetoric is focused towards the establishment of a coherent Western identity. Western societies find it difficult to generate a positive vision on their own account. There are few obvious sources of legitimacy that can be tapped by Western governments. Economic depression, political stagnation and social malaise mean that there is no dynamic towards the creation of a positive national identity in the industrial West.

In these circumstances, Western politicians seek to gain moral authority through highlighting their relationship with other morally 'inferior' societies.

That is why failed politicians who are unable to solve the problems of inner-city London or downtown New York feel much more comfortable handling the situation in Mogadishu with a few helicopter gunships. This sentiment inspired The Wall Street Journal to remark that what 'Desert Storm did for America's credibility, Somalia may so for its moral credibility'. (7 December 1992) This preoccupation with 'moral credibility' is driven by a sense of unease about the state of American society. So we are told that in Somalia, 'we assume the US security forces won't have to read teenage thugs their Miranda rights, as they must for the Crips and Bloods in South central Los Angeles'. It is as if The Wall Street Journal has relocated the problems raised by the Los Angeles riots to Somalia, where they can be resolved to a satisfactory conclusion with a kick up the backside from the humanitarian marines.

A Threat to us- And A Threat to Themselves

The representation of the Third World as a threat to everyone is not a particularly novel theme. Images of Muslim terrorists and Asian expansionism were widely peddled in the post-war period. However, since the end of the Cold War the quality of this threat has been tremendously inflated. A variety of new and more formidable dangers have emerged to excite Western imagination. It is often predicted that the threats of the twenty-first century will be that of Third World nuclear proliferation, environmental terrorism, an explosion of the drug trade, the spread of fundamentalism, or the peril of overpopulation and migration.

According to the new perspective it is not merely Third World terrorism and military conflict which threatens the West. The inflation of 'their' threat means that the people of the South by their very existence represent danger to the Western way of life. These sentiments often come to the surface in debates about the so-called demographic explosion of Third World societies. In the recent period, it has been suggested that population growth in the Third World would inexorably lead to the rise of mass migration. The migration of millions of desperate and hungry economic migrants in now treated as one the major threats facing the West in the future (See Kennedy (1993).

The logic of these Malthusian arguments is that the very act of reproduction of ordinary people in the South constitutes a security risk.

During the nineties, the image of the demographic time-bomb had been linked to the danger of environmental destruction. This synthesis of environment with population has had a major impact on the popular imagination. Unlike conventional Malthusian dangers, which only effect those directly concerned, the environment population synthesis is evocatively represented as a threat to everyone. As Christa Wichterich pointed out: 'where people on the Third World allegedly bring about their own hunger by their increase, they only injure themselves: but where they allegedly use up the resources that we want to consume, and disturb the ecological balance, they are also injuring us' (Wichterich (1988), p. 24).

According to this schema, population pressure in one part of the world, leads to environmental degradation, which in turn threatens the rest of the globe.

This new biological nightmare scenario is all the more frightening since the West cannot insulate itself from its consequences. The South by its very existence signifies a danger to the North. What is at stake is the very air that we breathe and the water that we drink. As Kaplan argued; 'it is time to understand "the environment" for what it is: the national security issue of the early twenty-first century. The political and strategic impact of surging populations, spreading disease, deforestation and soil erosion, water depletion, air pollution, and possible, rising sea levels in critical overcrowded regions like the Nile delta and Bangladesh developments that will prompt mass migration and, in turn, incite group conflicts- will be the core foreign policy challenge from which others will ultimately emanate' (Kaplan(1994), p.58)

With such grotesque caricatures, the dehumanisation of the South is complete. Those in the West experience the people of the South, not as fellow human beings, but as polluters.

But the Third World is not merely a threat to us- it

is also a threat to itself. It is widely assumed that many societies in the South have failed their people and that therefore to those of the West. *News Week*, wrote of 'failing nations' which are ripped apart by conflict and tension (1 August 1994). According to Western observers such failed societies have caused immense suffering to their people. Invariably, it is concluded that only the West can save these societies from themselves. At various times this argument has been used to call for western intervention in Iraq, Somalia, Rwanda, Cambodia, Bosnia, Angola and Haiti.

The widespread acceptance in the West of its right to military intervention in other parts of the world is a testimony to the effectiveness of the moral denigration of the Third World. This widely accepted sentiment is based on the premise that sees the South as the problem and the North as the solution. In terms of international relations, this leads to the acceptance of a two-tiered global system where the West has an unquestioned authority to intervene where it sees fit.

The theme of saving the Third World from itself is promoted in a variety of forms. In the first instance, right-wing thinkers have recycled the old arguments about how the natives cannot look after themselves'. 'Africa will never enjoy the blessings of peace and prosperity and escape the curses of civil war, famine, pestilence and genocide, until the white man once again takes over political control', was the verdict of Peregrine Worsthorne of the *Sunday Telegraph* (31 July 1994). Such old fashioned colonial sentiments represent the extreme end of the new imperialist spectrum. It is far more common to advance a more common to advance a more limited agenda one that targets a particular society facing moral disintegration. Such arguments take the form of demanding intervention to prevent chaos and save ordinary people from the terrible predicament in which their leaders have placed them. For example Robert Rotberg, an American specialist in African politics warned that 'Somalia cannot soon be left to itself' and observed that we should have ended the clan warfare earlier' (Rotberg (1993), p. 194)

The emphasis on political and moral collapse in the failed societies of the South is also expressed in a

number of surprisingly curious ways. In the past, Western intrusion into the affairs of Third World societies was pursued through making an issue of their human rights abuses. This tactic, which seeks to win concessions from a particular Third World regime, is still extensively used. In July 1995, representatives of the Kenya Government were hauled in front of a meeting of its aid donors in Paris, and given a lecture on its human rights record. Commentators in the media reported this meeting as a routine event. Organisations like Amnesty International welcomed the encounter. The right of a group of Western politicians to interfere in the domestic affairs of an African society and to lay down the law about how to manage its economic and political life, was presented as an initiative, which was long overdue.³

In the nineties, human rights abuses have been joined by a variety of other 'abuses' which legitimise Western intrusion into the internal affairs of Third World societies. Increasingly it is argued that people of the South have to be saved not only from their governments but also from each other. In addition, the West must save the environment from their pollution. Such apparently non-political and non-military crusades have dominated the agenda in North-South relations in the nineties. Moral lessons, oriented towards cultural practices and intimate individual behaviour have been propagated through Western Non-Governmental Organisations (NGOs) and international institutions. High profile international conferences are routinely held Rio, Cairo, Beijing- which lecture representatives of the South about their responsibilities for maintaining their environment, how to reduce their rate to population growth and how to treat their women.

In this new climate of Northern moral intrusion, all forms of Southern cultural Practices became subject to scrutiny. Western aid agencies, including the World Bank have emerged as champions of Third World children and women. Campaigns, such as those against female genital mutilation in Sudan and child labour in India, have been harnessed to the perennial crusade against Third World fertility.⁴ Such sensitive subjects, often acquire a voyeuristic obsession with exotic sexuality. 'Regarding Muslim societies, perhaps the most

distinguishing feature of the Islamist discourse in its excessive (almost obsessive) emphasis on matters of sex, the family, and social morals', observed one account of radical Islamism (Ayubi (1995), 5 p.81)

Since many of the campaigns around the issues of fertility, women and children are presented in the vocabulary of rights, they often enjoy the endorsement of Western liberal, left-wing and feminist circles. And yet it can be argued that such campaigns of moral intrusion represent a form of cultural warfare against societies of the South. This tendency is particularly evident around the issue of population control. Western population policies are not merely about the provision of services but transformation of cultural practices and individual attitudes. For example, Bongaarts and Bruce, two leading experts working with the Population Council argue that 'an effective programme is frequently one that goes beyond the provision of family planning and contraceptive services by addressing social or familial disapproval' (Bongaarts and Bruce (1995), p⁵⁷). Bongaarts and Bruce are so convinced about their cause, that they never pause to ask, 'who gave them the right' to undermine what they euphemistically refer to as the 'psychological and cultural barriers' to contraception in an African or Asian society.

For family planners the cultural norms and values of target societies are obstacles that need to be overcome through a variety of techniques. A central emphasis is placed on encouraging women to adopt aspirations, lifestyles and identities which are at variance with the prevailing norm. 'To reduce unwanted sexual contact and pregnancy, we must assist girls to envision future identities apart from, sexual, marital and mothering roles', argue Bongaarts and Bruce (p. 72). The far reaching implications of this perspective of social engineering is rarely spelled out. This project, designed to foster new aspirations and identities, would systematically undermine the moral foundation of the target society. Whether such societies have a capacity to absorb the effects of such changes, is an issue that is simply evaded by the proponents of the new morality.

Population control literature contains as implicit-

sometimes explicit- moral condemnation of the culture of fertility that prevails in target societies. It contains a clear assumption of moral superiority, which is expressed routinely in the moral condemnation of practices deemed to be unacceptable. UNFPA's *The State of World Population* contains a variable catalogue of practices and beliefs which are confidently dismissed as unacceptable. The report sometimes assumes the tone of a sermon, which runs through a list of practices that should be abolished and which ought to be adopted. Female circumcision is represented as a 'major public health issue'. The need for later marriages is stressed because of its beneficial effect on the rate of population growth. The report advocates Western-type male participation in pregnancy and sex education for young people. Adopting the tone of moral superiority, it lists a series of practices in a manner which invites the reader to react with obvious horror. For example it notes: 'For the women of the Bariba tribe in Benin, having babies is a test of will. Enduring labour and childbirth alone and in silence is a sure route to social respect, asking for help is considered a sign of weakness and shameful. As a result, many Women who could have easily been saved die of complications during delivery' (UNFPA (1995) p⁴⁵).

The idea, that concepts of shame and respect are bound up with a sense of dignity and integrity of a people is not even entertained. From the tone of the report, there is the expectation that all concerned and civilised readers will demand that the Bariba change their standards about respect and shame in the interest of health.

That many of these practice have existed for hundreds of years, that they integral to the moral and social code of the societies concerned and that these societies ought to have and opportunity to determine their lifestyle, is paradoxically ignored by a publication which continually advertises the importance of human rights. The right of people to live according to the custom and practices that they have evolved over hundreds of years, is one right which population activists can casually reject.

The issue at stake is not whether one approves of a particular idea or practice. There are many practices in all parts of the world which offend differ-

ent groups of people. The issue worth considering is from where do a group of Western population professionals get the authority to decide what is in the best interest of people in societies around the world. The casual manner with which they condemn other peoples' social practices is only matched by the uncritical way in which they project their own values on people living under very different circumstances.

Regardless of their intentions, such campaigns of moral intrusion reinforce the notion that the West knows best. Such campaigns help construct a consensus about North-South relations, which embraces virtually the entire political spectrum in the west. There are two kinds of societies problem ones and those that provide solutions-is now an accepted fact in international relations. In fact, this mood is so pervasive that acts which would have been condemned in the past as oppressive are not even worthy of comment. For example, whether or not an election in Asia or Africa is democratic, is these days, determined not by the indigenous electorate, but by a commission of Western election monitors. It seems that only Western officials can be trusted to recognise a fair election when they see one.

Monitoring elections in non-Western societies is so common that it does not even merit any serious discussion. Nobody asks how the British people would react if the verdict of Cambodian or Brazilian monitors was required to pronounce on the outcome of their election. No doubt it would be considered an impudent intrusion into a purely British affair. And yet when it comes to Western interference ceases to be an issue. It is not considered to be a case of foreign intervention in the domestic affairs of another nation.

The moral degradation of Third World societies helps contribute to the creation of a climate where intervention is rarely spoken of as such. We live in an age of 'peacekeeping' and 'humanitarian' missions. Today's humanitarian colonialism explicitly avoids the language of realpolitik and presents itself as non-interventionism. Indeed, Western Ministers continually argue that they do not want their troops to intervene in the affairs of another country. And when a military operation is sanc-

tioned, it is invariably promoted as a sacrifice, carried out with reluctance by a selfless power. Few Americans would have disagreed with the New York Times, when it described the invasion of Somalia as 'a turning point in American foreign policy', since this was the first time that the charitable motive of feeding 'starving people' inspired a major military operation. (5 December 1992)

This rhetoric of non-intervention has led many experts to speculate about the new isolationism in the West. The discourse of isolationism has led to the situation, where often it is those associated with liberal causes, who are most vociferous in demanding intervention. The mission to save them from their governments or themselves excites the imagination of the morally outraged. In Britain, it is publications like *The Guardian* and *The New Statesman* who have been the most vociferous proponents of military intervention in Iraq- on the side of the Kurds- and in Bosnia. In the United States, liberal and left-wing writers were in the forefront in demanding intervention in Haiti. Their support for an interventionist foreign policy was no doubt motivated by humanitarian and moral concerns. But its effect is to legitimise the right of the West to dictate the rule of international affairs. The conversion of some of the most critical observers to the stance of interventionism, indicated that today the right of the West to intrude and regulate the life of other societies is virtually unquestioned. It also suggests a new fault line between north and South on the moral plane.

The New Moral Consensus

The establishment of a new moral equation between the North and South has helped legitimise a two tiered international system. It is a system where few ask questions about who gave institutions like the 'Allies', Nato or the UN, the authority to militarily intervene in different parts of the world. These institutions- which have become western diplomatic conveniences- can de facto abrogate conventional notions of national sovereignty. It is now routinely argued that issues like the environment, ethnic violence, female genital mutilation, or fundamentalist intolerance are too important to be hidden behind the principle of national sovereignty. The right of the West to

intervene has become a moral imperative.

The consensus behind Western intrusion is underwritten by the acceptance of the moral differentiation of the world into two kinds of people. This differentiation has become intellectually acceptable at all levels of Western society. the uncritical acceptance of the term fundamentalism by conservative, liberal and radical commentators, is symptomatic of the way in which a 'them' and 'us' outlook on the world has become intellectually plausible. At its most banal, this outlook proposes that they are irrational while we are rational or that they are intolerant while we are tolerant. The fundamentalist label provides a moral and cultural condemnation of millions of people.

At its simplest, the fundamentalist label helps to recycle the old Orientalist stereotypes about fanatical, Frustrated people. 'Muslims are frustrated and frustrated people snarl' concluded the editor of The Economist (August 1994). The Guardian opted for the more liberal version of the schema. It drew the line between those who are tolerant and those who are not. Taking sides against the fundamentalists in the civil war in Sudan, it observed that 'the tolerance exhibited in the Nuba mountains is the mirror image of Khartoum's intolerance' (22 July 1995). For the reporter of this story, the discovery of an example of tolerance in Africa, was itself, nothing short of 'remarkable'.

Serious liberal and leftist theoreticians and social scientists are no less prey to the attractions of the two-tier moral system that underpins the fundamentalist concept. the concept plays a central role in the recent writings of Anthony Giddens. According to Giddens, fundamentalism represents a refusal to dialogue. In some cases it demonizes the alien. At times giddens diagnosis sounds suspiciously like the bearded irrational fanatic of the Western media. It does not occur to Giddens, that fundamentalists may not have a monopoly over demonizing aliens (Giddens (1994). p. 190). The mechanistic conuterposition of the fundamentalist to the non-fundamentalist, continues to perpetuate the sociological legacy of the rational / irrational couplet, in a new form.

Even Fred Halliday, usually a critical observer of

international affairs, has come to accept the new moral consensus. Perturbed by the 'intolerance' and 'antidemocratic character' of fundamentalism, Halliday argues for taking sides against them.

'Politically, it is not possible to ignore the threat that these movements pose to the citizens of the countries in which they live and, by extension, to the world', he concluded (Halliday (1995), p. 46 & 55). This diagnosis of the fundamentalist threat to the world necessarily invites the response of some form of intervention. The absence of any clear intellectual differentiation among the Western intelligentsia on this elementary aspect of North-South relations is one of the most disturbing developments of our times.

Our aim is not to celebrate political movements characterised as fundamentalist or any particular cultural practices prevalent in the South. The argument of this contribution is that the discovery of certain objectionable practices in the South by people from the North, cannot be explained as the outcome of humanitarian and altruistic motives. Regardless of the motives, the effect has been the manipulation of such practices, to strengthen the moral authority of the West and to morally condemn societies of the South. The acceptance of this moral division of the world in the West, had helped encourage a culture of international intrusion into the affairs of the South. Such intrusion, of course, has a long history. What is new is the silence of critical voices in the North. In Eurpoe and America, the right of the West to intervene is simply not in question.

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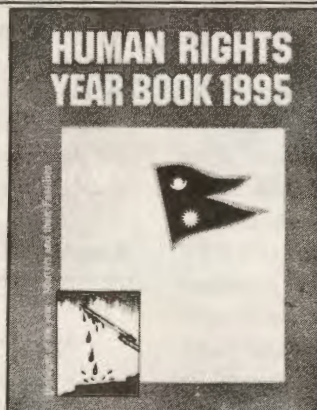
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