

INFORMAL

Vol. 07 NO.2

**Human Rights
Year Book 1996
Released**

**Women's
Programme**

*insec
round up*

First National Human Rights Conference

Editor's Note

Politically speaking, Nepalese democracy is treading on a difficult path now. The forces that unitedly brought the downfall of the partyless Panchayat system in 1990 have now been starkly reversed: the former Panchas and then despots, now play a leading role even in the democratic regime. Not only the common people but also the senior leaders of the main political parties, the Communist Party of Nepal (Unified Marxist and Leninist) and the Nepali Congress say, 'this is quite unfortunate'. What political tactics, then, do they employ to solve the dilemma? They also have answers on page 3.

The people of the Least Developed Countries (LDCs) are suffocating to death from the confusing jargons and theories promulgated by the richest countries mostly in the name of development assistance for third world countries. Despite their seemingly altruistic intent, it is actually a disastrous impact to ruin the lives of millions of people in the third world. Barbara Adams argues that the rich countries only work for their own benefit; they have little to do with the needs of the people in countries like Nepal. As a result of the economic invasion, our economy, natural resources, environment and, ultimately, the sovereignty are at stake. Her analysis on page 15 gives a thought provoking insight.

Cultural invasion in Nepal has posed a grave challenge in terms of the preservation of our tradition which is not only rich but also subtle. The invasion has specifically affected the indigenous people and their culture, thus violating their human rights. Dr. KB Bhattachan succinctly explains the reasons.

INSEC organised the first National Human Rights Conference in April 1997. The Human Rights Year Book 1996 has come to the public reporting on various heartrending incidents. This issue of Informal addresses these and other pressing questions as well.

With seasonal greetings!



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Year Book 1996 Released



The Human Rights Year Book 1996, was released on April 9 at a function here in Kathmandu. The seniormost politician Dr. Dilli Raman Regmi released the 513-page report which covers the period 1996. Compiled into 6 chapters and 11 Appendices, the report analyses the Maoist sponsored "People's War" as the highlight of the year. Similarly the "Mahakali Treaty" between India and Nepal has been illustrated as the Main Event of the year. The year book also assesses its own history of the last 5-years. The educational movement, trade union movement, mass media, Nepalese women and human rights, child rights situation and torture in Nepal during the last five years have also been analysed. Similarly, the report records human rights violations from all 75 districts. As reported, 340 of 366 total days in 1996 met with human rights violations while a total of 2146 cases broke out.

Political Leaders Promise to Correct their Mistake

Each year *Chait* 27 (corresponding to April 9), Human Rights Year Book comes to the public carrying an analysis of the future problems looming in the multiparty system in Nepal. This year it came as a landmark. The top leaders of the Communist Party of Nepal (United Marxist and Leninist) and the Nepali Congress, who were present at the Year

Book Release ceremony to express their views on the contemporary political situation, vowed in public to clean up their parties; they accepted the faults committed and promised to give the nation a new direction. Addressing the large audience crammed in the Royal Nepal Academy Conference Hall, the senior leaders observed that the nation has, politically speaking, arrived at a difficult point in time.

I had strong aversion to Panchayat

Dr. Dilli Raman Regmi

Seniormost political leader and noted intellectual Dr. Dilli Raman Regmi releasing the year book said instances of human rights violations can be found in various forms and types in every corner of the world. Therefore, it is the duty and responsibility of the human rights activists to discover them and draw the attention of the government to stop them. Dr. Regmi advocating for a right to dignified life said, "There have been human rights violations in the far flung corners of the country. A man should get the opportunity to live a life of dignity."

Dr Regmi noted that human rights defenders should explore the areas or places where human rights vio-



lations have occurred, draw the attention of the government and seek their solution. And the government should see where the crime has been committed and where the law has been offended. "Police force should be kept under control of the government, it is a servant of the nation. The police should protect the rights of the peoples, not to infringe them", the senior leader stressed. "A crime gives birth to another and the government of the day is responsible for the origin of a crime as it is armed with ammunition, guns and handcuffs", Dr. Regmi was speaking with reference to the increasing crimes in Nepal.

Referring to the prisoners of conscience, Dr. Regmi

noted that if communists are in power they imprison persons of opposition ideology, and if those claiming to be democrats have access to power they imprison the communists. This way, prisoners of conscience are kept behind bars.

Dr. Regmi lauded the effort of the INSEC to write the book and said that the book stands as the record of the sufferings of the people. He expressed his unhappiness over the present political trend of the country and added, "I am against any political appointment."

"I am a strong opponent of the Panchayat. I love democracy and only hope to see a bright Nepal, a

Human Rights in 1996: Composite Summary and Recommendations

No significant progress has been noticed in the overall human rights situation in the country this year. Instead, the Maoist-sponsored "People's War", political criminalisation, arbitrary increase in the privileges of MPs and ministers, overall slackness in court functioning and significant social discrimination made the year 1996 to be remembered as a year of despair and violence for Nepalese. A 48-member jumbo cabinet was formed in a country which has 2 million people, 205 seats in the House of Representatives, and an area of 147000 square kilometres. More than 125 political activists were appointed as advisers and members of various commissions and committees. They were paid privileges equivalent to those of the ministers from the national treasury.

Inflation increased but the revenue decreased. The state also failed to maintain social security. The problems of grassroots people could not be solved. The responsible persons made a lot of speeches, but they did not take any decisions for the people

or the nation.

On the occasion of the fifth year of our publication of Human Rights Year Book, we could not come to any other conclusion.

Judiciary

The judiciary gave important verdicts to protect human rights this year. The Supreme Court ruled that while exercising discretionary rights, the executive body should employ impartiality and conscience based on reason, logic and prevailing law. The Supreme Court has played an active role to protecting citizen's legal rights. It has stated that one can be kept in custody only as per the law; and to extend the period in custody there should be sufficient reason. Decisions have also been made in connection with the preservation of environment as well as cultural-religious institutions. The Supreme Court has warned that the environment, tradition and culture should be protected while renovating the birth place of Buddha in Lumbini and constructing the Medicine Studies Centre in Devghat.

The Supreme Court has repealed the restrictive terminology used in Article 19 of the Commission for the Investigation of the Abuse of Authority 1991 which calls for the permission of the Prime Minister and the speaker to the House of Representatives to name the person in the office of the public post.

However, the courts did not act as quickly as necessary. The Supreme Court only finalised 31.6% of all cases. On 1 October 1993, a writ petition of habeas corpus was filed requesting to search for Prabhakar Subedi who had disappeared while in police custody. A photograph showing him hanged by the police was also produced as an evidence. No decision was taken on the writ petition filed by INSEC Chairman Sushil Pyakurel in 1993 against the Kamaiya system prevailing in contravention to the human rights and the fundamental rights guaranteed by the constitution. Similarly, no decision was taken on the writ petition filed by Krishna Prasad Siwakoti on 19 November 1993 against the laws that recognise the capital punishment.

The number of cases in district

peaceful land with cheerful and satisfied Nepalese." Dr. Regmi said

We should cut short the distances

Man Mohan Adhikari

Chairman of the Communist Party of Nepal (Unified Marxist-Leninist) and former Prime Minister Man Mohan Adhikari said that the issue of the Maoist insurgency, which has given rise to the incidents of human rights violations in different parts of the country, should



be properly settled by initiating necessary political measures. "Human rights need to be respected and not violated from any quarters. To ensure that breaches of human rights do not take place, human rights activists should draw the attention of the government and political parties and give pressure", he added.

"Though democracy is now in its eighth year, a high political culture has not yet evolved in the country. In this situation, a good relation between the democratic forces of the country is needed," he said adding, "the NC and the UML should cut short the distance existing between them to defeat the

courts is constantly increasing. This year also Judges were found absent from their office in some remote districts. A person died in Mugu jail while in custody waiting for trial due to the judge's absence. Another person had to spend two years in custody waiting for trial. It was too late when the cases were finalised. The increase in the number of Appellate Courts was allegedly motivated by political purpose rather than necessity.

Courts are still operating in the age-old manner. The lack of modern documentation and office equipment is immediately evident in the court. It was voiced that the relation between the bench and bar should be developed, but no step was initiated in this regard. Victims themselves complained that the courts are suffering from extreme formality; they are slow and distanced from people. Even in ordinary cases people are kept in custody waiting for trial but their cases go unheard for a long time. This has added an additional pressure on the jails.

Rolpa District Development Committee Chairman Jhakku Prasad Subedi had suffered prolonged illness due to severe police torture; so much so that he had to be

carried on the back in order to be present before the Rolpa District Court. He collapsed in the court while explaining a point. Still, it was complained, the court could not provide justice against torture. Mr Subedi was arrested on the charge of his alleged involvement in Maoist activities.

Government

The minority government of the CPN (UML) formed in 1995 had initiated some good work. The CPN (UML) had acceded to power with a commitment to the formation of human rights commission, the abolition of bonded labour system; and compensation against torture. It had also declared to bring to the public the reports of the Mallik Commission and of the committee constituted to identify the whereabouts of disappeared persons. The government successfully publicised the report of the Mallik Commission which was formed to discover the perpetrators of the Jana Andolan (the mass movement). Similarly, the report of the committee formed to trace the whereabouts of the persons disappeared during the Panchayat rule was brought out for public notice. The coalition government formed after overturning the minority government through the

no-trust motion also continued these activities. As a result, laws were enacted on these subjects except on the bonded labour.

The CPN (Maoist) declared the "People's War" during the tenure of the coalition government on 13 February 1996. Many people had to bear torture as a result of the Maoist assault. The government also mobilised the police force in the name of suppressing the "War". The police action was excessive. 6 dozen people lost their lives because of the Maoist "People's War".

The event of 'abduction' and 'business' of MPs to defeat the no-trust motion was much talked about this year. Reports were published in the news papers with the photocopies of the air-tickets showing that the Home Minister flew with the MPs to Biratnagar when the House of Representatives was preparing to vote on the motion. Similarly, it came to light that the Home Minister had claimed that he had experiences of terrorist activities. Also many were aware of the speech of the Chief District Officer of Sindhuli District which observed that the limitations of the constitutional stipulations should not be observed to suppress the "Maoists".

opportunistic elements that have posed a threat to democracy." Referring to the NC initiative to bring down the UML government Mr Adhikari remarked, "Given the composition of parliament we were already in minority. The senior leader Girija Prasad Koirala assured us of his support hence we formed the minority government. But Mr. Koirala could not keep his words. Right after 9-month, an unholy and unnatural equation of NC and RPP was formed to pull us down. From then, the politics of Nepal trod on a track which is not expected in terms of democratic values."

Adhikari pointing out the need for essential understanding between NC and UML, the two forces which jointly spearheaded the popular movement of 1990 that established parliamentary democracy, said, "I have never taken the present power equation as a natural outcome. It is unnatural product of perverse political situation." "today there is urgent need for some kind of understanding between NC and UML. Both the parties have made mistakes, it is time for candid self-criticism," he said adding "in the given scenario, only an UML-NC equation gives the nation a stable government."

The police resorted to lathi charge over the demonstration by the blind, and the sit-in called by the teachers. The demonstration called by the disabled was also suppressed by the police. The street demonstrators protesting against the Mahakali Treaty were also arrested.

Police officers committed rape both in and outside their offices. It was not reported what action was taken against the culprits. Undesirable events also occurred in cases of witchcraft accusations. Such allegations included physical torture, partial head shaving and forcing excreta into the mouth. Women trafficking increased as a profit-making enterprise.

The government did not initiate any steps to release prisoners of conscience imprisoned in different jails of the country. There are 12 such prisoners facing various charges. The government did not pay serious attention toward enacting laws to resolve the issues pertaining to citizenship, landless squatters, untouchability, and prostitution. In addition, the government organs responsible for these issues were not well mobilised.

The coalition government of the NC, RPP, NSP and the independent

MPs was mainly engaged in maintaining a majority to sustain the government. Actual decision making and implementation was pitiful. The people at large had to bear an increased load of problems due to social insecurity, inflation and oppression. The government became a common topic of debate because of its 48-member jumbo body, countless advisers and committees. A sum of Rs 200,000 taken by the ministers for furnishing and the abuse of health facility were talked of as unusual events. The Commission for the Investigation of the Abuse of Authority initiated an investigation of the ministers and cases were filed.

Parliament

The parliament passed bills on the human rights commission and compensation against torture this year. These should be taken as steps in the right direction despite the flaws therein.

MPs from both ruling and opposition benches remained a subject of gossip for approving a bill relating to their life-long facilities and the import of vehicles for their personal use with huge exemption on customs and other duties.

Issues pertaining to the relief of des-

perate women trafficked to India, persons suppressed by the government and accused of being 'Maoists', citizenship, landless squatters, etc. were raised in the parliament.

No law was made to guarantee women's right to property. The proceedings of the parliament did not appear to be disciplined or serious. MPs did not follow-up on the issues raised by themselves, they did not even maintain their continuity. The government only distributed formal assurances; MPs only concentrated on their constituencies instead of taking on national issues. A lot of time was wasted by the MPs just in voicing bitter arguments against their opposition counterparts. The sparse presence of MPs in the parliament and the violation of party-whip on the issues of national importance confirmed that our leaders had fallen prey to anarchy.

This year the parliament told the media-world off for the material it published. Failure and in-fighting were prevalent during two no-trust motions and a confidence motion in parliament.

Events of Violation

The 1996 Year Book 1996 has imparted an important message in

Referring to the increasing mistrust of democracy he opined, "We should hold responsibility, we should make self-criticism. Frankly, I am also responsible not only the others. The people have a single complaint: they demand a minimum of relief package, and their voice of affliction in the House of Representatives."

We need to Interact

Girija Prasad Koirala

The leader of the main opposition Nepali Congress party and former prime minister Girija Prasad Koirala has said that human rights and democracy



continuity with the past. Barbarous torture on the charge of practising witch-craft, merciless murder, irresponsible behaviour of those in responsible places, and the like were recorded this year. Instances of violation of the rights of women and children were also reported. Their right to dignified life was frequently violated, especially because they are in a vulnerable position in society.

Police raped many women charging them with participating in Maoist activities. The so-called low-caste untouchables were persecuted by the so-called high class peoples. This year more cases were reported of daughters being raped by their fathers.

Many cases occurred within the family. Husbands and wives, parents and children and close relatives were involved in torturing and murdering their kin. The involvement of relatives increased in raping and trafficking women.

Forest security guards, police and administrators also violated the fundamental rights of the citizens.

are closely interlinked, and mutually dependent.

A good law and order situation needs be maintained to promote human rights, and for this, human rights activists should inform the government about necessary measures to be taken in this direction. "Regular interaction between the people working in the human rights sector and the government is necessary for an improved human rights situation," Mr. Koirala said, "as we proceed ahead in time and gain maturity, the human rights situation will gradually and steadily improve and democracy will be consolidated."

Mr Koirala said that it is the need of the hour to eliminate malpractice prevailing in the political

Maoist People's War

Rolpa, Rukum, Jajarkot, Sindhuli and Ramechhap were directly swept by the "People's War". In the name of controlling the activities, the government violated all the laws, rules and regulations through police oppression. The so-called Maoists did not bother about the fundamental rights of the people, either.

The local activists of the ruling party led the search for the 'Maoists' in villages holding guns in their hands. People were killed during falsely alleged events of collision, through torture, by being thrown off cliffs and after police intruded into their houses.

Even a 9-year old boy had to give evidence in the court.

Mahakali Treaty

All major political parties were divided into sub-groups on account of the Mahakali Treaty between Nepal and India. Yet both the ruling and the main opposition parties hurriedly agreed to ratify the treaty prior to preparing the Detailed Project Report (DPR).

Jails

Nepalese jails used to be crammed with political prisoners before the restoration of democracy. Today it can be assumed that the political leaders have almost forgotten the inmates in the dank and dark cells of the jails. Present prison conditions offer the inmates no opportunity to live a dignified life. Rather, they are found tired, desperate and have been criminalised upon their release. The prisoners are nailed and chained even at the threshold of the 21st century, and under such circumstances where they have to defecate in plastic bags. What a pity it is! Many of them are suffering in prisons with no access to remedy. The disabled, elderly, sick and minors are not exempted from being sentenced to jail. Even the government has failed to exercise the *chaukhandi* (gradual pardon) system.

Educational movement

The education sector is still aimless. In the modern age, which calls for vocational skills a medieval education policy is prevailing. After the completion of studies, the graduates produced are only capable for the

arena and to save democracy from the anti-democratic elements who are trying to raise their heads recently. Voicing his displeasure over the current political situation, he said, "I am not happy with my own party's activities."

Recounting the manoeuvres of ministers and an MP during the crucial no-confidence motion faced by Sher Bahadur Deuba last December, when five cabinet ministers flew away to Bangkok and a parliamentarian was taken into hiding in India, Koirala said. "Democracy is suffering from anomalies." INSEC Chairman Sushil Pyakurel presided over the programme in which noted academics, human

post of clerk or *shahib* as in bygone days in the countries under the colonial rule.

Educational institutions, schools and colleges have been turned into places for dumping political absurdities. They have been used as power camps for party politics.

The gap between private and public schools is resulting in the production of distinct classes of manpower from both the social and economic standpoints. The education policy adopted today has not been able to contribute to linguistic purity, cultural protection, self-reliance or transformation in tradition. The Teaching profession is frequently adopted only temporarily, until a better opportunity is found. It is said that many with fake certificates continue teaching and remain in this profession only until they find a better job.

The sector of teaching has fallen prey to extreme politicisation. The grassroots politics of major political parties has traditionally upon school teachers. Immediately after the restoration of democracy, a demand was made to include human rights education in the school curriculum. But until today

no step has been taken in this direction.

Mass media

Mass media in Nepal has been divided along lines of ? political thought. Mass media is adept at creating personal clashes and rivalry and is actively pursuing that policy.

Media personnel have been neglected by the parliament, government and the people at large. They have been ill-treated for publishing news. However, our media world is gradually progressing towards professionalism. And the Nepali media world has given comparatively good space to human rights.

Trade Union

Trade Union Movement in Nepal was violently suppressed during the Panchayat system. Many workers were killed as their demonstrations were suppressed. Some political leaders of Nepal are the products of trade union movement.

After the establishment of multi-party system, the trade union movement was divided into groups following the streams of political division. One of the parties has announced a policy to involve in the civil servants, corporation employ-

rights activists, journalists, students, political activists and others participated. Putting his concluding remarks, Mr Pyakurel expressed pity for the deteriorating records of human rights in the country. At a time when the gap is widening between the CPN (UML) and the Nepali Congress, the two political forces which jointly fought for democracy in 1990, the promises of the top leaders of both the parties to consolidate democracy and to hold control over the anti-democratic manoeuvres gives us a sense of delight and satisfaction, Mr Pyakurel noted adding, "however, these commitments should follow due actions."

ees, school teachers, college teachers and workers to trade unions.

Workers' demands have been limited to economic demands only. No ideological or long-term assignments have been undertaken.

The Trade Union movement has not been successful in organising and protecting the workers in informal sectors. The movement has just been extended to agricultural workers, tea estate workers, farm workers and bonded labourers.

Women

Directives given by the Supreme Court in reference to the rights of women have not been followed (either).

An Indian social organisation expressed its commitment to provide its services to relieve the Nepalese women living in prostitution in India. Even the Prime Minister assured his co-operation, but our government remained reluctant to accept their relief. It did not co-operate with the human rights organisations which were ready to take the responsibility. Nepal today has been recognised as a "country for exporting women" to countries in the Middle East, Hong

Earlier INSEC Board Member Subodh Raj Pyakurel and General Secretary Dr Rajesh Gautham shed light on the human rights movement in Nepal. They observed that human rights situation is not satisfactory.

Awards Distributed

Dr. Regmi, the Chief Guest of the ceremony, gave away prizes and certificates to five persons who played remarkable roles to prepare the Human Rights Year Book 1996 by supplying valuable

information from different parts of the country.

In addition, the distinguished activist prize was awarded to Narayan Prasad Dahal for his outstanding work in 1996. Borne in Likuwa Pokhari-2, Khotang on 19 July 1997, Mr Dahal has been working at the INSEC central office for the last three years. Congratulations to Narayan.



Kong, Malaysia, Japan and Korea. Women trafficking has been adopted as an accepted business in some of the villages.

Laws which completely prohibit the right to abortion are still prevailing. Women have to bear harsh physical strain to fetch water, collect firewood, etc. in villages. If they suffer miscarriage due to the harsh labour, they become answerable to the law. Many such women are accused on the charge of abortion and subsequently languish in jails.

No law has been framed against prostitution. Nor is there any legal remedy for indecent practices against women. It is ironic that we are still searching for solutions to the problems of women today on the basis of the laws and rules which were passed a hundred and fifty years ago during the Rana Regime.

Children

Nepalese government has expressed commitment to the Rawalpindi Declaration as well as other international instruments with reference to the child. But no culture has been developed to integrate the issue of children to the overall development of the society and the nation.

Poor populace are under compulsion to make their children work hard for a living. In five out of seventy-five districts in Nepal, children are selling their labour for the parents who are bonded to their masters; these are the kamaiya children. Their future is dismal. Unprotected, uncared and oppressed children from the villages become street children in the cities.

There is a lot to be done in the sector of the child.

Torture

Many citizens have lost their lives as a result of state-sponsored torture any many are living disabled lives. Torture is applied to secure the 'admission of crime'.

Pressing with logs, piercing pins into the nails, beating, dropping in water, and the like are still practised by the police in Nepal. In fact, they have been trained that way to try a culprit. Nepalese police behave like demons to those who are in opposition to the ruling party. There are still dungeons in forest offices.

The ignorant and helpless villagers are victimised by police. One victim was killed this year while in police custody. A dozen persons had to bear torture.

Only a few culprits were found to have been brought to legal action. Unless the police administration, the designated security force to protect human rights, is made aware of the norms, principles and development of human rights, the present torture system will not come to a halt. The passage of Torture Compensation Act will not contribute much to this end.

In addition, domestic violence, untouchability and the like, which are increasing day by day, have posed a great challenge to maintain law and order.

Recommendations

to the Judiciary:

All the courts in Nepal should be equipped with the necessary resources since the lack of them has delayed the functioning and proceedings of the courts.

Lack of systematic documentation and communication of information with regard to the legal decisions have resulted in prolonged imprisonment. Therefore, such records should be properly documented.

The relation between the bar and bench should be properly main-

Rishi Ram Tharu: Prakash Human Rights Award Nominee

On the Year Book Release Ceremony, INSEC announced Rishi Ram Tharu to be the recipient of Prakash Human Rights Award 1997. Mr. Tharu of Dang has been selected for his significant contribution to the rights of the bonded labourers of the western Nepal. Borne in Tribhuvan Municipality-2, Dang 60 years back, Mr Tharu's continuous 46 year struggle to help kamaiyas has received much attention. He has on many occasions provided leadership to the kamaiya peasant movement. Mr Tharu was imprisoned in 1961 for around 6 months for his organisational activities in kamaiya dwellings in Dang.

tained and strengthened. A gap in this relation also hinders in the delivery of justice.

to the Government:

An act pertaining to human rights commission has been formed this year as per the public concern and demand. But a human rights commission has not been established officially even though a long time has passed since the enactment of the act. Action should be taken to form the commission as soon as possible. In addition, the flaws within the act should be gradually rectified or modified.

Steps should immediately be initiated to include human rights education in the formal curriculum of the schools right from the beginning.

Human rights awareness programmes should be launched in all sectors under the Ministry of Home Affairs to educate the officials concerned with human rights.

Laws should be enacted in favour of international human rights instruments. Any law found in conflict with them should be made void or modified.

The government should develop a culture of consulting NGOs while

preparing reports to present before the UN as a state party. Their comments and recommendations should be included in the reports.

Human rights and democracy are meaningless concepts in the jails in Nepal. Many jails are the same as they were before. Instead of wasting resources in the name of forming additional commissions or committees, the recommendations made earlier be brought to action.

Special and concrete campaign-programmes should be launched to form public opinion to protect and promote the rights of women and children. The necessity of the child courts and the family courts is increasingly evident for the protection of the rights of the child. Steps must be taken to this end.

The Compensation Bill against torture, passed this year, should be translated into action as soon as possible. Appropriate laws should be framed to abolish the Kamaiya system and to protect the rights of the kamaiyas.

to the Parliament:

The Human Rights and Foreign Affairs Committee should initiate a

It is to be noted that Prakash Human Rights Award, established in 1995, in commemoration of Late Prakash Kafle, the then INSEC Director who passed away in the Thai Air-crash in 1992, has already been presented to two outstanding personalities: **Binaya Kumar Kasaju** (1995) for his contribution to the cause of the common people through rural journalism and **Gajendra Bahadur Basnet** (1996) for his undaunting health services to poor and needy people. n



follow-up mechanism to study human rights situation in the country. While preparing periodic reports in regard to human rights, attention of the government and the parliament must be drawn.

It is imperative to identify the needs of the laws necessary to control and stop the violation of human rights. The committee should be active in framing laws accordingly and to reform the prevailing ones.

to the Non-Government Organisations:

NGOs working in the field of human rights should extensively campaign to raise human rights awareness amidst the public. Priority should be given specifically to the oppressed and marginalised groups of society..

Importance should be placed on taking up a unified voice on the national issues of human rights. Unified pressure-programmes should also be launched as and when necessary.

NGOs should be more concerned to publicise and disseminate the incidents of human rights violation.

The First National Human Rights Conference

Kathmandu

5-9 April, 1997



Eight years after its establishment, the Informal Sector Service Centre (INSEC) has been able to take a special place in the human rights community in Nepal. The solidarity and inspiration of various human rights organisations and the affection of Nepalese citizens has enabled INSEC to reach out to grass roots in 55 different districts. Indeed, it is this affection and inspiration that led INSEC to organise the First National Human Rights Conference during 5-9 April 1997. Glimpses below. (The complete report is available on request.)

Inauguration of the Conference

In an august environment decorated with various banners and posters, Deputy Prime Minister Mr. Bam Dev Gautam inaugurated the conference by lighting three candles to honour respectively the martyrs, persons disappeared by the state and the victims of torture of the political movement.

Addressing the Inaugural Session, Deputy Premier Gautam hailed the role of INSEC and other Human Rights organisation in the democratic movement in Nepal.

"I am aware that human rights should not be violated by any process of state mechanism", the Deputy Premier observed, "we have strictly

instructed the state mechanism to honour the rights of the citizens". Deputy Prime Minister Gautam said that the government is prepared to form a Human Rights Task Force which will include experts from human rights organisations in the country. Recalling the commitment of the present government to human rights, he remarked that the government has decided to observe *Chait 26* (April 8) as Jana Andolan Day. On this occasion, the Deputy Premier announced that the government is to launch special programmes for the families of martyrs and torture victims of the political movement. He also asserted that the "state terrorism" as during the tenure of the earlier government will be stopped. The "People's War" will be resolved through political means and priority will be placed on repealing or amending laws contrary to the spirit of the Constitution.

Speaking at the Inaugural Session Dr. Devendra Raj Pandey, the former Finance Minister, called upon all concerned to employ 'reason' and 'conscience' on our activities. Speaking with respect to human rights, Dr. Pandey observed that individual rights should not cost group rights, and vice versa.

MP Padma Ratna Tuladhar addressing the inaugural session said that the human rights

record is deteriorating in Nepal. Referring to the constitutional provision prohibiting torture, he said, "We are unable to translate the constitutional and legal spirit in our actions, torture has not stopped in reality." He also cited Kamaiya system and caste exploitation as an example of the failure.

Krishna Pahadi, Chairman of Human Rights

and Peace Society, addressing the inaugural session, stressed that the present government should be able to mark a separate identity from that of its predecessors; and demanded that the 'People's War' sponsored by the CPN (Maoist) be resolved.

Bishwa Quanta Mainali, Chairman of the Forum for the Protection of Human Rights, Dr

Divided into Preamble, Our Concerns and Our Future Responsibilities, the Declaration spell out Discrimination, Exploitation, Impunity, International Capital as the main concerns.

Preamble:

- Inspired by the inherent right of human persons enshrined in the Universal Declaration of Human Rights,
- Accepting the fact that human rights is the direct concern of the state,
- Recognising the rights of the citizens and the state obligations cre-

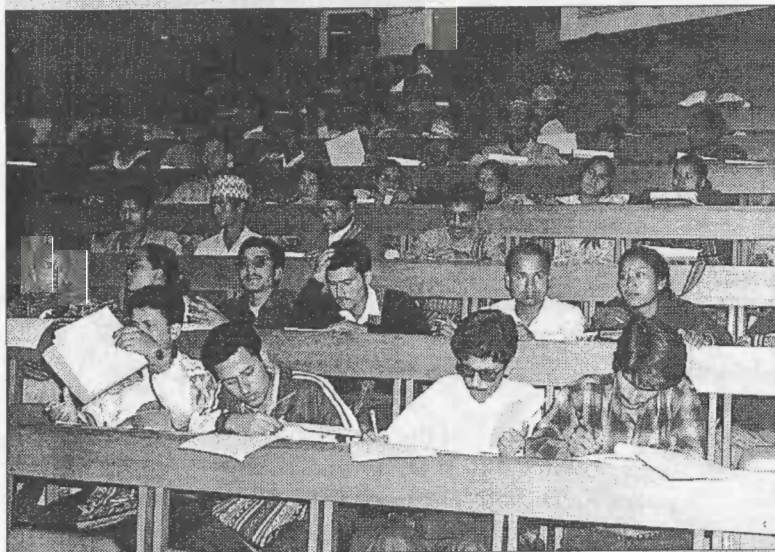
The Kathmandu Declaration

Conference on Social Development, the Beijing World Conference on Women, the Cairo International Conference on Population and Development and other international conferences and seminars;

- Conscious of the fact that UN declared the human rights decade for human rights education (1995-2004),
- Respecting the valour and sacrifice of the Nepali citizens and the aspirations of the democratic

movement after the successful conclusion of the democratic movement of 1990,

- Expressing happiness over the incorporation of aspirations of the democratic movement in the constitution of Nepal,
- Mindful of the achievements of the conferences and seminars organised by various human rights organisations after the democratic movement in Nepal,
- Expressing concern over the problems on human rights, despite all the achievements made,



We 300 participants from 63 districts of Nepal present in the National Conference on Human Rights organised by INSEC, Informal Sector Service Centre, in Kathmandu on April 5-9, 1997, adopt this Kathmandu Declaration on Human Rights.

Our Concerns:

1. Discrimination

From the very inception, the Nepali State has adopted the discriminatory policies which victimised the people according to sex, geographical area, caste, conscience and in distributing the resources.

- The discrimination against women is profound and grave in our society. There are legal provi-

ated by various international human rights instruments,

- Mindful of the declarations made in the Vienna World Conference on Human Rights, the Rio Earth Summit, the Copenhagen

movement under the leadership of the United Left Front and the Nepali Congress in 1990,

- Delighted at the ratification of the international human rights instruments by the interim government

Bhogendra Sharma, Director of the Centre for the Victims of Torture and Bisheswara Dahal, Adviser to CPN (UML) Central Committee also wished a success of the conference and spoke on the issues of human rights.

The Inaugural Session was chaired by INSEC Chairman Sushil Pyakurel. Putting his remarks Mr Pyakurel said, "Human rights defenders

took on human rights movement as an inseparable part of the national movement even in the Panchayat Regime when human rights was suspended." Speaking with reference to the governments formed after 1990, Chairman Pyakurel observed that they have failed to honour the martyrs of democratic movement. Similarly, he held that the governments have not been responsive to protect the families of

sions discriminating male and female children. Women are discriminated against within families and within society. The problems are grave as women do not enjoy equal participation in education, health, politics and other sectors.

- Discrimination is also embodied in the form of caste. The state itself is indifferent to the problems of the large populace discriminated in the country.
- The state's discriminatory policy in resource allocation has contributed to the unequal development of different geographical regions. Similarly, the state has not been able to equally protect and promote the language and culture of the people.

2. Exploitation

- Some of the traditional systems of Nepal have been contributing to sustain the various forms of exploitation. The lack of the legislations to end the systems like Kamaiya and haliya has contributed to the continued exploitation of the agriculture labourers. We are also gravely concerned by the rising trend of child labour in Nepal. This has been challenging all the national commitments.
- The exploitation of women's labour is grave in the country. Women's labour constitute two-third of domestic and agriculture labour. Women are either under-

paid or non-paid. The trafficking and sale of women and children for sexual exploitation disheartens us. Child Marriage, Polygamy, unequal marriage, dowry and jari system are additional means of exploiting, discriminating against and oppressing women.

- Some traditional customs prevailing in the society contribute to the exploitation of women. Badi, Deuki, Jhuma, and Polyandri are some examples.

3. Impunity

Traditionally, impunity prevails in Nepal. The criminals are not only unpunished - they are awarded.

- The human rights violators are encouraged for not bringing them to the justice. This has increased the possibility of more violations of human rights.
- The social environment, which allows those who accuse women of being witches, and the perpetrators of family violence, to openly and proudly saunter around, is our grave concern.

4. International Capital

- The international capital has also adversely affected our human rights movement. The policies of the World Bank, IMF, ADB, WTO, and the investors of the developed countries have adversely affected the decision power of

our governments. This has contributed to the violations of the economic, social and cultural rights of people.

- It is agreed that the act of accepting the conditionalities of international investors and expressing the commitments in their policies, in contradiction to the international commitments on human rights, is opposed to human rights.

5. Unless efforts are made to increase the campaigns for human rights education, it is nearly impossible to create a human rights culture among the people and state machineries.

Our Future Responsibilities

We make our commitment to undertaking the following tasks in future:

1. Efforts will be made to enact legislations, create mechanisms for their effective implementation and launch programmes to end discrimination against women and children.
2. Efforts will be made to enact new laws to end caste-based discrimination
3. The solution of the unequal development due to the unequal distribution of resources will be sought and programmes will be carried out to empower the people.
4. Effort will be made to end the remnants of the slavery or slave-

the martyrs; to trace out whereabouts of those disappeared; and to launch relief programmes for the victims of torture. "Still there are the prisoners of conscience in jails, the practice of torture is still prevalent in custody, the conditions of jails are quite poor, the kamaiya system is still prevailing and the government has failed to launch special programme for the children and women." said Chairman Pyakurel drawing the attention of the government.

More than 350 human rights activists from over 63 districts, journalists, intellectuals, academics, legal and administrative official participated in the inaugural session. Representatives of the diplomatic missions were also present on the occasion.

Paper Presentation and Discussion

The five-day conference discussed the following key areas of concern and adopted the Kathmandu Declaration as a common agenda for the future.

1. Existing Nepalese Constitution, Laws and Human Rights
2. Nepalese Legislature, Judiciary, Executive and Human Rights



3. Human Rights Mechanisms in Nepal
4. Economic, Social and Cultural Rights in Nepal : Laws and Implementation
5. Women's Human Rights in Nepal: Laws and Implementation
6. Civil and political rights in Nepal: Laws and Implementation
7. The Rights of the Child in Nepal: Laws and Implementation
8. Abolition of Cast Discrimination in Nepal: Laws and Implementation
9. Labour Rights in Nepal: Laws and Implementation
10. Abolition of Torture in Nepal: Laws and Implementation
11. Abolition of Bonded labour in Nepal: Laws and Implementation
12. Priority Areas of Human Rights in Nepal.■

like practices like Kamiaya and haliya by way of legislations and social rehabilitation.

5. More efforts will be made to stop the trafficking and sale of women and children by creating appropriate mechanisms and taking additional measures.
6. Efforts will be made to fight against the social evils like dowry, child marriage, polyandry, jari and other such degrading and cruel practices.
7. Efforts will be made to bring the human rights violators to justice.
8. Public opinion will be raised against the anti-social security policies imposed by IMP, WB, WTO, and the investors of the developed countries.

9. Opinion will be created against the commitment of the government to the policies of the international financial institutions which are in contradiction to the provisions enshrined in the international instruments of human rights.

10. For the creation of human rights culture, human rights education campaigns will be widened with an effort to incorporate human rights education in the formal curricula, to educate the law enforcement agencies and the general public.

11. Efforts will be made to repeal the laws contrary to human rights.

12. Efforts will be made to create human rights mechanisms,

undertake administrative measures to facilitate them and make the mechanisms accessible to people.

13. Opinion will be created to make government, parliament and political parties accountable to people.

14. Efforts will be made to create secular state policy.

15. For the institutionalisation of democracy, efforts will be made to make government, political parties and parliament adhere to moral values and practices, and every effort will be made for the free, fair and impartial elections at all levels.

THE SELLING OF NEPAL

- Barbara Adams

Now that the market for the buying and selling of Ministers and parliamentarians has settled down, and trading in the vote market is less frantic, attention has turned to the buying up of the rights to sell Nepal and its natural resources to the highest bidder. The frightening thing for the few of us who seem to care, is that the public has largely given up protesting atrocities by the government, be they against innocent villagers, Nepal's rivers and forests, or against Nepal's very sovereignty.

It is amazing. The group of selfish politicians belonging to a non-government which everyone calls "loot-Sarkar", is selling rights to exploit Nepal's natural resources to any foreign or multi-national company which greases the right palms and represents the correct foreign interests. One waits helplessly for some loud, righteous voice to shout: "Wait! You have no credibility; no popular mandate to rule, and little chance of surviving a vote of confidence. You have therefore no right to enter into agreements to sell what belongs to the sovereign people of Nepal!"

Economists and intellectuals the world over are now aware that the Reagan-Thatcher foisting of "privatisation, free market economics and globalisation" on much of the world is disastrous for the developing countries and especially the Least Developed

Countries (LDCs) like Nepal. Even the 1996 UN Human Development Report points out that under the current "economic wisdom", not only are the rich minority of people getting richer, and the poor majority, poorer, a few already rich countries are getting richer, and the poorest, much poorer. It is now a proven fact that liberalisation and privatisation are theories promulgated BY the richest countries, for the benefit OF the richest countries. They have nothing to do with the needs of the people in countries like Nepal.

The fact that the donor-driven Finance minister continues to embrace policies that he MUST know are ruinous for the country, is just one more reason to dump the present "Government" and all others who promulgate the present economically disastrous policies, as quickly and permanently as possible. One might also consider that, in the interests of an economic policy which finally addresses the problems of the marginalised poor, those trying to sideline Madhav Kumar Nepal may be doing the country a favour. Makune is not known for standing up to the exigencies of the foreign powers in whose hands we are presently spineless putty.

Lets look briefly at what is being forced on our vulnerable and ill-informed population. The most talked about, although not adequately criticised, invader of

our economic and environmental sovereignty, is a company called Enron, which seems to have infinite resources to bribe and coerce. Reliable sources swear that Enron financed the sending of the five "sick" ministers to Bangkok, though the auspices of their "representative", Partip Rana of the Kathmandu Hotel Ranas.



Whatever the "diplomatic" reasons that Water Resources Minister, Pushupatti Rana, has called for other "solicitations" for the tender for the Karnali-Chisapani project, it at least gives the country a breathing space. The experts need time in which to carefully consider the environmental and other ramifications of this giant project, with its mega implications for the country. The environmental activists need time to organise!

Then we have the Kali Gandaki project which is reported to be costing Nepal two thirds more than it would have if we utilised our qualified engineers and planners, rather than a questionably connected Italian company which is reported to have already upped its cost estimates by a stunning one third. This of course was approved with unquestioning alacrity by the untransparent NEA. Khetan is supposed to be the Italian connec-

tion profiting most from this project which many experts think we should have undertaken ourselves. Julia Chang Bloch's husband, Stu, is said to be on the Board of Directors of Morrison Knudson, a consortium of Norway, Finland, and the U.S.A. which designed the project. We should also not forget, while extolling the benefits of the run-or-the-river- KG project, that the Marsyangdi, which is also a "run-of-the river" project, was one of the most expensive of its kind in the world. The cost estimates for the Kali Gandaki will certainly soar again before the project is completed

The billion dollar West Seti project, on the other hand, will be carried out by the Australian Snowy Mountain Engineering Corporation. All the power it produces will be sold to India, and so far no environment impact study has even been hinted at. This project is said to have been promoted by Les Douglas, former Australian Ambassador to Nepal who is now working for the SMEC. Again the public has not been consulted, and has no idea what is being foisted upon it. The looming spectre of Pancheswhore, once conceived as the world's second highest dam, is of course still haunting us, as one of the inconceivably mammoth offshoots of the ill-conceived but effectively concealing Mahakali Treaty. This dam, if we do not stop its construction, will submerge 30 square kilometres of Nepalese territory, and displace 25,000 people.. It is to be located in an earthquake-prone zone and is already terrifying populations on

both sides of the border.

As if all the above were not enough, the Sapta Koshi high dam has come back into the fore after years of simmering in the background. Experts agree that the Sapta Kosi is beneficial to India and Bangladesh but not to Nepal.. What Nepal needs is the Sunkosi Diversion and the Kamala Dam project, not the Sapta Koshi dam which is a much solicited "gift" to Indian interests.. Everyone should read Saturday's Kathmandu Post column by M.D. Karki, called: "Sapta Koshi High Dam: Disaster for Nepal."

The fact that big dams have been discredited all over the world, and usually bring more new problems than the old ones they promise to solve, doesn't seem to bother the powers that be, who are all too ready to sacrifice future generations for immediate cash. Everyone knows that big dams wreak ecological disaster on huge areas of land, unless they are tightly and efficiently managed. Badly managed big dam projects can be disastrous to river ecology. (The Karnali project, for example, is sure to wipe out the last of the rare fresh water dolphins which tourists flock to Bardia to see, as well as disturbing the breeding patterns of other riverine life.) "Large dams change a self-regulating ecological system into one that must be managed." says one encyclopaedia. Everyone also knows that Nepal has one of the highest rates of siltation in the world.

The Grollier encyclopaedia mentions the danger of silting,

and cites Nepal as an example: "In Nepal, deforestation and farming on steep lands threaten to incapacitate the few dams already built on Himalayan rivers." Surprisingly not mentioned by Nepal's big dam advocates to whom mega dams mean mega dollars, is the fact that silting, deforestation, and greater impoverishment of the hill peoples will inevitably accompany all the above projects. The problem of silting is vividly illustrated by current newspaper stories about it affecting our present electricity supply. The Kulekhani reservoir which was supposed to have a life of a hundred years, is so badly silted up that a new tunnel has to be built at a cost of 40 million dollars ----a third of the cost of the entire project--- after only 15 years of service.

As if all the above were not enough we are about to agree to turn over a huge tract of Bara forest to a private Finnish Company for "management" (read "profit.") The local people are outraged, and totally against turning over their forest to foreign lumbering interests but that doesn't seem to bother our "loot-Sarkar." Environmentalists who saw the Finnish feasibility study months ago swore the project was another disastrous blow to community forest management, but our "Government seems determined so sell even our forests, in their rush to "privatisation." Sociologists and social monitors are fighting to stop another looming disaster for Nepal: Mahat's brainchild of an "off-shore banking system." This is a transparent ploy to attract

drug money and other ill-gained profits, from sleazy foreign businesses and criminal foreign businessmen, interested in "laundering" black money., in a "safe" haven. One can imagine what this input and influx will do to our already disintegrating society!

Take a good look at the Nepal I have just described. Mega-projects everywhere: Our hills blasted away for roads to carry materials to build the dams. Foreign consultants everywhere, taking the jobs so vital for our educated unemployed; criminals being invited in to launder their money. Nepal, a small poor country, torn apart and ravaged by big rich projects conceived and manned by big rich foreigners, to whose "wisdom" we must always defer.: Our rivers sold to irrigate the fields of our neighbours. Our sovereignty sold to the commercial interests of the capitalist world, and the conniving of our Southern neighbours; the on job training and empowerment of our qualified engineers and technicians to remain forever an unachievable dream.

It is unbelievable that no one has yet rebelled against these destructive projects and policies as the people are rebelling against the Narmada and Tehri dams in India.. It is amazing that our environmentalists are not facing up to Enron, not to mention Ram Saran Mahat and the IMF. We remain, as always, quiet little lambs being led into foreign slaughter houses by those who touch the feet of foreign bosses, who travel to foreign

hospitals,; who maintain foreign bank accounts, and who will flee to foreign lands at the first hint of popular revolt against their devastation of a once proud, independent, country.

It is high time for the younger generation to take charge and direct their own destiny and the destiny of their country. It is high time to say no to the IMF, the World Bank, the multinationals, and other instruments of foreign policy and destructive power, who would buy us, destroy us, and then abandon us for places which are still innocent, credulous: Still willing to be raped and ravaged in the name of development, and corrupted in the name of "foreign aid."

Nepal is poised and positioned for a suicidal leap into the arms of total destruction. If we have any patriotism left We must grab her reins and turn her back to the path of safety and sanity Small is not only beautiful, it works! Our engineers and technicians and skilled and unskilled labour can build the country gradually and lovingly, from the

bottom up They can build medium-sized hydra-electric projects in every development district and sustainable power sources in villages too remote to benefit from the former. They can instil pride and technological know-how in our people, and will preserve the environment because it is **THEIRS**. Enough kow-towing to ideas which do not suit us, and foreigners who only want to exploit us. If we wait any longer it will be too late. The time to grab control of our destiny is **NOW!**

Note: The article has been written in response to buying and selling of MPs and ministers as it happened the last December to defeat the no trust motion tabled against the then coalition government of the Nepali Congress, Rastriya Prajatantra Party and Nepal Sadwawana Party.

(Barbara Adams is a noted human rights activist and a prolific writer.)

Foundation Stone Laid for Prakash Bhavan

In its struggle for human rights movement for the last eight years, INSEC has now stepped on to constructing its own office building which shall be named after late Prakash Kafle, the visionary and founder of INSEC.

A foundation stone was laid on 28 April 1997 amidst a programme which was participated in by the District Representatives of Human Rights Year Book for all the 75 districts. INSEC Chairman and INSEC activists jointly laid the foundation stone.

The development industry typically employs Northern consultants on Northern salaries to go and assess the 'needs' of people whose language and lifestyle are totally alien to them. They too are selling something: the message that you must join the global economic system or otherwise perish. The problem is in style as much as content: these 'experts' arrive in villages driving cars which are rarely seen by villagers, and armed with interpreters, so distanced and alien from the everyday life of the village that, at best, all they can really do is add to the mystique about the wealth of the west.

Development workers can only perceive of their enterprise as legitimate if they think they are helping a category of people irrevocably different from themselves. This attitude is exemplified by the aid worker who said to me "You don't have to be like them to help them" - aid is an instrument for dividing people into those who help and those who are helped rather than viewing problems as ones shared by humanity. An Australian Aborigine corrects this attitude; "If you have come here to help me, you can go home again. But if you see my struggle as part of our own survival, then perhaps we can work together". To perpetuate difference: seeing the recipients of aid as irrevocably 'other' than the donors, is to perpetuate dependence. And the development project itself creates further dependencies, a reliance on external aid. So communities become dependent on NGOs, NGOs become dependent on donors, and the whole process becomes a systematically disempowering waiting game.

The psychological and economic dependencies, created, then go hand

in hand. And the creation of these dependencies is perhaps the most urgent human rights abuse that needs to be confronted today. Autonomy must be one of the most basic and significant rights, as the of individuals, of communities, and of nations, and it is precisely this autonomy which development threatens. This is stated specifically in the International Covenant on Economic, Social and Cultural Rights, Article 1:

"All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development"

Just as importantly, autonomy is not a single right - it embodies a spectrum of associated rights involved in living a secure and meaningful existence in a stable society. As discussed above, a threat to psychological, economic, political and cultural autonomy is not only inherently a rights abuse, but directly and indirectly creates absolute poverty. And the increase of absolute poverty threatens all basic needs and rights, most obviously those of shelter, food and education.

The development enterprise is an economic one - it serves its own interests. It is not an altruistic attempt to erase sources of inequality. For the real questions behind poverty - the equal access to and sustainable use of resources - are questions that everyone, especially the over-consuming 'developed' nations, needs to address.

Increasingly, people are recognising that the local must be prioritised over the global: that local responses

to situations are the only ones that can be appropriate and lasting. But these local responses must be accompanied by an international debate about the changing nature of the world order - a debate precisely about how the local and global can interact.

Ultimately, the way to disarm the powerful few is to challenge them - not on their terms, but using a more powerful logic, and questioning the terms they employ: 'poverty', 'economic growth' and 'development'. In the process of doing this, we find development often not in apposition, but in opposition to 'Human Rights'. And given this conclusion, the 'right to development' proclaimed by business and government alike, is not only questionable, it is contradictory. For as long as the process of development infringes human rights, it cannot be something people need.

Sophie Unwin is a freelance journalist from England temporarily working in Nepal.

¹ Furedi, Frank, *The Moral Condemnation of the South* Just Commentary no 24, April 1996

² Korten, David C., *The UN Conference on Environment and Development: Unasked Questions* People-Centred Development Forum Column no 12, April 1991

³ Shiva, Vandana, *Staying Alive: Women, Ecology and Development* London, Zed Books, 1990

⁴ Harriss, John, *Poverty and Anti-Poverty Policy: A Perspective for SCF in the South Asia Region* Kathmandu, Nov 1994

Walker's black label whisky; you name it, are consumed by urban Nepalese people without any thoughts to its impact on their indigenous society and culture. Similarly, several such products, including soft drinks (such as coca cola), liquors (such as San Miguel, Tuborg, and Carlsberg beers), electronic products (such as radio and TV) are consumed by Nepalese villagers. The impact has been more intense and deep on the younger generation than the older. For example, indigenous nationality groups, such as the Thakali youths speak English fluently but not their own mother tongue, Thakali. Similarly, the Limbu youth, indigenous peoples of the eastern Nepal, has no interest in their own cultural traditions such as "yalangba" (traditional dance).

Another impact related to that is the invasion in societal norms and values. Nepalese people who have come in contact with the Western norms and values through various media have begun to look down upon their own tradition. The unbridled influence of the West has so blindly indoctrinated the Nepalese youths that they are now brought to discover that individualism is better than communitarianism. Christianity is invading the place of animism, Bon, Lamaism, Hinduism, and Buddhism. Nepalese people have begun discarding local brewed *chhyang* and *tongba* due to the influence of Western beer. Drinking water is a shame for them instead of drinking coca cola. And, walking or trekking has been replaced by the intention of driving cars.

Another important impact of external cultural invasion is observed in

the violation of human rights of the victims, specially the indigenous peoples. The Universal Declaration of Human Rights and the Rights of the Indigenous Peoples, ILO and other UN Conventions provide the right to all indigenous peoples to protect their respective societies and cultures. But the external invasion along with internal colonialism has already destroyed these precious societies and cultures. Even the cultures of internal colonisers, that is, Pan-Nepalese culture has got a serious blow from an external cultural invasion. The Nepalese rulers have had forced the indigenous peoples to speak the Nepali language, but all Nepali language speakers, including the ruling social groups, are forced to speak the English language under a strong influence of the process of globalisation. Interestingly indigenous peoples, who have a culture of beef consumption, are prohibited from eating beef, but such is not the case with imported beef catered in the restaurants of star hotels in Kathmandu.

It is believed by many Nepalese intellectuals that pacification of the Nepalese revolutionaries is another serious impact of external cultural invasion. Young Nepalese people are no more interested in the everyday-life problems facing 20 million of fellow country men. They have shown their strong interest in alien music, songs, dance, sports, and life styles.

One of the most worrisome impact of the external cultural invasion is increasing dependency on the West for everything. Nepal's annual budgets heavily rely on donors' financial support. External reliance has destroyed local self-reliance and

subsequently, national self-reliance. Traditionally, community members used to keep their neighbourhood clean, build bridges, trails, roads, and irrigation channels, to maintain the environment. Now, they heavily depend on external agencies to get such things done.

It should be noted here, however, that no indigenous society and culture can be left untouched by the process of globalisation in this global village. The preservation of cultural cocoon is not acceptable either. Nor is the global homogenisation favourable to all. There should be something in between; some rejection and some preservation.

External cultural invasion has posed a dilemma in a country like Nepal, which is multi-caste/ethnic, multi-lingual, multi-religious, and multi-cultural. The problem is to make a choice- what to take from alien culture and what to preserve from tradition. And such an informed choice will not be possible unless the Nepalese rulers allow indigenous peoples to exercise their human rights, including the rights to education in their own mother tongue, right to their land, water, pasture, rivers or rivulets, forests, and the right to self determination.

(Dr. Krishna B. Bhattachan was formerly the Chair and is currently a lecturer at the Department of Sociology and Anthropology, Tribhuvan University, Kathmandu. He has extensive experiences and has published several research papers on a range of development issues, including ethno-development in Nepal.)

Human Rights and Development: Defining the Relationship

- Sophie Unwin

This essay seeks to examine critically the relationship between human rights and development. It argues the need for a clear definition of what 'development' means, before it can be located within human rights discourse.

Human Rights discourse has traditionally centred on the civil and political: in particular the abuse of power by the nation state. The civil rights movements led by Emily Pankhurst (to secure the vote for women in Britain), and Martin Luther King are key examples. These respective movements sought to address inequalities within a nation's population by legal remedy.

But human rights discourse has recently addressed a new question - that of socio-economic rights. Socio-economic rights, though distinct from civil and political rights, are born from the same impulse; namely that human rights is a universal concept. As the UN Universal Declaration of human rights states: "all human beings are born free and equal in dignity and rights" (article 1, Universal Declaration of Human Rights, 1948). Yet in a world of increasing inequality and stratification, people are neither born, nor live "free and equal". And discussions of human rights have moved beyond the limits of the state to a global arena.

In this global context relative prosperity is conventionally measured by

levels of development. As such 'developed' nations are seen to represent an ideal to which 'developing' nations must inexorably progress towards. This is clearly reflected by the Declaration on Social Progress and Development proclaimed by General Assembly resolution 2542 of 11 December 1969:

"Recognising that the primary responsibility for the development of the developing countries rests on those countries themselves and acknowledging the pressing need to narrow and eventually close the gap in the standards of living between economically more advanced and developing countries and, to that end, that Member States shall have the responsibility to pursue internal and external policies designed to promote social development throughout the world, and in particular to assist developing countries to accelerate their economic growth"

From the above, it is clear that economic growth, development and progress are mutually supporting terms. Economic growth becomes invested with a moral superiority, for not only do the 'economically advanced countries' represent an ideal, but the developing countries must hold themselves responsible for the position they are in. Within the socio-economic definition of the 'right to development', human rights and development are unambiguously aligned.

The problem is not perceived to be inherent to the existing structure: the solution is merely a question of 'accelerating growth', of speeding up the current situation. Yet since 1969, and in the last decades of development assistance, the only thing seeing 'accelerated growth' is the gap between the world's rich and poor. Further, conventional development economics holds that industrialisation is the central way of creating growth. However, increasing industrialisation has, as a general world trend, created greater social stratification within countries as well as between them. The urban poor are especially vulnerable: witness the street children in Kathmandu, often lured to the urban centre by stories of wealth and opportunity which fail to match with the reality (their reality) of city life. Already vulnerable, they are further exploited - the majority work in carpet factories where they do not earn wages adequate to sustain themselves.

We live in a world where a tiny minority of the population command the majority of the wealth, and in a world where the minority is getting smaller and the majority is getting bigger. It is unlikely that human rights can be meaningfully respected or implemented in such conditions of increasing global injustice. In this context, what does 'development' mean?

The world is arranged along lines of North and South: the rich industrialised nations, and the poor developing ones, and by extension the 'rich' and the 'poor'. (Of course these divisions are artificial and fail to acknowledge the extent of local elites within developing countries).

Along this division, the North is ordinarily portrayed as not only economically richer, but morally and intellectually richer than the South. As Frank Furedi critically writes: "That there are 2 kinds of societies, problem ones and those that provide solutions - is now an accepted fact in international relations"¹. To arrive at the conceptual divide of rich countries that provide solutions, and poor countries that require assistance, is to use a specific definition of poverty. 'Poverty' is measured only in economic terms, by a global economic system. The global economic system's ideology is one of infinite expansion, material growth and economic development - a myth in a world of finite resources. David Korten explains: "The data indicate that environmental destruction is a direct consequence of a world economy that has outgrown the capability of the earth's ecology to sustain it. If so, then more aggregate growth will only exacerbate the problem and hasten ecosystem collapse"². This ecological destruction most immediately threatens the survival of people living in non-industrial societies who have directly reciprocal relationships with their environment. Ultimately, it threatens the survival of the entire world population. And it would be impossible to talk about human rights if there were no humans!

The global economic system has already concentrated material wealth in certain areas. In its own pragmatic self-interest it is unlikely to want to change the balance of power. So it is unlikely that the global economic system will be interested in people who have nothing - it will target people who - in material terms - have little but who are likely to want and to BUY more.

'In material terms': remember that when it comes to economics that is what we are always talking about. Yet poverty is not merely a matter of money. In this regard Vandana Shiva produces a useful analysis; "It is useful to separate a cultural conception of subsistence living as poverty from the material experience of poverty that is the result of dispossession and deprivation"³. To produce a crude distinction: there is absolute poverty, which means not having the means for healthy survival, and culturally perceived poverty. To quote Shiva again; "People are perceived as poor if they eat millet rather than commercially produced and distributed food sold by global agri-business". Culturally defined poverty is a definition imposed on one group of people by another, because they cannot tolerate (and cannot profit from) the other's difference. This kind of attitude equates eating with your hands as poverty, or not having a television as poverty. It is a form of cultural imperialism: a heavily ideological position. Further, cultural definitions of poverty can themselves create absolute poverty when these definitions are internalised by people who did not previously consider themselves poor.

But the rhetoric of business does not acknowledge the ideological stance behind the position of economic growth. It appears to defy dissent by posturing as pragmatic - it is cheaper to relocate to China, so we have to relocate to China - and therefore neutral. This position is frequently encountered, and has a veneer of reasonableness to it. Yet it is both hypocritical and hides a strong ideological position of its own. Hypocritical because of the manifold legal measures that prevent a

corresponding return flow of labour and barriers to fair trade. (Labour flow from North to South is called 'expatriate', the reverse is called 'immigrant'). Ideological because profit means only profit in the specific economic terms hinted at earlier. It has nothing necessarily to do with greater efficiency, service, quality or, radically, happiness. And though you cannot legislate for a 'right to happiness', these are the factors affecting people's basic human rights. Interestingly, in a recent policy report on poverty prepared by the Kathmandu office of 'Save the Children', the definition of poverty was extended from a conventional economic one of 'income over consumption', to a more inclusive one: poverty being "the absence of a secure and sustainable livelihood"⁴.

Implicit to the ideology of business is that there is no alternative to the dominant economic model. Yet practical alternatives are frequently already extant in traditional societies or in developing countries. And where not in use, they are produced. In sustainable communities where waste does not feature, locally available materials are used according to need: The cow is fed the grass and produces the manure which fertilises the plants and lines the house. Even with the advent of industrialisation, the practicality of this position, is in evidence, for example, traffic barriers are fashioned with poles of bamboo levered with stones. To take the contrasting examples of an industrial farm in North America, and a small rural farm in Nepal. In the former, the yields are much higher in terms of acres than the latter, but once the input of machinery and fertilisers is taken into consideration, the input/output efficiency is actual-

ly much lower. What's more, the latter is a sustainable system that will support itself.

Economics is separate from trade - the exchange of goods and services. In terms of trade what matters is a good's style, intrinsic value, and usefulness or need. Yet the economic system's categories replace value with price, need with demand and style with fashion. The discrepancy between the former and the latter can be seen in places where a tourist market displaces a local market, when the global economy subsumes the needs of a particular group of people to the whims and superior purchasing power of another. To the economic system value is meaningless. There is no hierarchy of value between, say, a kilo of potatoes and a plastic decoration. There is only a hierarchy of price.

The first step, then is to recognise the faulty thinking behind this economic position, espoused by governments and business alike, to see it as an ideological position that furthers its own interests, rather than a simple reflection of how the world is. Once this thinking is revealed for what it is - a sham - it becomes much less conceptually powerful and by extension, less powerful in practical terms.

This is how multi-national companies sell goods by creating dependence where before there was autonomy. Local societies which were previously sustainable and mutually supportive are 'opened up' to foreign influences and in turn become dependent on them. If foreign powers and their products are resisted they become powerless. (A good example is the sales of instant milk in developing countries, which can only be sustained by virtue of its

aggressive advertising campaigns). If foreign definitions are resisted then, instantly, there is no poverty in the village where everyone has food, shelter and access to clean water. Instead if we look at what they probably do have - clean air, community and their sanity intact - we could begin to assess the RICHNESS of their particular position.

Trade is not in itself the problem. The problem is displacement of need by greed and the profit of few at the expense of many. This is in fact what creates real poverty, in cases such as the displacement of the Ogoni people in Nigeria, whose land was devastated by being mined for oil. Whilst the Nigerian government and the multi-national oil company 'Shell' profited, the Ogonis are still waiting for compensation. In contrast, culturally defined poverty works psychologically: the message becomes internalised by people who start thinking of themselves as poor because they are different to the packaged images of western 'progress'. The manifestations of this feeling of psychological inadequacy are exemplified by the phenomenal success of the sales of skin-lightening creams and bleaches throughout the non-white world. This kind of dissatisfaction leads to large-scale urban migration, and encourages people to spend money on things they do not need. Though it is an extreme example, there are now instances of people prostituting their children to buy consumer goods.

Indeed mass-marketing can only succeed by creating the psychological inadequacy that fosters consumption. "You'll only be happy if you have a car". According to Frank Lentricchia this is the dynamic of

capitalism in its consumer stage. "It produces alienation and then appropriates that alienation by projecting an utopia of commodity-gratification as the instrument for structuring desire". In developing countries where material consumption has not yet reached saturation point, the advertising represents this: where adverts in the North are often subtle, ironic and kitsch, appealing to the viewer's sense of sophistication, advertising in the South is much more blatant: "You need" a washing machine/ liquidiser etc. Northern companies will find their audience all the more receptive to these messages which fit into the prevailing rhetoric of 'development'. And in the moral vocabulary attached to development, the blame is located with the poor, as was earlier implicit in the UN Declaration on Social Progress and Development "the primary responsibility for development of developing countries rests with those countries themselves".

Development, rather than being an altruistic administration for the benefit of those that need it, is a huge industry of its own. The majority of aid is tied aid, involving the compulsory purchase of goods/services from the donor country. For example in Ethiopia one contract with USAID, the US government development agency, involved the sale of MAC vans which were not only expensive but completely inappropriate for the local terrain, being too heavy for bridges and roads earlier designed by Italian aid. This example underlines the fact that development 'assistance' typically comes simultaneously from different sources and different countries, who are not necessarily interested in coordinating their work to the developing country's needs.

IMPACT OF EXTERNAL CULTURAL INVASION IN NEPALI SOCIETY AND CULTURE

- *Dr. Krishna B. Bhattachan, Ph.D*

Nepali society has a very long unrecorded history mostly preserved through oral history and cultural practices, including myths and legends, handed down from one generation to another. The written history is less than two thousand years old.

The indigenous peoples of Nepal, most of whom speak Tibeto-Burman languages, have been practising animism and Bon since time immemorial, and Lamaism and Buddhism since two and a quarter millennium. Indigenous peoples have very egalitarian social structure and social economies based on reciprocity. Various indigenous groups developed their own social, cultural, and economic systems within specific geographical boundaries. Each group developed its own systems of rituals from birth to death; each group has their own system of marriage, family, kinship, religion, magic, law, politics, and distinctive language.

The first socio-cultural and political invasions began about two millennium ago with the mass exodus of Indo-Aryan Hindus, who fled away from northern India to the hills of Nepal due to the Muslim invasion. It caused displacement of the Indian Hindus, specially the rulers, who subsequently took refuge in the hills of Nepal. As these Indo-Aryan Hindus had developed their skill as rulers, it was very easy for them to rule in the small principalities in the hills. They gradually assimilated

indigenous peoples with their own Hindu culture.

Since then indigenous peoples' society and culture never remained the same. It began to erode due to a powerful influence of Hindu social, cultural, political, economic, and linguistic systems. The Bahuns and Chhetris developed their political and socio-cultural ambition of homogenisation in terms of Hindu religious and socio-cultural systems. It was translated into reality by King Prithvi Narayan Shah, the "Gurkha imperialist." He succeeded to unify politically all 22/24 principalities and the Kirant Pradesh in eastern Nepal into the modern Nepal in 1768. Since then, indigenous societies and cultures have been constantly threatened with erosion and extinction by alien Hindu religion and culture through the homogenising processes of Hinduisation, Sanskritisation, Brahmanisation, and Nepalisation of language (Nepali), religion (Hindu), and culture (Hindu), and centralisation of power and authority. Thus, for the last two centuries, the overwhelming majority of indigenous peoples of the country was suppressed and oppressed by the Hindu Bahun and Chhetri rulers. Now, this process has been identified as "internal colonialism." At present there are more than 61 groups of indigenous peoples and nationalities in Nepal, who are "internally colonised" by the Bahun and Chhetri rulers.

Until 1950, there was hardly any external cultural invasion in Nepal because the autocratic Rana rulers had closed the country for the outside world. With the establishment of democracy in 1950, Nepal was opened up to the outside world. The saga of external cultural invasion has unfolded since then.

In Nepal, external cultural invasion has penetrated through various subtle and gentle but powerful media to follow the terms of Jurgen Habermas- money and power. Both money and power are translated in foreign aid, Western technology, television programs, radio, motion pictures, newspapers, magazines, CD Rom, internet, books, missionaries, and education. All these means have invaded underdeveloped countries like Nepal as a part of the process of imperialism. This process is often represented by sugar coated terms such as modernisation, globalisation, market economy, privatisation, democracy, Westernisation, and human rights.

One of the main impacts of Western cultural invasion is the rapid destruction of indigenous cultural systems through the process of homogenisation. The Western culture has penetrated not just in the urban areas but also in remote villages as well. Multinational Companies' products from disposable diapers to blue jeans; from typewriters to Window 95; from bicycles to Pajero, and from Wimpy's burgers to Johnny

Migration of Children: Causes and Consequences

(Synopsis of Survey Reports on (i) Prevention of Migration of Children for the Purpose of Employment, Kathmandu Survey, and (ii) Intervention to Abolish Child Labour. Both the studies were completed by INSEC in September 1996. The studies were sponsored by ILO/IPEC)

Thousands of children pour into urban centres in search of job. The moment the children leave their homes, their struggle for survival begins. They land up as carpet children, domestic servants, restaurant boys and street children. Many of the migrant children are assumed to be deprived of basic rights to protection, participation and development. This is the situation they are confronted with: no childhood, no education, no health facilities, no socialisation but solitude, malnutrition and a working day starting at the dawn keeping them busy late into the night.

Extreme poverty and landlessness in the rural areas are fuelling urban migration at unprecedented rates. This has led to an informal labour market, and often, the trade is on the working children sold to bondage to give their parents relief from the loans.

The feudal legacy (employing servants paying substandard wages), socio-cultural background, land distribution pattern, lack of education opportunities have made migration to Kathmandu a way of life of many children in the surrounding districts.

The use of child labour in the restaurants, hotels, tea stalls and domestic work in Nepal is so common that, to many of us, it is unremarkable and therefore invisible too.

The constitution of the Kingdom of Nepal (1990) prohibits the employment of minors to work in any factory or mine or their engagement in any hazardous work. In pursuance of the constitutional mandate, the Labour Act and the Children's Act make the employment of children below 14 years of age a penal offence. The constitution also prohibits trafficking of human beings, slavery, serfdom or forced labour. However, on account of widespread poverty and inequality in society, the problems of child labour and bonded labour including bonded child labour remain largely intractable.

The 1991 census showed that 23 percent child population in the 10-14 age group was economically active which is a drop by 60 percent over a decade. The drop was greater for males as compared to females. The substantial drop in activity rates might have been due to the increased access to education. Their involvement in the

non-agricultural sector had, however, increased.

The estimate of a non-governmental organisation CWIN puts about 21,000 domestic servant below 14 years of age in the Kathmandu valley. Ninety six percent of these children are migrants and 81 percent come from farming background. Most of these children are from Kathmandu valley, Nuwakot, Dhading, Kavre-palanchok, Sarlahi, Chitwan, Dolakha and Sindhupalchok. On the other hand CWIN also estimates that there are about 8000 hotel boys "kanchhas", 8-14 years of age in the Kathmandu valley working in hotels, restaurants or tea stalls.

Against this backdrop INSEC became involved and undertook a survey of migrant children below the age of 14, who are employed in hotels, restaurants and tea stalls or as domestic servants in Kathmandu and Patan cities. Based on the Kathmandu survey's findings further surveys were carried out in 10 VDCs, 5 in each of the two districts Kavrepalanchok and Nuwakot and set of interventions was proposed.

Addressing the problem of child migration may not be an easy one. However, the underlying assumption of the survey and the proposed intervention is that child migration could be prevented by improving the awareness on child rights and education, giving better opportunities for child education and improving the life of those households prone to sending their children to urban centres for work. Given below is a brief description of the survey reports.

Synopsis of Kathmandu survey report

In 1996, INSEC conducted a survey for the identification of migrant children employed as domestic servants and restaurant workers within Kathmandu and Patan cities. The sample consisted of 200 migrant child workers, 100 each from household and restaurant sectors hailing from five districts

Kavrepalanchok, Sindhupalchok, Nuwakot, Dhading and Ramechhap with higher incidents of child migration. Data was collected by the method of personal interview using questionnaires given to the child workers and their employers.

The main objective of the Kathmandu survey was to secure primary data regarding the service and working conditions, family background and employers attitude and also to identify the districts and VDCs which most of them belonged to.

The result of the survey revealed Kavrepalanchok and Sindhupalchok closely followed Nuwakot as the districts to which most of the migrant children belonged. The results revealed that a majority of the children belonged to Brahmin, Chettri and Tamang caste/ethnic groups. An overwhelming percentage (97%), of the working children's families was engaged in farming and cultivated their own land. The average land holding size was found to be 0.20 hectares per household, which was lower than the national average of 0.77 hectares for the hill region. In spite of the increased access to

education, more than a quarter of the children were found to be illiterate and about three quarters of the children were school drop-outs.

Almost half of the working children were deliberately sent by their parents to Kathmandu. Peer-group suggestion, a search for adventure and a better life, dislike of village life and hope of studying further, etc. were other reasons for migration. Alarming, more than three quarters of the respondents' families faced food shortages. The great majority (83.5%) of the working children were found to be brought to Kathmandu by their own parents, relatives and other acquaintances.

Out of the 63.5 per cent of those who attended school prior to their migration, one third had to drop out of school due to a lack of money for paying fees and buying stationary. One fifth of the respondents found the syllabus boring and ten per cent had to work at home. Other reasons were found to be the negative attitude of the parents towards education, the long distance of the school, partial behaviour of teachers and so on.

Above one third of the respondents' parents were in debt in their villages. They were found to be in debt to local landowners/money lenders, relatives and banks. The debt amount varied from less than Rs 1,000 to above Rs 10,000. All parents were found to be in debt very recently and no case of hereditary transfer of debt were not recorded. It was also found that the migrant children were found to be absolutely free to

leave their present working place at their will. However, 39 per cent of the children were not able to leave immediately for they did not know the way back to their villages and were instructed by their parents not to leave without being accompanied. It was also found that only 16 per cent of the employers had some sort of relationship with the children's parents and relatives, but none of the parents was under any kind of obligation to leave their children under bondage.

The vast majority (89%) of the respondents was engaged in dishwashing. On average they were found to be working for 10 hrs. and 9 mins. per day. More than a quarter of them were working in dark and damp rooms. The children working in restaurants and hotels felt more tired and were more prone to simple accidents like cuts and burns.

After arriving in Kathmandu, two third of children had been ill. It was found that only seventeen per cent visited the doctor or the hospital only when the case became very serious. Although four-fifths of the respondents were looked after by their employers when they became sick, they had to buy the required medicine themselves from the pharmacy. Data also revealed that two-fifths of the restaurant and hotel owners deducted the medical expenses incurred from the children's salary. Data also revealed that the domestic servants were better off than the restaurant and hotel workers as far as nutrition was concerned.

Above a quarter of the children were not paid for their work and another quarter knew nothing about their salary. Over three quarters of the restaurant and hotel workers and one quarter of the domestic servants were actually paid for their work. The pay was found to be higher in the restaurant and hotel sector and a majority of the restaurant and hotel workers drew their salary themselves and 42 per cent of the children sent their earnings home. Taking into account the responses of only those children who were paid for their work, it was found that the average salary of the boys and girls employed in restaurants were Rs. 322 and Rs 300 respectively. Similarly, the average salary of the boys and girls employed as domestic servants were found to be Rs, 235 and Rs. 177 respectively.

Approximately, one half of the working children were treated well by their employers and another half were treated indifferently. Only two and a half per cent were ill treated and most of the bullies were found to be immediate supervisors in the restaurants and hotels. Data also revealed that over one-third of the children had previously worked in at least one place in Kathmandu. Almost half of the migrant children were scolded for mistakes, ten per cent were slapped and only two children from each sector were severely beaten. Data also revealed that those children working as domestic servants had a better chance (50%) of being sent to school and had more entertainment than the children working in restaurants and hotels.

Findings reveal that about half of the children working as domestic servants were interested in studying further and almost half of the children working in restaurants and hotels wanted to earn money. Two-thirds of the total children were happy with their present job. However, if circumstances permitted, about half of the children working in restaurants and hotels and about one third of the domestic servants were prepared to go to another place and join school. Data also revealed that a large amount of the children working in restaurants and hotels (74%) felt uncomfortable with their present occupation compared to the children working as domestic servants (40%).

RECOMMENDATIONS

1. As it is clear from the findings that the average land holding size of the respondents families is very low and more than three quarters of them face food shortages, the action programme should focus on sustainable income generating activities besides agriculture itself.
2. The action programme should launch an awareness raising campaign in the concerned districts about child labour and persuade the communities to desist from sending their children for work to urban areas. Apart from this, the communities should be made aware about the inherent advantages of education.
3. The action programme should initiate a scholarship pro-

gramme so as to encourage and enable those students who are unable to pay fees and buy stationery.

4. Since a significant number of the respondents found the syllabus boring, the action programme should also organise a teacher training programme and if possible supply it with appropriate reading materials for the children to revive their interest in studies.
5. The action programme should also help in the formation of savings and credit unions at the community level so that villagers do not have to resort to local money lenders who charge high interest rates.
6. The employers of children below 14 years of age should be dissuaded from hiring them and also be encouraged to provide them with better lodging, board, educational and medical facilities.

Proposed Intervention based on VDC level study

Kavre and Nuwakot were identified by the Kathmandu survey as the two districts from where the largest numbers of children migrate to Kathmandu for work. The experts identified the villages within each district where ultimate intervention packages were to be implemented.

The average number of households in the selected VDCs was 500 in Kavre and 600 in Nuwakot. A further two wards in each VDCs

were selected from where a sample of 10 households from among the households with children of age 6-14 years and with less than one hectare land-holding in the wards was drawn. Structured questionnaires were administered to collect information on household's socio-economic conditions and child related issues. Focus group discussions were held at the VDC and ward level to identify the magnitude of child migration and the potential intervention to assist child and parents to abstain from child migration.

On the basis of the analysis of secondary and primary data and information from village level discussions, and considering the project objectives, budget and sustainability of intervention, the intervention programmes were designed. The following gives the highlights of the proposed interventions.

Interventions and Implementation

Problem

The incentive to engage children for work locally in urban areas stems from at least three considerations. Firstly, rampant poverty requires the households to use children to earn income. Children are utilised for domestic work and in agricultural pursuits in the farm holdings. Often they are also encouraged to migrate to urban areas and market centres and work as domestic servants, and work in restaurants and other establishments. Secondly, due to poor education facilities coupled with poverty, children, especially girls, either do not go to school or drop

out quickly. Non-school goers then get engaged in households and as farm workers to seek some wage. Thirdly, due to cultural reasons, education is not considered a priority for girl children. They are engaged in household and farm activities right from the childhood thus blocking their persona development. The employment of children outside home, in urban areas and market centres, is often in the form of a bonded relationship. Parents, to meet their financial needs, take advances from the employers and engage their children to work in exchange for the payment of interest.

Intervention area

Five Village Development Committees of Kavre (Sathighar, Kosidekha, Kharlethok, Hokse bazaar and Dolal Ghat), and five VDCs of Nuwakot (Ganesh Sthan, Kharanitar, Lachyang, Ralukhadevi and Urleni) are the intervention targets. The VDCs are in a cluster. The total number of households in Kavre are 3093 and in Nuwakot are 2483. Interventions will be taken to each of 9 wards of all the project VDCs.

Approach

A four pronged approach to discourage child labour and to encourage the education of children is required. Special support to free the bonded child labour will also be extended.

- a. Create awareness among the parents and in the community about child education, against discrimination against girl child, and against migration of child.

- b. Improve economic condition of poor households, especially of those who decide against schooling due to economic reasons.
- c. Create educational environment to attract parents to send children to school, and
- d. Enhance skill and literacy of non-school goers.

Set of Interventions

A combination of three complementary sets of programs are proposed. They are:

- i) Children's programme: A set of programmes is proposed to encourage parents to send children to school. The basic objectives is to share the parent's financial burden while sending the children to school.
- ii) Income generating, awareness raising and skill development programme: The means of taking interventions to the households shall be women's groups formed in each ward of all the 5 VDCs is the district. Literacy and awareness programmes will be administered to these groups using local manpower. The awareness drive will include areas such as health, sanitation, nutrition, family planning and about a range of feasible income generating activities. The group will be a vehicle to take major planned interventions to the households. A credit fund will be established in each group to assist income generating activities. Some of the group members will be assisted in skill development. A subsidy will be extended to

the groups for a credit fund and for the establishment of a plant nursery.

- iii) Project administered programme: In consultation with the groups, the project office will run a few programmes. The programmes will be 'global' in nature rather than 'group' type.

A combination of different programmes are proposed for children, parents and programme of global nature:

Programme for Children:

- a. Meeting schooling expenses to encourage school attendance.
- b. To impart functional literacy and inculcate income generating skills for the non-school goers and drop outs of age 10-14 years.
- c. Provide adequate oral strength in Nepal to begin schooling in Nepali language to the pre-school children of age 5 and 6 years. Generally Tamang children face a language problem.
- d. To avail text books on loans to the children of grade 9 and 10, who have difficulties in buying books.

Programme for parents:

a. Awareness raising and literacy training

Two groups each consisting of 10 female members of households with children of age up to 14 years shall be constituted in each Wards and imparted with:

- (i) literacy and numerical skills
- (ii) raise awareness against child labour and for children education

- (iii) raise awareness against female-male discrimination
- (iv) basic knowledge on health, sanitation, family planning, nutrition and range of feasible income generating activities.
- (v) identify and organise households for programs
- (vi) prepare groups to work as vehicle for launching planned interventions

b. Credit Programmes:

Stimulate and create local credit funds with each group formed as in (a). The credit funds will be the main vehicle to run and assist income generation.

- c. Help establish fuel/ fodder/ fruit tree nursery in each Ward by groups formed as in (a) to enhance self-sufficiency in fuel and fodder supply within farm households.
- d. Supply suitable vegetable seeds to supplement nutrition through vegetable consumption.
- e. Organise short training to train men and women to take up off-farm economic activities within village or in nearby market centres.

Programmes of global nature

- a. Bonded labour support programme:
Identify the bondage amount and pay back the amount to free the children
- b. Improved composting (Scientific manure making)
Demonstrate FYM pits to increase the efficiency and application of FYM at household level.

- c. Agricultural products marketing agents:

Train entrepreneurial persons to engage in agricultural products collection and marketing in nearby markets. This is proposed to extend the marketing link to local produces.

- d. Demonstration/ Exchange visit programs:

To take members of the groups to various successful income generating project sites. This will give group member exposure to a range of income generating options and other development possibilities.

- e. "Send-children to school" Campaign

Organise the campaign at the time of school enrolment in each Ward of each VDC. This is aimed at motivating parents of non-school goer children to send children to school.

- f. Smokeless Stove Programme

Help to teach people have to make smokeless stoves and provide material support (subsidy) to build stoves. This will help to free women and children from arduous tasks collecting firewood from jungles and provide them opportunity to use their time for other purposes. This will also enhance the sanitation within kitchen and home by providing smokeless environment and will create environmental benefit.

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INSEC Round-up :

By-election could not be fair: NEOC Reports

INSEC as a member of the National Election Observation Committee (NEOC) took part in the election monitoring in the by-elections held in the Constituency No. 1 of Kathmandu, No. 5 of Sunsari, No. 2 of Rupandehi, No. 1 of Rautahat and in Baitadi. Constituencies in Kathmandu, Sunsari and Baitadi had fallen vacant following the resignation of Man Mohan Adhikari, Girija Prasad Koirala and Lokendra Bahadur Chand respectively. Similarly, following the death of MP Dhanapati Upadhyaya and Sekh Idrish seats fell vacant in Rupandehi and Rautahat.

Due to the introduction of the voters' identity card, elections in Kathmandu, Sunsari and Baitadi were held relatively in free and fair manner. In Rupandehi some rigging occurred; CPN (UML) MP Ram Nath Dhakal was manhandled by the NC activists. But the elections in Rautahata broke all the records of democratic norms. Even children of the age of 7/8 were observed casting votes; vehicles bearing Indian Nameplates were freely used in and around the elections violating the elections code of conduct; only Nepali Congress activists were seen in the voters' queue; they were also observed manhandling and intimidating the activists of other political parties; police and security officials were found mute observers even when other party workers were chased out of the polling centres; the NEOC reports.

Women Interaction Programmes in the Regions

Women Interaction Programmes amidst intellectual women representing various political parties and social organisations were held in the regions with an aim to implementing the



INFORMAL

Pasang Lhamu Pledge adopted by the national Women's Conference held in Kathmandu on April 10-12, 1996.

Far West Region:

The Regional Women's Interaction Programme for this region was held on October 4, 1996 in Dhangadhi. The programme with Dwarika Devi Thakurani, the first elected women minister of Nepal, as the Chief Guest was chaired by the Regional Co-ordinator Kul Raj Ghimire. The first session of the programme began with an inaugural session. Two papers respectively on the "Constitution of Nepal and the Contradictory Issues in the Law" by Indira Jaisi and on the "Women Involvement in Politics: Martyrs and their Families" by Mrs. Devi Bohara were presented in the second session following a discussion amidst the participants. 75 participants including more than 60 women participated in the interaction.

Mid West Region:

With Rina Tulachan, the Royal Council Standing Committee Member, as the Chief Guest interaction programme for this region was held on 2 October 1996. Two working papers, namely, "The Constitution of Nepal and Contradictory Laws to the Rights of Women" and "Women Involvement in Politics and the status of the Martyr's Families" were presented respectively by Mrs Padma Bhattarai and Gaura Prasai. 75 persons including 7 men participated in the programme.

Western Region:

Ms. Chandra Kumari Gurung chaired the interaction programme held for this region on October 8, 1996. Justice Shyam Bahadur Pradhan from the Appellate Court Pokhara was the guest of honour. Working papers on "Martyr's Families and Women Involvement in Politics" and "Legal Rights of Women" were presented accordingly by Ms Laxmi Karki and Anita Gurung. 53 participants took part in the interaction programme.

Eastern Region:

Women Interaction Programme for the Eastern Region was held in Biratnagar on October 29, 1996. The Chief Guest for the programme was Justice Krishna Prasad Upadhyaya from the Appellate Court, Biratnagar and Laxmi Shrestha, widow of martyr Bhim Narayan Shrestha, chaired the programme. Papers on "Nepalese Laws and the Rights of Women" by advocate Sushila Karki and "The State of Women's Movement and the Families of Martyrs" by Bishweshwara Dahal were presented. 34 participants including 28 women attended the programme.

Mid Region:

A Women Interaction Programme for this region was held on December 17, 1996 with the participation of 97 including 83 women. With MP Sahana Pradhan as the Chief Guest, women leader Goma Devkota chaired the programme. Sabita Bhattarai presented a paper on "The Local Elections and the Involvement of Women."

Speaking on the occasion MP Padma Ratna Tuladhar, Bidya Bhandari, National Assembly MP Shanta Manabi, Nepali Congress Women Leader Indra Maya Sharma and Ms Shahsi Shrestha, Shanta Shrestha, INSEC Chairman Sushil Pyakurel and other speakers focused on the need of the involvement of women in politics.

The interaction programme concluded that public awareness programmes, such as voters awareness programmes, etc. be launched at the grassroots. The participants also urged to follow up with the government and other concerned to implement the resolutions adopted by the First National Women's Conference.

Regional Workshop on the "Untouchable"

"Castism and untouchability are completely anti-democratic and unnatural phenomena imposed by the ruling elites upon meek people to perpetuate their rule. These must be totally abolished to enable the oppressed people to exercise their human rights." Padma Lal Bishwakarma, Chairman of the Society for the Liberation of Oppressed and Downtrodden Castes, expressed this while presenting a paper entitled "The Problems and Solutions of Downtrodden Castes in Mid Region" at a training-workshop on Caste Upliftment organised by INSEC on 23 January 1997 in Kathmandu.

Addressing the programme as the Chief Guest, CPN (UML) Central Member Pradeep Nepal said the practice of cast sys-

tem developed along with increasing class consciousness in society. It was not so in pre historic period, and he held that "until and unless a class equity is maintained in the society, the practice of untouchability will not stop" He urged all oppressed peoples to campaign to bring down the system of feudal sovereignty. INSEC Board Member Pawan Ojha and Treasurer Deepak Kafle also addressed the programme chaired by Chairman Sushil Pyakurel.

The Central Member of the Society, Deepak Jung Bishwakarma, presented a paper on the Problems of Downtrodden Women in the Mid Region.

School Children Programmes

School Children Programmes form a part of INSEC awareness programmes at the grass roots. As we have earlier stated Child Awareness Groups (CAGs) have been formed in schools of 33 administrative districts (of total 75). CAGs are active in holding essay competitions, speech competitions, quiz contests, poetry competitions, and the like on various themes concerning with human rights. Reports on the completion of such programmes have been received from INSEC networks in Dhankuta, Udayapur, Salyan, Bara, Tehrathum, Rautahat, Bhojpur, etc.

General Assembly

The INSEC network Human rights Awareness and Social Development Centre (HURADS), Kailali concluded its first general assembly on 1-2 January electing a new executive committee with Janak Bhandari as the Chairman.

Assistance to Prisoners

The INSEC Far Eastern Regional Office handed over 19 pieces of jut carpets equivalent to NRS 20 thousand and a dozen of INSEC publications to the prisoners at the Kailali Prison Section in a programme held on 8 January 1997. The assistance was collected from local sources. Dhangadhi Municipal mayor Kishor Kumar Bamb, DDC Acting President Narayan Datta Mishra and other dignitaries were present on the occasion.

Martyrs Day Observed

INSEC networks in Sindhuli, Nuwakot and Dolakha reported the observation of Martyrs Day amidst a variety of programmes. Sindhupalchok network observed the Day holding a Martyr's Memorial Assembly on 29 January 1997. Nuwakot network organised a training seminar on Human Rights and Rural Awareness and Drinking Water Project Repair Programme to mark the Day on 18-19 January 1997.





Similarly, Dolakha network held a talk programme on Democracy, Human Rights and the Martyrs in Nepal on 29 January. Similar reports have also come from Darchula, Rasuwa, Syangja, Morang, Dhankuta, Tehrathum, etc.

Training/Workshop/Consultation

Consultation:

INSEC Chairman Sushil Pyakurel participated in a consultation held in Colombo between 24-26 April 1997. Organised jointly by National Peace Council and SAFHR, the consultation discussed the ways towards promulgating South Asian Peace Charter.

Training:

INSEC Women Department Co-ordinator Kamala Parajuli participated in a training programme held in Manila on 2-13 April 1997. The training was organised by ECPAT International with a view to working out strategies to end child prostitution, child pornography and trafficking of children. The training discussed human behaviour, child psychology, the causes of child prostitution and their solutions, and the like.

INSEC Regional Co-ordinators Dasharath Budhathoki, Eastern Region and Raj Narayan Nepali, Mid Region, participated in a training on Child Education Leadership Development organised by ILO and IPEC in Calcutta on 21-30 April 1997.

Meeting:

The INSEC Programme Co-ordinator, Krishna Prasad Upadhyaya, participated in the Asian Planning Meeting on the Global March Against Child Labour held in Bangkok on 17-18 May 1997. The meeting was organised by ECPAT with a view to launching a Global March against child labour. The meeting has decided to launch an Asian March from the Philippines in March 1998 which shall converge into the European March.

Chairman and General Secretary Arrested:

INSEC Chairman Sushil Pyakurel, General Secretary Dr. Rajesh Gautam and 28 other rights activists were arrested on 4 June 1997 from Ratna Park while they were preparing to organise a March to the Chinese Embassy to submit a memorandum in connection with human rights violations in China. They were released the same day.

Nomination

INSEC Chairman Mr Pyakurel has been nominated to be a member of the Human Rights Protection Recommendation Task Force and the National Development Council.

Press Releases:

a. Unusual police action is on the rise

INSEC released a press statement on 16 June 1997 and expressed its serious concern over the increasing unusual police activities and decreasing score of human rights situation in the country. Stating that indiscriminate police action has claimed lives of citizens- 2 persons were beaten to death in Rajahar, Nawalparasi and in Siraha, the statements says, "We are sorry to observe that police force is acting headless. Tarapati Magar of the CPN (Maoist), arrested in connection with the "Peoples' War" has been seriously beaten while in police custody. He has been referred to Kathmandu for treatment but has failed to receive necessary treatment"

INSEC has demanded proper investigation on all these events, compensation to the victims and bring those responsible to justice.

b. Human Rights Activists arrested

INSEC has through a press release dated 5 June 1997 condemned police arrest of a group of human rights activists that included INSEC General Secretary Dr. Gautam, INSEC activist Mukunda Kattel, FOPHUR Chairman Bishwa Kanta Mainali and other human rights activists who were set to protesting against the jail sentence of Rong Thong Kunley Dorji, the leader of the Bhutanese movement and Chairman of United Front for Democracy. The protest was staged on the very day that the Indian Prime Minister IK Gujral arrived in Nepal.

Condemning anti-democratic activity of its kind, INSEC has reiterated that the action stands in conflict with the constitution to arrest human rights activities whereas the constitution provides for peaceful protest for the protection of human rights. "It is very defamatory and damaging for police to enter the office of FOPHUR which has been working hard since

long to protect human rights in the country. We demand the immediate end of such activities and the release those human rights activists." The press release has also demanded that the government of India take immediate action to release Bhutanese leader Dorji and provide passage for Bhutanese refugees, residing in Nepal for years, to return home with honour.

c. Inform the people at large

INSEC, CVICT, Human Rights and Peace Society, Injured International, CWIN, and GRINS through a joint press statement dated 10 May 1997 demanded the government to respect the constitutional provision that provides for the right to information. With reference to the recently concluded marriage of Princes Sruti with Kumar Gorakh Shamsar, the statement has asked for public information on the amount of money, material and resources provided by HMGN to the cause of the marriage.

Excerpts of the text: "We have been worried at the message that the personnel designated for Royal Services were given as a dowry on the marriage of Prince Sruti. It is painful to observe that hundreds of thousands of rupees was taken from the national treasury for the marriage of an individual. Any kind of flamboyance at events like marriage is a hindrance to social awareness, hence condemnable. We also regret the preference given in public media to disseminate this showy event. We demand that the public-responsible government bring the crux of the matter to public. Moreover, we view that a national discourse be conducted on such matters."

d. Protect the rule of law

Sanukaji (Anil) Maharjan, aged 18, died at Putali Sadak, the heart of Kathmandu Metropolis, 11 May 1997 while his car was hit by a vehicle carelessly driven by Prince Parash Bikram Shah also leaving Kedar Sinkhada in a critical state of health. So far, the victims have not received any compensation and treatment and the culprit has not been brought to justice. INSEC is gravely concerned at the silence of His Majesty's Government and the police administration at a time when the concept of the rule of law is clearly being challenged and citizen's right to life are being violated.

We demand a fair investigation of the event, treatment and compensation to the victims and legal action to the culprit. We further demand that His Majesty's Government and other parties concerned should protect the rule of law.

INSEC General Assembly

INSEC General Assembly was concluded on 11 April 1997 in Kathmandu. The general assembly adopted the yearly report presented by Chairman Sushil Pyakurel and the financial report presented by Treasurer Dipak Raj Kafle by general consensus. INSEC Board Member Pawan Ojha as per the decision of the Executive Committee presented a second proposed amendment to INSEC Legislation. The proposal was adopted with necessary amendment. The amended Legislation provides for an INSEC National Council, as a new organ, and the extension of the 7-member Executive Committee to form into an 11-member committee in view of the widening scope of INSEC activities.

The general assembly resolved to launching future programmes in the light of the Kathmandu Declaration adopted by the first INSEC National Conference on Human Rights. Similarly the assembly has decided to make maximum use of the INSEC General Members while introducing new programmes and carrying on the present ones. The general assembly also resolved to stretching its concept on rural development making the people at the base more aware on the state responsibility for the nation and its people.

Foundation Stone Laid for Prakash Bhavan

In its struggle for human rights movement for the last eight years, INSEC has now stepped on to constructing its own office building which shall be named after late Prakash Kafle, the visionary and founder of INSEC.

A foundation stone was laid on 28 April 1997 amidst a programme which was participated in by the District Representatives of Human Rights Year Book for all the 75 districts. INSEC Chairman and INSEC activists jointly laid the foundation stone.

INSEC Chairman & General Secretary Awarded

The National Dignified Youth Honour Committee has decided to present National dignified Youth Honour 2053 (1997) to INSEC Chairman Sushil Pyakurel for his noted contribution to Human Rights sector.

In addition, General Secretary Dr. Rajesh Gautam has been selected for the Bijaya Shree Award. The Indian International Friendship Society has selected Mr Gautam for his noted contribution to Human Rights and teaching. The INSEC family wishes to congratulate the award recipients warmly.

Kamaiya Concern Group (KCG)

Various NGOs and INGOs have now arrived at a platform to jointly fight the kamaiya system prevailing in the west of Nepal. A Kamaiya Concern Group has been constituted with the co-ordination of INSEC. Members include BASE, GRINSO, RRN, SAP Nepal, Lutheran World Service, Plan International, Save the Children (US), Social Welfare Council, UNDP, Action Aid Nepal and UNICEF.

The KCG aims to jointly work for the welfare of kamaiyas in pursuit of the following:

- lobby, advocate and recommend to enact laws necessary to abolish the Kamaiya system
- make a clear definition of kamaiyas, study on them and inform the concerned bodies or authorities of the findings
- identify the real problems of kamaiyas and to recommend the ways of resolution to them
- make special requests to HMGN bodies to keep kamaiyas in the priority lists
- conduct follow-ups or evaluate the programmes and their achievement
- and work as a pressure group in all respects.

Kamaiya Concern Group (KCG) has now concentrated on framing concrete plans, policies and programmes. Various meetings have been held in pursuit of the broader policy framework. A recently held meeting (June 15/16) has developed a Master Plan. Considering that they would be informative the meeting minutes have been included.

Kamaiya Concern Group Meeting for Master Plan Kathmandu 15-16 June, 1997

Minutes

As per decisions of the Bardiya Meeting, a meeting to develop a master plan was held in Kathmandu on 15-16 June, 1997. The member organisations were represented by:

G. B. Adhikari	Action Aid Nepal
Keshab Gautam	Action Aid Nepal
Hemraj Upadhyaya	Action Aid Nepal
Netra Upadhyaya	Plan International
Birbal Chaudhary	BASE
Marc Ono	Unicef Nepal
Dattatray Ray	Unicef Nepal
Yadav Amatya	ILO
Krishna Bahadur Rawal	Lutheran World Service
Padam Regmi	Lutheran World Service
Arjun Karki	Rural Reconstruction Nepal
Somyuhang K M	Rural Reconstruction Nepal
Sunil Pokharel	Grinso-Nepal
Bharat Dulal	Grinso-Nepal
Hemraj Regmi	GEFONT
Bishnu Rimal	GEFONT
Suresh Chaudhary	Kamaiya Mukti
	Manch/GEFONT
Sushil Pyakurel	INSEC
Dr. Shiva Sharma	INSEC, /National

Surya Bhattarai
Devika Nanda Timilasina
Krishna Upadhyaya

Labour Academy/APPROSC
INSEC
INSEC
INSEC

Agenda items for the Meeting:

1. Flash Backs

- Pre-Bardiya Meeting ■ Bardiya Meeting/Decisions
- Kathmandu Development (Ref. Meeting with the Planning Commission)

2. Master Plan

- Presentation of General Outlines
- Discussion ■ Finalisation of frame/content

3. Tasks to be Carried out

- Discussions ■ Plans

4. Discussion with the Planning Commission Members (HMG)

- Briefing of the outcome
- Plan to Represent the views of/and KCG in the Govt Task Force

Agenda 1

The co-ordinating organisation highlighted on the pre-Bardiya development, Bardiya Meeting and the Kathmandu Meeting.

It was highlighted that the Bardiya Meeting identified eight objectives of the Kamaiya Concern Group. It also passed the procedures of the group. According to the procedure INSEC was assigned to co-ordinate the group for year. The existing members to remain as the members of the group and for developing a criteria for the new members a task force comprising of G.B. Adhikari, Netra Upadhyaya, Padam Bhattarai, Amrit Khan, and Abhiyan Rana was formed. The Bardiya Meeting also identified the invitees namely Kamaiyas, advisors, journalists, lawyers, HMG Officials, and others. In its work-plan it put the national and international networking with the organisations working in the same field.

As for the resource the Bardiya Meeting brought the concept of the Common Pool, the concept paper of it was to be presented by G.B. Adhikari in the following meeting. Regarding the linkages of the groups in Kathmandu and Bardiya, INSEC was assigned to co-ordinate at both levels.

Regarding the co-ordination at the field level the meeting decided to collect information from all the member organisations and circulate the compilation of it to different organisations. The work was assigned to co-ordinating organisations.

The programme and geographical areas not covered by the organisations working in the Kamaiya region was identified as:

1. minimum wage

2. rehabilitation programme
3. adequate advocacy
4. nearly 100 VDCs not covered (only 40 VDCs have been reached so far)
5. scale up programmes to reach all kamaiyas
6. plight of all kamaiya children

The Bardiya meeting also formed a task force to develop a proposal for the Kamaiya Categorisation/Identification, which met on 3rd in Action Aid Nepal, Nepalganj Office. (The proposal has already been circulated to organisations)

Additionally, the Bardiya Meeting decided to:

1. study the existing laws (which can help kamaiyas)
2. exercise drafting bill for kamaiyas
3. study land related policies: press for agricultural labour act/work with trade unions.
4. start media advocacy
5. address the need of programme expansion after the kamaiya identification
6. Prepare a COMPREHENSIVE MASTER PLAN.

After the briefing of Bardiya and Pre-Bardiya development, the co-ordinating organisation also briefed the Concern Groups' discussion with the National Planning Commission for the possible incorporation of the programmes suggested by Nepalganj workshop in the government's annual and five-year plans. He also highlighted the suggestions made on behalf of the group to the Commission regarding the possible representation of the Concern Group in the government's proposed Kamaiya Commission.

Agenda 2

After the briefing the meeting started discussion on the Master plan itself. However,

- There was concern to hear the draft of the different task forces constituted by the Bardiya Meeting.
- There were also discussions on how the master plan should look like. There was concern that the Master Plans should not be a routine as designed in various occasions. There were some instances drawn on the plight of the Kamaiya women. Also, the issue was raised that the organisations have covered only 40 VDCs out of 200.
- There were also discussions that the agencies should have policy tilt on the basis of the master plan's requirements.
- The master plan should not be designed by looking at the mandates of the various agencies.

Responding to the concerns, G.B. Adhikari presented the concept on a Consortium. The concept paper presented mentions the consortium as resource DALO. The Dalo concept does not only focus on the financial aspect but all possible resources that can be used. It was decided that the concept be endorsed in principle and plans and mechanisms to operate it should be devised later.

The Task Force also presented the criteria for new membership in KCG. After the discussion, meeting adopted the following criteria:

National Organisation

1. registered organisations
2. Interested and committed organisation in eradication of poverty

ty and this should be reflected in their mission and vision

3. Organisations working on Kamaiya issue
4. At least two years experience in social/community development
5. It has to be recommended by two KCG members and approved/endorsed by the KCG meeting
6. Genuine indigenous organisations seeking to be members will be endorsed by KCG
7. Focal points will be member of KCG

Local Level

1. registered
2. has to have poverty focused programme
3. Actively involved in Kamaiya region with agenda of eradication of poverty and this should be reflected in their mission and vision
4. Two years experience in community development
5. Focal point member will recommend membership, which shall be endorsed by the district KCG.
6. At the local level membership will be given at the discretion of the focal point

Before the next KCG meeting, district KCGs should be formed.

Then the discussion was focused on the master plan.

General Discussions on the Master Plan

Views Expressed:

We consider that we first need a census that can provide information for the masterplan.

We need information on Kamaiya classification.

We need to clarify the outset how do we view the Kamaiya problem. We really need to look into the wage relations and see where we need to break the relationship. WE HAVE DRAWN A LOT OF THE IDEOLOGICAL PERSPECTIVE OF LOOKING AT THE KAMAIYA ISSUE from the international conventions on human rights and the views on looking at the notion of bonded labour. When do we give land to the kamaiya? We give him land at a point when the Kamaiyas are in a transition to wage labour.

Kamaiya needs freedom.

Kamaiyas are themselves trying to liberate themselves which also has to be looked into, when developing the master plan. Their initiatives must be taken into account.

It is good to facilitate them. But we also need to tell them. The awareness in one group transforms to others. But we need to focus on the bonded labourers instead of saying all kamaiyas. But while doing so, it is our duty to check high risks groups, which are prone to be bonded, are also to be checked.

The group must also take positions. There are some hidden facts which need to be addressed. A census needs to be taken. The quantification is complete. But we need to know where the kamaiyas are. The master plan must be guiding line. It can breakthrough the limitations of all the organisations. Implementation can not be completed without appropriate legislation.

Carpet children are getting a wage. If we say we are for bringing them into the labour market, it might connote that the child labour may be formalised.

This concern was clarified by saying that the ratification of the ILO and other human rights and humanitarian instruments has clearly prohibited such possibility if they are implemented. Therefore, taking kamaiyas into the labour market means giving them freedom, minimum wage, minimum working hours, minimum age for work and trade union rights as enjoyed by other sections of the working people.

The discussions were good for setting the ground. We have to make plans with a time span of 3--5 years.

We should limit the master plan to shifting the problem of kamaiyas from bonded to wage and the second generation problems prediction can be addressed after they become free labourers.

We need to involve the government in the work we are doing. We cannot exclude the government agencies from our mission. There should be other institutions that will have to be developed in the course of moving ahead.

There are a lot of laws and policies that are to some extent beneficial to the targeted population we are talking about. How can we implement the existing laws and policies? If the laws are contradictory we should work on correcting them. This also has to be included in our master plan.

We should simultaneously organise and mobilise the people at grass-roots level as well as focus on the state machinery and institutions to deal with the issue.

We should also see that the landlords are also organising themselves. We need to be aware about their strategy. The work we are taking up is pretty much a political act. The issue is grave that we have enemies and we are targeting them. We can only target them if we are aware of their strategies. They have political leverage compared to us. We have to calculate and consider a lot of the issues and then only can we arrive at our tactics. There are landlords who are starting to hire Indians to work on farm land or giving them land on contract.

Format/Frame of developing a Master Plan:

It was decided that the master plan will take the following form:

Table of Contents:

Chapter 1

The System and Sub-System Variants

1. Problem diagnosis /Why does the system exist?
2. What are the different sub-systems within the system?
3. What is the evolution of the system?
4. What has been the role of the state in sustaining it?
5. Who has been benefiting through this system? Who has been losing and why?
6. Contradiction between the moral economy of the Tharus and the market economy
7. What is the situation of the bonded labours in the neighbour-

ing country?

8. Why are we speaking out against the system?
9. Need for this master plan

Among others, the analysis will give us an idea on:

1. Urgency for action
2. Variation in Kamaiya system
3. Wage pattern
4. Accompanying contracts
5. No. of severity cases
6. What is the geographical distribution of the Kamaiya problem?
7. How many are bonded? Partial bonded? Non-bonded kamaiyas
8. Classification and categorisation (Pahadiya kamaiyas)

Chapter 2

Opportunities: Environmental analysis

1. Socio-economic Environment
2. Policy environment (government, NGOs, INGOs, etc.)
3. Systems within the Tharu organisations that could provide the opportunity for their benefit.
4. Employment opportunity

Day 2

Chapter 3: Strategic options

In order to work in this area participants were divided into three groups to work on strategic option (framework) for the elimination of the Kamaiya system.

Group presentations:

Group One

Strategy

What ?

Elimination of Kamaiya System

(Transforming Kamaiyas into agricultural labourers)

How ?

1. organising kamaiyas and developing their organisations
2. mobilisation from micro to macro level
3. networking/coalition/alliance
4. best practice in transforming kamaiyas into wage (agricultural) labourers

3. Policy:

Influence to change, implement and formulate new policies

4. Resources

1. Human
2. Financial

Coalition (KCG's) capacity to carry out the above

Group two:

Programme

1. Time (5 years)
2. Area (all the 5 districts)
3. Resource

PROGRAMME

1. Movement/ Whole districts (outline elements)
2. Support programme and cluster

Movement

1. 1st year: no bukrahi in all the districts
2. 2nd and 3rd year: transforming kamaiyas into wage contracts

Revise the programme periodically

Support programme

1st year:

1. support programme to the movement
2. activity support to bukrahi

2nd and 3rd year:

- | | |
|------------------------------|--------------------|
| 1. one family one employment | 2. wage work |
| 3. skill development | 4. self employment |
| 5. loan | 6. health |
| 7. education | 8. empowerment |

Group three:

What are the concerns?

1. To declare the sauki system as illegal
2. To resettle the kamaiyas in the barren lands
3. To provide bukrahi and kamlahari equal wage
4. To eliminate child labour
5. To provide free education to the school going children of kamaiyas

What to do?

1. enactment of law
2. pressure/opinion building
3. propaganda
4. supportive-integrated programmes (projects as decided by the Nepalganj Workshop)

How to implement?

1. To initiate programmes and activities near the market centres
2. To create conducive environment to get employment in the market
3. To influence government to make kamaiya focused programmes (yearly and five yearly)
4. To encourage the use of labour from the kamaiya sector

Who will be responsible ?

People level movement:

1. To involve labour organisations
2. Organisations which are people based
3. To mobilise international organisations

Law development:

1. Government
2. Organisations
3. Political parties

Integrated programme:(those identified by the Nepalganj workshop)

1. Government
2. International organisations
3. Local organisations and institutions
4. Media advocacy

After the group discussions, the meeting decided to give guidelines, apart from the formats and contents discussed earlier. The following guidelines must be taken into consideration.

Objective: This Master plan aims at eliminating kamaiya system by changing existing exploitative labour relationship into wage labour relationship within 5 years after which the social transformation processes can be accelerated through the domain of development programmes.

Chapter 3

Strategy: Three components to be put in

1. the Kamaiya Liberation Movement

- to be planned (again and put in the plan)
- programmes to be chalked out,
- the organisations should be named
- they can meet and finalise the plan of the actions
- the plan should be endorsed KCG.
- they can undertake the programmes
- first year-- bukrahi into waged women partners identified are elected women representatives, VDCs, Women Organisations and groups
- 2nd/3rd year-- no kamaiya movement)

B. Supportive-integrated Programmes (as suggested by Nepalganj)

1. Housing
2. Micro-credit
3. Skill Development
4. Loan Distribution
5. Debt Relief
6. Basic Primary Education
7. Vocational Training
8. Adult Literacy Classes
9. Protection and Care of Children
10. Primary Health Services
11. Information Education Communication
12. Kamaiya Health Workers Training
13. Legal Aid Project
14. Legal Reform
15. Media Advocacy

C. Advocacy

1. policy
2. legal

Resource:

1. A common Dalo will be developed to meet the expenses of the programmes other than conducted by the individual organisations. The forum has adopted the Dalo concept in Principle.
2. total requirement will be identified.

Implementation Mechanism

The implementation mechanism should be suggested in the master plan itself. It also incorporates the basis to make programmes integrated.

It was decided to constitute a task force to draft the master plan on the basis of the guidelines developed by the meeting. The task force comprises of

1. Dr Shiva Sharma--Convenor
2. Krishna Upadhyaya--Member, INSEC
3. Keshav Gautam--Member, Action Aid Nepal
4. Krishna Bahadur Rawal-- Member, LWS
5. Sunil Pokhrel--Member, Grinso
6. Visnu Rimal-- Member, Gefont

Deadlines :

Draft Preparation	7th of July
Draft Dispatch	10th of July
Input by	20th of July
Finalisation of Draft	31st of July
KCG Meet for endorsement	5/6th of August & Action Plan

Venue: INSEC Meeting Room, Kathmandu

Time: 11 AM

Agenda 3

At the end, the meeting reviewed the tasks immediate tasks identified by the Bardiya Meeting and assigned them to the organisations indicated below.

- Study of the Land Related Policies(INSEC-AAN)
- New Bill Draft Workshop (Insec/AAN)
- Bulletin of KCG (RRN)--June 30 & August 4
- Agriculture Labour Act (Gefont)
- Media Advocacy (Nepalgunj group to discuss with the regional resource centre)
- Use of regular TV programmes
- Grinso is to co-ordinate Media Advocacy in Kathmandu.

Agenda 4

Interaction with Dr Devendra Chapagain, the Member of Planning Commission

Dr. Deverdra Chapagain, the Member of the Planning Commission interacted with the group at noon.

Interaction with the planning commission member (Dr. Devendra Chapagain)

After a brief introduction of the session on the issue of Kamaiya by Sushil Pyakurel, the group and the planning commission member introduced themselves.

Krishna Upadhaya briefed the Evolution of KCG which was as:

In September 1996, Unicef and Insec organised a workshop to understand the root causes of the problem and types and nature for intervention. This was a beginning of joint work by organisations on various programme. There were 18 programmes that were identified. The projects identified were:

- Housing
- Micro-credit

- Skill Development
- Debt Relief
- Vocational Training
- Protection and Care of Children
- Primary Health Services
- Information Education Communication
- Kamaiya Health Workers Training
- Legal Aid Project
- Loan Distribution
- Basic Primary Education
- Adult Literacy Classes
- Legal Reform
- Media Advocacy

A practical realisation was that all were doing piece meal activities. Therefore, it was also discussed how organisations could have a co-ordinated body to emphatically focus on the issue and make an impact. Therefore, decision was made to bring all the key players together. Kamaiya Concern group evolved from all these efforts. If we are to focus on the total elimination of kamaiys system we realised that we have to have a "master plan".

Dr. Shiva Sharma presented the Master Plan:

The focus on the framework of developing a masterplan.

1. In far west there are 5 districts containing 40,000 households who are in this system. It is a complex and heterogeneous system. Not all kamaiyas are bonded. The system circumvents the household level labour. The work environment and the tasks are unbearable. It is an exploitative system. INSEC and BASE have been focusing on the issue for last five years. Now other organisations' involvement in the issue is increasing. Largely we have been intervening on a piece meal basis. Because, it has had no co-ordinated focus, we have seen no impact. One can see that there is commitment and resources but the impact cannot be seen. Therefore, there is a realisation of the need to have a master plan that will strategically try to tackle the kamaiya system.

Main Points of the speech of Mr. Chapagain

1. it should be taken as process rather than a plan
2. the master plan or action plan? strategic plan?
3. the support system should specialise in working for the elimination of the state of bonded labour
4. an emergency system should be developed
5. NPC can extend full support in planning process of Master Plan---through interaction etc.
6. a proposal should be formulated specifying the support needed from the government.
7. total social transformation should be our directive principle.

Additional Agenda:

Note: There was a lengthy and fruitful discussion regarding the government constituting a committee to look into the issue of bonded labour. The conclusion of the discussion was to provide suggestions to the concerned institution (planning commission):

1. To include the minister from Land reform and a representative from the Landless (squatters) Commission
2. From NGO sector and KCG seven members to be present.

Training on Economic Rights

INSEC and FIAN International organised a South Asia Training for Trainers on Economic, Social and Cultural Rights Jan 30- Feb 3, 1997 in Kathmandu. 23 human rights defenders representing the SAARC countries, except the Maldives, attended the programme.

The training discussed the most fundamental questions, by way of lectures, group works, simulations, vibrantly associated with the Social, Economic and Cultural Rights, a part which is rarely incorporated to any 'Human Rights Training' programmes. Some of the key topics addressed are :

- a) Why Economic and Social Human Rights
- b) Food, Housing, Health and Social Security - NGO methods to address violation
- c) Adequate Living- A Social or an Economic Right?
- d) International Obligations, Challenges
- e) International Law, Parallel Reporting, etc.

The five-day training programme adopted a Kathmandu Plan of Human Rights Education in south Asia on Economic, social and Cultural Rights. That follows:

Kathmandu Plan of Human Rights Education in South Asia on Economic, Social and Cultural Rights

We,

- welcoming the fact that in recent years Economic, Social and Cultural Rights (ESCR) have increasingly been recognised both by the United Nations and the international civil society;
- observing with great concern the widespread violations of ESCR in many south Asian countries;
- recognising the vital importance of human rights education, especially on economic, social and cultural rights in order to respond to these violations;

have resolved to

- a. apply these same concepts and methods in all fields of human rights in order to guarantee the indivisibility of human rights education;
- b. initiate human rights education through a general introduction to human rights and then cover specific groups of human rights;
- c. use a two-pronged approach, one focusing on education of victim groups for the realisation of human rights and, the other focusing on the state and community of the states for implementation of human rights;
- d. train victims, their support groups and community-based organisations to:

- have a clear understanding of human rights, particularly those relating to states' obligations;
- be able to recognise a violation of the ESCR occurs or is about to occur;
- monitor violations of ESCR in accordance with international standards;
- inform national and international communities of violations of ESCR;
- use legal and quasi-legal methods where they exist to counter violations;
- demand the introduction of such remedies where they do not exist;

- e. make legislators aware, through lobbying, of the need to codify and implement ESCR wherever they are absent;
- f. recognise that economic, social, cultural, civil and political rights provide an important platform for networking in civil society with a view to imparting human rights education to the different target groups;
- g. introduce training on human rights, including ESCR, as part of formal education at universities, colleges, and high schools beginning with the development of curricula to train teachers;
- h. involve leading intellectuals, artists, opinion

leaders as well as the mass media in promoting human rights education among the general public;

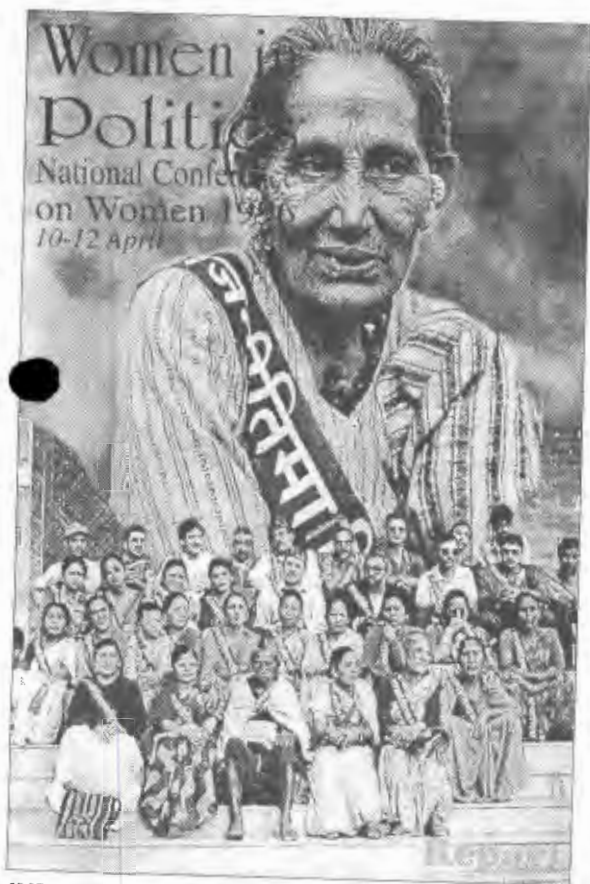
- i. ensure that human rights education addresses particular violations of the right to feed oneself and the right to work of landless peasants, agricultural workers, the unorganised and informal sectors, slum-dwellers, etc.;
- j. eliminate discrimination in the protection and fulfilment of women's basic economic status and educational;
- k. develop training material and modules for coherent human rights education and monitoring in compliance with ESCR; commit ourselves to
 - supporting the recommendation of the working groups as formulated in the report of this conference;

- developing training materials and modules using approaches appropriate to the specific target groups;
- sharing our training experiences with INSEC and FIAN in the coming months;
- evaluating the implementation of this Plan of human rights education in 1998.

Kathmandu,
Jawalakhel Administrative Staff College,
Feb.3, 1997

(FIAN- Foodfirst Information and Action Network- is the Germany based international Human Rights Organisation, working for the Right to Feed Oneself. In almost all parts of the world, FIAN has taken up work against hunger and malnutrition in a unique way.)

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All the Rights of the Child are also the Rights of the Kamaiya Child

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