

Status Paper of Nepal

On The National Implementation of

The Spirit of Anti-Personnel Mine Ban Convention 1997

Submitted to :

The Intersessional Meeting of the Standing Committee of States Parties to
the APMBC

To be held from 23 to 27 April 2007

Submitted by

Bhupendra Prasad Poudyal

Undersecretary

Ministry of Defence

Program Organized By :

Geneva International Center for Humanitarian Demining (GICHD)

Address :

Avenue de la Paix 7bis (WMO Building), Geneva, Switzerland.

Date of submission : 2007 April 23

Word count of Paper = 1200 words

Nepal Is In The Process of Consultation on APMBC

Mr co chair,

Intersessional Meeting of States Parties to the APMBC

1 It is a privilege for the Government of Nepal to avail this opportunity to participate as an observer in the Meeting of the Standing Committee being held in this beautiful city of Geneva from 23 to 27 April 2007. The efforts made by the Geneva International Center for Humanitarian Demining (GICHD), which has been a platform for networking and information exchange to put an end to use of antipersonnel mines, are appreciable.

Mr co chair,

2 It is an established fact that the use of antipersonnel mines is an act of severe criminal nature. The international efforts being made to end the calamity caused by anti-personnel mines deserves commendation. The humanitarian nature of the convention seems to have been attracting increasing number of states to agree to adhere to it. It is proud to have heard that 153 countries have expressed their adherence to the Convention.

3 There are a number of customary legal provisions as regards to humanitarian law in Nepal. The Vedic philosophy and other legendary scriptures have sufficiently furnished a lot of humanitarian provisions and

have strictly banned the inhumane practices explosion either in wartime or in peace .

Mr co chair,

Mr co chair,

4 I have the pleasure to state that the Government of Nepal is committed to the respect, protect and promote all human rights of people. Nepal has become a state-party to 19 major international human rights instruments. The Interim Constitution of Nepal 2007 has elevated the position of the National Human Rights Commission to that of a Constitutional body in order to further guarantee its total independence. The extension of the Agreement concluded between the U.N. High Commissioner for Human Rights and the Government of Nepal concerning the establishment of the Office of High Commissioner of Human Rights in Nepal for a further period of two years from 2007 also shows Nepal's genuine commitment towards human rights. The Government of Nepal has recently formed an Implementation Coordination Committee on International Humanitarian Laws.

Mr co chair,

5 The production, use, sale, transfer, transaction, import and possessions of any kind of explosives are punishable by law in Nepal . Explosive substance Act 1961 and Arms and Ammunitions Act 1962 are instrumental to prohibit such type of activities. However, making a comprehensive legal framework with the greater perspective of victomology and appropriate penology to encompass all existing laws remained in scattered way has been felt as a demand of the time.

Mr co chair,

6 You all might have been aware that as a consequence of the ten years long insurgency the loss of human lives and other property as well as public installations has been colossal in Nepal. This loss has pushed the country back by decades, which may take a long time to recover. At present Nepal is in a post-conflict situation and major political forces in the country are currently engaged in the peace process from last year while a Comprehensive Peace Agreement was concluded between the government and the Maoists on November 21, 2006. An Interim Constitution was promulgated by the outgoing House of Representatives and endorsed by the incoming Interim Legislative Parliament on January 15, 2007. There is certain percentage of representation of CPN Maoist in the interim parliament and Interim Council of Ministers. Now the coalition government is concentrating its efforts for the conduct of a free and fair election to the Constituent Assembly in near future.

Mr co chair,

7 With reference to the peace process in Nepal, management of arms and armies is a major component which is in progress. United Nations Mission in Nepal has supported Nepal for this purpose. We note that, security sector reform program is necessary to ensure sound governance which is made up of democratization, poverty alleviation, conflict prevention, human security, rule of law and human rights. It is agreed that the public sector management process promoted to other branches of government should be arguably applied to the security sector as well. As we are in the phase of peace

process, the transitional justice and Truth Finding Commission also are of prime concern of the people of Nepal.

Mr co chair,

8 After the conclusion of the Comprehensive Peace Agreement in Nepal, the national concern is of the safe removal of the mines, IEDs, UXOs and other explosive devices. Lack of certain statistics of explosives emplaced in conflicts, death or transfer of experts involved in emplacing the mines, lacks of appropriate record maintenance, sifting of emplaced explosives due to geographical terrain, rain, landslide, flood etc , lack of appropriate resources and technical human power are some reason which are cause of demining more difficult. The Government is serious to put an end to the sufferings and casualties caused by these hazardous.

Mr co chair,

9 There are lot of satisfactory works done in Nepal in these years in the field of humanitarian demining . Mine risk education has been commendably intensified by the non governmental organizations including NCBL. The ICRC Nepal as well as UNICEF also have undertaken praiseworthy activities. Recently in April 4, 2007 the Day of International Humanitarian Demining was observed in Nepal. Recently the Government of Nepal has conducted consultative meetings among different agencies, experts and stakeholders for the cooperation to undertake mine action activities. The identification of priority area of need to be done for humanitarian demining is prime focus of the meeting. The domestic situation of peace and national security, the readiness of international community for cooperation to Nepal , review of the existing statutory provisions in order to provide sufficient

protection of victim and sufficient penal provision against criminals of mine explosions and insuring of the inherent human dignity and rights are major issues of consultation. The government of Nepal takes note that the formation of mine action authority for the coordination of government and non government agencies in order to planning and implementation of demining process such as people awareness program, mine risk education, victim assistance, marking and demining would be conducive in this regard. After the completion of the consultation, an appropriate decision will be taken place keeping with the view of promotion of the best national and humanitarian interest.

10 At last, wishing the full success of this meeting I would like to thank you all.

Bhupendra poudyal

Nepal

