

Statement by Informal Sector Service Centre (INSEC) on behalf of the National Coalition for the International Criminal Court (NCICC), Nepal

**7th Assembly of the State Parties to the International Criminal Court
The Hague, The Netherlands, 14-22 November 2008**

15 November 2008

Distinguished Delegates,

Informal Sector Service Centre, on behalf of the *National Coalition for the International Criminal Court (NCICC)--Nepal* wishes to take this opportunity to share with you the current status of Nepal's accession to the Rome Statute and urge ASP delegates to actively encourage the government to accede to the treaty without further delay. Civil society firmly believes that joining the ICC would signal, both nationally and internationally, that the new Nepali government considers justice and accountability as central elements to the rule of law and democratic governance.

More than two years have elapsed since the passing of the 2006 unanimous parliamentary motion adopted by the then House of Representatives directing the Government to accede to the Statute. Since then, however, we note with concern that there has been no major step taken in order to accede to the ICC treaty.

In the months following the adoption of the parliamentary motion, national groups welcomed the formation of an inter-ministerial task forces that was designed to study the obligations and impact Nepal would incur by acceding to the Statute. The final report was submitted to the government in December 2006—but was not publicized among a wide range of stakeholders, including civil society. We call on the government to publicize the report broadly, embrace cooperation extended by national and international actors to advance the accession process, and take concrete steps to becoming a State Party.

Former Prime Ministers, senior ministers of Nepal's government and the top leadership of most of the major political parties have reiterated their commitment to acceding to the ICC. Nevertheless, the Communist Party of Nepal-Maoist which heads the current government and has the largest number of members in the Constituent Assembly--has yet to officially issue their position on this matter. We also urge the Prime Minister and the Council of Ministers to adopt a public stance on this issue.

We recall the commitments made by political parties, the Constituent Assembly and the Government to guaranteeing good governance, ending impunity, establishing democratic system and practices and upholding the rule of law in the country. Such commitments are highlighted in formal historical documents including the Comprehensive Peace Accord of 2006, the Interim Constitution and the government's present policy and programme. In

order to effectively implement these commitments, Nepal should stand firm and join this growing community of nations who has embraced the Rome Statute system. Implementation of the unanimous parliamentary direction to accede to the Statute could also demonstrate respect for the popular people's movement which restored democracy and parliamentary rule in early 2006.

Nepal's political transition has witnessed a growing demand that impunity be addressed. Immediate accession to the ICC treaty could largely contribute to direct the overall legal and institutional mechanisms toward ending the culture of impunity and ensuring a safer future. It could assist Nepal's constitution making process by providing a wider framework for justice as set forth in the treaty, and could also open up improved options for early review of legislation, undertaking necessary steps to adopt relevant laws and policies, and creating foundations for institutional procedures and set up in the country.

Therefore, we urge the Assembly of States Parties and the representatives of various governments from different parts of the globe to encourage the Government of Nepal to take tangible steps to join the ICC as soon as possible.

Thank you.

NCICC
Coordinator
Informal Sector Service Centre (INSEC)
Kalanki, Syuchatar
P.O. Box 2726, Kathmandu, Nepal
Tel: +977-1-4278770 Fax: +977-1-4270551
Email: insec@insec.org.np
Website: www.inseconline.org