

International development partners are committed to improving the lives of poor people in Nepal through providing opportunities for employment and access to basic services such as healthcare, education and clean water. The principles for our work and the minimum conditions we require were set out 18 months ago in the Basic Operating Guidelines. We would like to take this opportunity to restate the importance of the Guidelines in enabling our staff to work in safety and without intimidation, and so allow development activities to continue. In this environment it is essential that development resources reach their intended beneficiaries and are not diverted for any other purpose. Furthermore, whilst we insist on the highest standards of transparency and accountability to local communities, development agencies cannot enter into any written agreements with third parties other than those specified in the programme documents. □

BASIC OPERATING GUIDELINES AGREED TO BY UNDERSIGNED AGENCIES IN NEPAL

Based on principles agreed internationally and in Nepal, we the undersigned have adopted the following Basic Operating Guidelines for all development and, if necessary, humanitarian assistance in Nepal.

1. We are in Nepal to contribute to improvements in the quality of life of the people of Nepal. Our assistance focuses on reducing poverty, meeting basic needs and enabling communities to become self-sufficient.
2. We work through the freely expressed wishes of local communities, and we respect the dignity of people, their culture, religion and customs.
3. We provide assistance to the poor and marginalized people of Nepal, regardless of where they live and who they are. Priorities for assistance are based on need alone, and not on any political, ethnic or religious agenda.
4. We ensure that our assistance is transparent and we involve poor people and their communities in the planning, management and implementation of programmes. We are accountable to those whom we seek to assist and to those providing the resources.
5. We seek to ensure that our assistance tackles discrimination and social exclusion, most notably based on gender, ethnicity, caste and religion.
6. We recruit staff on the basis of suitability and qualification for the job, and not on the basis of political or any other considerations.
7. We do not accept our staff and development partners being subjected to violence, abduction, harassment or intimidation, or being threatened in any manner.
8. We do not work where staff are forced to compromise core values or principles.
9. We do not accept our assistance being used for any military, political or sectarian purposes.
10. We do not make contributions to political parties and do not make any forced contributions in cash or kind.
11. Our equipment, supplies and facilities are not used for purposes other than those stated in our programme objectives. Our vehicles are not used to transport persons or goods that have no direct connection with the development programme. Our vehicles do not carry armed or uniformed personnel.
12. We do not tolerate the theft, diversion or misuse of development or humanitarian supplies. Unhindered access of such supplies is essential.
13. We urge all those concerned to allow full access by development and humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of such personnel.
14. We expect and encourage all parties concerned to comply strictly with their obligations under International Humanitarian Law and to respect Human Rights.

UNITED NATIONS AGENCIES BASIC OPERATING GUIDELINES

The following enumerates a number of basic operating guidelines for use by UN Agency staff and associated personnel in Nepal. These basic operating guidelines derive directly from the general principles and are based on the internationally recognised laws, conventions and resolutions.

UN Agencies:

1. do not make contributions outside UN programme objectives — whether in supplies, materials, commodities, equipment or payments — to political parties, military, para-military or other armed groups or individuals associated with such groups.
2. seek to recruit a diverse staff and associated personnel and do this on the basis of their professional qualifications and suitability alone. The UN does not discriminate against any person on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In the performance of their professional duties and responsibilities, UN staff and associated personnel only report to and receive instructions from duly designated UN personnel.
3. do not tolerate the theft, diversion or misuse of development and humanitarian assistance resources — whether in the form of supplies, materials, commodities, equipment, cash or technical assistance — provided or otherwise mobilised by United Nations Agencies for use in development and humanitarian assistance programmes and activities, including the use of such resources by other groups and entities with which UN Agencies work in partnership in such programmes and activities.
4. prohibit the transportation of armed groups or individuals in or by means of vehicles or any other transportation equipment owned and operated directly by UN Agencies or by third parties under loan or other contractual agreements with UN Agencies. This “NO ARMS ON BOARD” policy applies to the conveyance of military and para-military personnel and other comparable armed or uniformed groups and individuals and/or resources belonging to or for use by such personnel, groups and individuals.
5. are to have free and unhindered access to civilian populations in need, including the transportation, distribution and end-use monitoring of development and humanitarian assistance resources, and to working conditions that ensure the safety, security and protection of UN staff and associated personnel. In this connection, UN Agencies will not tolerate any act of physical or verbal abuse, intimidation, threat, harassment or other form of coercion, violence or aggression directed against their staff and associated personnel, whether internationally or locally recruited.
6. work in premises that are inviolable. The property and assets of UN Agencies, wherever located and by whomsoever held, are immune from search, requisition, confiscation, expropriation and other form of interference, whether by executive, administrative, judicial or legislative action. Such property and assets also include telecommunications equipment and UN personal identity documentation.
7. emphasize that the non-respect or violation of any of the above basic operating guidelines could occasion negative consequences for the continuance of development and humanitarian assistance programmes and activities including a suspension or cessation of assistance, the exact nature and scope of which would be determined after consultation with the parties or individuals involved and affected as well as their duly designated representatives.
8. encourage all programme partners to adhere to the principles and recognised standards applicable to development and humanitarian assistance programmes as embodied in: international humanitarian, human rights and refugee law; related conventions and resolutions adopted by the Member States of the United Nations; and with specific respect to humanitarian assistance programmes, internationally recognised codes of conduct such as the “Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs (non-governmental organizations) in Disaster Relief” and the Sphere Project “Humanitarian Charter and Minimum Standards in Disaster Response.”
9. are mindful that in the case of armed conflict not of an international character, the parties to the conflict shall be bound to apply, as a minimum under international humanitarian law, provisions whereby: i) persons taking no active part in hostilities, including members of the armed forces who have laid down their arms and those placed “*hors de combat*” (“out of action”) by sickness, wounds, detention or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria; ii) the wounded and sick shall be collected and cared for.



UNITED NATIONS