

State Practice of Asian Countries in International Law

Nepal

Ravi Prakash Vyas and Pranjali Kanel***

Statehood and Sovereignty

Recognition of and by Nepal

Nepal continues to reconfirm its recognition of the one-China policy. In doing so, it recognizes China as the legal government representing the whole of China, including the territory of Taiwan. (The Kathmandu Post, National, 2023)

Territory and Jurisdiction

Territorial Disputes

Nepal stated that it stands firm and clear on its political and administrative map, unanimously approved by the Parliament of Nepal in 2020. (MOFA, Press Release, 2023) It has also remained committed to resolving the boundary matters through dialogue and diplomacy, owing to which the Government of India and the Government of Nepal stated to stay committed to finding alternative solutions to the dispute involving their continued position to maintain their claims over Kalapani, Limpiyadhura, and Lipulekh territories. (The Kathmandu Post, National, 2023)

* State Practice Rapporteur, Lecturer, The University of Sydney Law School and Visiting Faculty, Kathmandu School of Law.

** Research Assistant, Kathmandu School of Law; Advocate.

International and Regional Organizations

Admission, Membership, and Participation in International Organizations

United Nations Conference on the Least Developed Countries

Nepal took the chairmanship of the group of the Least Developed Countries (LDCs) in its participation in the Fifth United Nations Conference on the Least Developed Countries (LDC) held in Doha, the State of Qatar. (MOFA, Press Release, 2023)

United Nations Secretary-General

The Secretary-General of the United Nations addressed the Joint Sitting of the Parliament at the Federal Parliament of Nepal in October 2023. (MOFA, Press Release, 2023) He praised Nepal's contributions to UN peacekeeping operations, climate action, gender equality, and the transition from conflict to peace. He further expressed strong solidarity with Nepal, describing it as "a promoter of peace, a champion of multilateralism, and a staunch supporter of sustainable development and climate action." (MOFA, Press Release, 2023) He emphasized the necessity for the international community to support countries like Nepal, which are at the forefront of challenges related to climate action.

United Nations Human Rights Council

Nepal served as a member of the Human Rights Council from 2018 to 2023 for two consecutive terms. (MOFA, Nepal's Multilateral Affairs, 2025)

United Nations General Assembly

Nepal casted a vote in support of a resolution denouncing Russia's endeavour to annex four territories of Ukraine through the conduct of a referendum within Ukrainian borders. (The Kathmandu Post, 2023)

Admission, Membership, and Participation in Regional Organizations

South Asian Association for Regional Cooperation (SAARC)

The Rt. Hon. Prime Minister of Nepal marked the 39th Charter Day of SAARC by extending greetings to the people and the member states of SAARC. The Prime Minister underscored the need for closer cooperation to overcome the

challenges faced by the SAARC nations, including poverty, malnutrition, cybersecurity, and natural disasters. (MOFA, Press Release on Messages from Rt. Hon. Prime Minister and Hon. Minister for Foreign Affairs on the 39th SAARC Charter Day, 2023)

Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)

The 19th Ministerial Meeting of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) and the 23rd Session of the BIMSTEC Senior Officials' Meeting were held virtually in Bangkok, Thailand. The Nepali delegation to the meetings called for meaningful regional cooperation to deal with challenges such as climate change, energy crisis, food insecurity, and large-scale pandemics. (MOFA, Press Release, 2023)

Nepal organized the "BIMSTEC Tourism Fair 2023" in Lumbini on 11–13 May 2023 with the Buddhist International Travel Mart to commemorate the Silver Jubilee Celebration of the establishment of BIMSTEC. (MOFA, Press Release, 2023)

Non-aligned Movement (NAM)

Nepal participated in the Non-Aligned Movement (NAM) Ministerial Meeting of the NAM Coordinating Bureau held in Baku, Azerbaijan, under the theme "NAM: United and steadfast in confronting emerging challenges." (MOFA, Press Release, 2023) Nepal asserted its position in firmly believing in the principles of NAM and the power of unity in confronting the challenges of peaceful resolutions to conflicts.

International Relations and Cooperation

Bilateral/Multilateral Aid and Disaster Relief

Millennium Challenge Corporation (MCC)

The Millennium Challenge Corporation (MCC) is a U.S. foreign assistance agency that provides time-limited grants promoting economic growth, reducing poverty, and strengthening institutions. (MCC, 2022). MCC came into full-fledged implementation starting in August 2023. (Republica, 2023)

Turkey

Nepal sent relief materials containing medicines, medical equipment, warm clothing, and other essential items for the earthquake-affected people of Turkey as a gesture of solidarity in Turkey's relief and recovery efforts. (MOFA, Press Release, 2023)

Saudi Arabia, India, China

The Ministry of Foreign Affairs, Nepal, along with the embassies in Riyadh and Jeddah, coordinated and facilitated the evacuation efforts of Nepali citizens in Sudan following the violent clashes that erupted between the Sudanese Armed Forces (SAF) and the paramilitary Rapid Support Forces (RSF) in Sudan. (MOFA, Press Release, 2023) The Government of Nepal extended gratitude to the nations of India, China, and Saudi Arabia for their assistance in the evacuation process. (MOFA, Press Release, 2023)

Specific Bilateral Relations Issues

China

The Prime Minister of Nepal visited China in September 2023 to attend the 19th Asian Games and engage in high-level discussions with Chinese leaders. The visit aimed to strengthen the China-Nepal relationship and focused on discussions about deepening traditional friendship and expanding mutually beneficial cooperation. (MOFA, Press Release, 2023, para 2)

Trade

China granted zero-tariff treatment to 98% of taxable products from Nepal. (MOFA, Press Release, 2023, para 8.7)

Cultural and People Exchange

The two nations emphasized the importance of cultural exchanges and tourism to strengthen ties between their peoples. Nepal was declared the theme country at the 7th China-South Asia Expo in August 2023. (MOFA, Press Release, 2023)

Global Cooperation

China and Nepal reaffirmed their commitment to multilateral cooperation and shared development goals, focusing on global governance and economic globalization. Nepal supported China's Global Development Initiative and stated that it would consider joining the Group of Friends of the GDI.

India (MOFA, Press Release, 2023)

The Foreign Secretary of India visited Nepal in February 2023, where the Nepal-India reviewed various aspects of Nepal-India relations, including connectivity, trade and transit, power sector cooperation, agriculture, education, culture, the health sector, and people-to-people relations.

Airway

The Foreign Secretary of Nepal reiterated the Government of Nepal's request for additional air-entry routes and early concurrence of the near-border flight operation of the Gautam Buddha International Airport, Bhairahawa.

Territorial Disputes

The two Foreign Secretaries also discussed boundary matters, and they exchanged views on completing boundary works in the remaining segments through established bilateral mechanisms.

Qatar

The State of Qatar and Nepal discussed matters of mutual interest, including trade, investment, development cooperation, and employment of Nepali nationals in Qatar. Nepal took an appreciative stance on Qatar's mediation in the humanitarian pause in Gaza and the release of hostages. Nepal also sought the cooperation of the Government of Qatar in securing the release of a Nepali citizen from the captivity of Hamas. (MOFA, Press Release, 2023)

Russia (MOFA, Press Release, 2023)

Participation in the Military

The Embassy of Nepal in Moscow requested the Russian government to swiftly bring home the remains of the Nepali citizens who tragically lost their lives while serving in the Russian army. The Nepal Government also urged for fair compensation to be provided to the injured and the families who have suffered such a loss, along with the request to immediately return any Nepali citizens currently serving in the Russian army and to refrain from recruiting any more. The Nepali Government was also proactive in asking the Russian authorities for official and timely information on the number of Nepali citizens serving, the number of those injured, and their conditions.

No Objection Permit

Additionally, following the Russia-Ukraine Crisis, except for those involved in government work, those working through official Russian government

contracts, or those engaged in recognized professions, ordinary Nepali citizens travelling to Russia are now required to obtain a No Objection Certificate (NOC) issued by the Consular Services Department under the Ministry of Foreign Affairs.

Sri Lanka

The first meeting of the Nepal-Sri Lanka Joint Commission (JC) was held in Kathmandu to review the overall state of bilateral relations between the two countries. The two sides agreed to continue cooperation in areas of mutual interest, like trade, connectivity, investment, education, and tourism, at regional and multilateral forums, including SAARC, BIMSTEC, and the UN. A Memorandum of Understanding for cooperation in science, technology, and innovation between the two countries was also signed. (MOFA, Press Release, 2023)

United Kingdom

Nepal commemorated the 100 years of the Nepal-United Kingdom Friendship Treaty 1923. (MOFA, Press Release, 2023)

United States of America

The Government of Nepal complemented the diplomatic efforts of the United States of America leading to a humanitarian pause in Gaza. During the Administrator of the United States Agency for International Development (USAID) visit, views were exchanged on various aspects of Nepal-US relations and cooperation. (MOFA, Press Release, 2023)

Human Rights

Specific Human Rights Incidents or Cases

Legalizing Same-Sex Marriage

In a historic ruling, on 28 June, the Supreme Court ordered the government to register same-sex marriages. (Human Rights Watch, Nepal, 2023) With this ruling, Nepal has become one of the only two countries in Asia to allow same-sex marriage. (Fang Hannah, Jurist News, 2023)

Freedom of Expression

The Government of Nepal banned TikTok's social media platform, citing its content as detrimental to social harmony. (Online Khabar, 2023) The decision

came under scrutiny surrounding the ban curbing the freedom of expression of the people wishing to use the platform. (Oi Mariko, BBC, 2023)

Fake Refugee Scandal

Nepal was shaken to the core when thirty people, including two former ministers, were involved in faking documents to enter the United Nations as Bhutanese refugees. (Al Jazeera, 2023) This case also sparked the debate on the level and scale of corruption and the involvement of legal mechanisms' loopholes to facilitate it. (Joshi R Pushpa, The Himalayan Times, 2023)

International Humanitarian Law

Protection of Individuals under International Law

Nepal also sought the cooperation of the Government of Qatar in securing the release of a Nepali citizen from the captivity of Hamas. Also, it called for the safety and security of other innocent missing civilians. (MOFA, Press Release, 2023)

Use or Threat of Force

Responses to Threats and Attacks

The Nepal Government reiterated that, apart from agreements with some traditional partner countries allowing limited service in their national armies, it does not permit Nepali citizens to enlist in foreign armies. This reiteration was made in the context of the enlistment of Nepali nationals in the Russian Army in Russia's attacks against Ukraine. (MOFA, Press Release, 2023) It has also urged Nepali nationals not to join the military of nations currently at war in response to threats and attacks against or made by it. (MOFA, Press Release, 2023)