

## BACKGROUND:

1. You will all be aware of the grievances over the Gurkha Terms and Conditions of Service (TACOS) that various Gurkha Veteran organisations have raised with the British Government over a number of years. The most recent challenge was taken to the European Court of Human Rights (ECtHR) for adjudication. The Court found that:

- a. Gurkha soldiers had undoubtedly been treated differently from other soldiers in the British Army on their entitlement to a pension since, prior to 1997, **BUT** they had been governed by a different pension scheme from other soldiers in the British Army, with different terms and conditions.
- b. Any difference in treatment had been objectively and reasonably justified.
- c. The selection of 1 July 1997 as a cut-off point had not been arbitrary.

2. The challenge to the pension arrangement for Gurkhas pre-1997 and the transfer to the Armed Forces Pension Scheme was **rejected unanimously** by the ECtHR on **15 Sep 16**. The request for a referral to the Grand Chamber was also **rejected unanimously on 30 Jan 17**. This means that the judgment in the case became final on that date.

## SITUATION

3. After the ECtHR decision, the Government of Nepal (GoN) asked the UK Government to try and find a practical solution to the grievances which some members of the Gurkha Veteran community continued to hold. In response to the GoN's request, the UK Government agreed that a "*Technical Committee was formed to provide a platform to explore options for a long term sustainable solution to grievances which some members of the Gurkha Veteran community continue to hold*"<sup>1</sup> should be set up.

4. The TCoGV completed its work and produced its Report, agreed by both its UK and Nepal members. On 22 Mar 18, the Report was officially handed over to HE the Ambassador of Nepal (HE Dr Durga Bahadur Subedi) and Min AF (Mr Mark Lancaster). The Report seeks to establish a baseline on which solutions or barriers to resolutions of grievances can be taken forward. The intent of the report is "*to capture the dialogue and positions set out during the Technical Committee meetings. ....for further discussion and consideration to the Government of Nepal and the United Kingdom to consider what, if any, actions should be taken based on the information presented by the Gurkha Veteran's Group.*"<sup>2</sup>

5. There has been a lot of media (print, TV and social media) coverage targeted at the Gurkha Veteran community about the submission. There will inevitably be lots of speculation and rumours. Army Sec who are the MoD lead have issued the following Line to Take.

## LINE TO TAKE (LTT)

6. The TCoGV report represents the conclusion of a process of dialogue which has enabled ex-Gurkha veterans for the first time to articulate the grievances some still hold directly, and in a single place, to the UK and Nepali Governments respectively. As the report makes clear it represents the basis on which the respective Governments can decide whether, and if, actions can be taken to address any legitimate concerns.

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<sup>1</sup> TCoGV page 3 para 4 – first sentence.

<sup>2</sup> TCoGV page 5 para 2 - last sentence.

7. "Phase 2" has been mentioned in the media, but no decision has been made yet. The TCoGV will be examined and **IF** both parties agree that there are actions to be taken, an announcement will be made by both parties.

## **QUESTIONS**

8. If questioned, please **DO NOT** offer personal views/opinions as this could be misrepresented and the hard work gone in to producing what has been achieved thus far could be damaged by uninformed opinions. Stick to the LTT.