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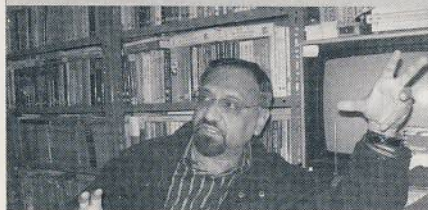
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Indian Embassy speaks

Indian Embassy expressed its concern over the recently published news. According to press statement issued by Indian Embassy, we have seen media reports attributing certain remarks to the Indian Chief of Army Staff General Deepak Kapoor on the issue of 'PLA Integration' in Nepal Army which are highly distorted and do not reflect Government of India's position on the issue. It is therefore regrettable that certain political parties are deliberately exploiting these distortions to generate a controversy involving India. In keeping with our overall friendly bilateral relations, India and Nepal share close military and defence ties with long standing institutional linkages between the Armies of the two countries.

Engagement Workshop

The Confederation of Nepalese Industries' Young Entrepreneurs' Forum (CNIYEF) organised a workshop on Building High Engagement Organizations at Hotel Yak and Yeti the other day.

The program was conducted by Prof. Biju Varkkey, from the Indian Institute of Management (IIM), Ahmedabad, India.

Prof. Varkkey has had a long and illustrious career in the field of Human Resource Management and has authored and co-authored many books on the subject. He is also a well sought-after consultant in this field and has offered his services to some of the leading corporate houses and organizations in India and elsewhere.

The workshop was organized with the aim of building capacities within organizations through enhancing employee engagement. This is in line with the objective of CNIYEF to promote entrepreneurship within the country and enhancing capacities of entrepreneurs and organizations through knowledge sharing programs.

The program was designed for entrepreneurs and senior managers within organizations.

According to Jainendra Jeevan, director general of CNI, apart from members of CNIYEF, over 25 leading corporates and organizations had participated in the program.

Global Exchange

Global Nepal has been a successful partnership in Nepal since 2007 between local NGO communities, British Council and Volunteer Services Overseas (VSO).

Young deaf volunteers from Nepal



and the UK made Global Xchange history, as they joined the first all-deaf exchange this year.

Nine deaf volunteers of the British Council/VSO Global Xchange programme are coming back on 16 January after their successful venture in different work placements in Preston, England. They will be accompanied by nine deaf volunteers from the UK. During the three months, together the Nepalese/UK volunteers will create and perform pieces of deaf/sign language theatre and work in local charities and community organisations in Kathmandu.

As part of Global Xchange, a joint British Council and VSO volunteering programme, the eighteen 18-25 year olds will live and work alongside each other for six months. Spending their time equally between Preston and Kathmandu, they will volunteer in local communities and work together to produce a piece of theatre to raise deaf awareness among hearing communities, which they will perform at venues in both the UK and Nepal.

'The team is very proud that through our collaboration with Deafway it has allowed us all to be able to offer the Global Xchange experience to a group of young deaf volunteers for the first time,' said Olga Rey, Global Xchange Project Manager at the British Council. 'Global Xchange is about supporting young people who want to become active global citizens and want to work for positive change within their communities.'

'They get an invaluable chance to learn both about the cultures of the communities where they volunteer and

a unique opportunity to live and work together in pairs to develop and share valuable skills and make a practical contribution where it is needed.'

OHCHR welcomes ratification of the Convention on the Rights of Persons with Disabilities

OHCHR-Nepal welcomes ratification of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol by the Legislature Parliament on 27 December, 2009.

The Office acknowledges that the Government of Nepal has demonstrated its commitment to protect and promote the human rights and dignity of persons with disabilities. The articles of the Convention cover, among other things, the right to education, health, work, adequate living conditions, freedom of movement, freedom from exploitation and equal recognition before the law while the optional protocol allows them to petition the Treaty Committee when their rights have been violated. This Convention has undergone the fastest treaty ratification processes in UN history.

"I hope that the rights of persons with disabilities mentioned in the Convention will also be reflected in the national legal framework as well as the new constitution of Nepal. The ratification of this Convention further supports the work of many organizations and human rights defenders engaged with the issue of disability and provides an important tool to respect and protect the human rights and inherent dignity of persons with disabilities" said Jyoti Sanghera, Deputy Representative of OHCHR-Nepal. ■

NATIONAL RECONCILIATION

Ritual Celebration

Nepali Congress celebrates B.P.'s policy of national reconciliation, the present set of leaders

By KESHAB POUDEL

Nepali Congress has been celebrating the National Reconciliation Day in a ritual honour to the policy propounded by its great leader late B.P. Koirala. In practice, on other days throughout the year, the party leaders seem to breach it.

During the last five years, B.P.'s own brother G.P. Koirala has rendered the basic thrust of B.P.'s national reconciliation policy irrelevant.

Although a large number of Nepalese still believe and support the ethos of B.P.'s national reconciliation policy, which he advanced to bring the Nepalese politics out of external interference, his followers, including his brother, are doing exactly the opposite. (See BP's statement in box)

What late B.P. Koirala envisioned when he returned from eight years of exile in India was to promote home-grown politics of democratic norms and values. Thanks to Nepal's political leaders today, the country's identity, principles

and democratic values are endangered.

"Our leaders do not have the moral grounds to speak in line with B.P.'s national reconciliation. They have already betrayed his ethos," said Sunil Bhandari, member of Nepali Congress central committee. "Not just our party, even the country has been passing through an identity crisis because of such a betrayal."

From the signing of the 12-point agreement till now, Nepal's political scenario has changed but the country has been passing through a crisis as B.P. wanted to avert. With his full determination and dedication to his cause for nationalism and democracy, B.P. Koirala had returned to Nepal, even ignoring the risk of capital punishment in 1976.

Late Koirala saw averting national crisis and saving the identity of Nepal as more important than his own personal life. Ironically, his own followers played an instrumental role to bring the country into the present constitutional chaos, where stability has been elusive. ■

Nationalism and Democracy

The statement B.P. Koirala gave on return from foreign exile on December 30, 1976:

After a pretty long period of exile, we are returning to our country. On this occasion, I would like to say a few words to the countrymen.

Today, our country is in a national crisis. All have realized that this crisis is getting heightened since the last few years. As a result, the very national identity has been endangered. Others have also admitted this. All including the King have from time to time referred to the danger posed to national identity. We are returning to home after realizing this grave reality. We think that the lack of national unity is a major factor for such a national crisis as a result of which foreign elements have started to become successful in playing their dirty games and making Nepal a center of international conspiracy. National unity can be achieved only through a collective campaign and efforts of all Nepali people. Such a collective campaign does also lay the grounds for the institutional base for the emotional unity of the Nepali people. If the sloganeering alone could do this, the national unity would not have suffered so much nor our country would have landed in such a miserable condition in the last sixteen years. Today, there is selfishness, communalism, individualistic practices and the tendency to have external-tilt is rampant in the country. In such circumstances nationalism becomes the first casualty.

Till yesterday, our struggle was confined to the attainment of the people's democratic rights. That's why, we emphasized more on the democratic side. Today, there is a new dimension added to it. A dual responsibility has befallen the Nepali Congress. This second responsibility is, safeguarding the national identity. We have visualized two fold faces of

today's Nepal: Nationalism and Democracy.

It means the Nepali people should take the responsibility of restoring democracy as well as safeguarding the nation. If we talk of only one responsibility we will be following the wrong track by being one-sided. And, if we emphasized only on the restoration of democracy, we will not be contributing to addressing this national crisis. Moreover, we may even fall into the trap of the foreigners by such one-sided action. Similarly, if we talk of the nationalism only, we will be repeating the same 16-years-old hollow slogans of nationalism, and will be siding with the authoritarianism. Such a hollow slogan of nationalism cannot generate an internal willpower in the countrymen to safeguard the nation. Therefore, we need now to understand that the national unity can be built on the foundation of democracy only. And the foundation of the democracy can be cemented by the economic development and the just economic system. Therefore we feel that nationalism, democracy and economic development are interdependent on each other.

It is well known that the Nepali Congress has taken historical and serious decisions from time to time in the national interest. The decision to wage the 1951 revolution and its executions are some examples. After finding that there was conspiracy to put off the elections forever, it took the leadership of national campaign for the holding of the elections. We received the cooperation from various parties in that campaign. Nepali Congress launched the resistance movement for democracy after the cruel and the fatal blow dealt to democracy in 1960. And today, we have taken this historical decision seeing the crisis the nation is facing. This is in

accordance with the tradition of the Nepali Congress.

In the history of every nation there comes such moment when its people have to risk their lives to safeguard the national identity. We think, such a moment has come in

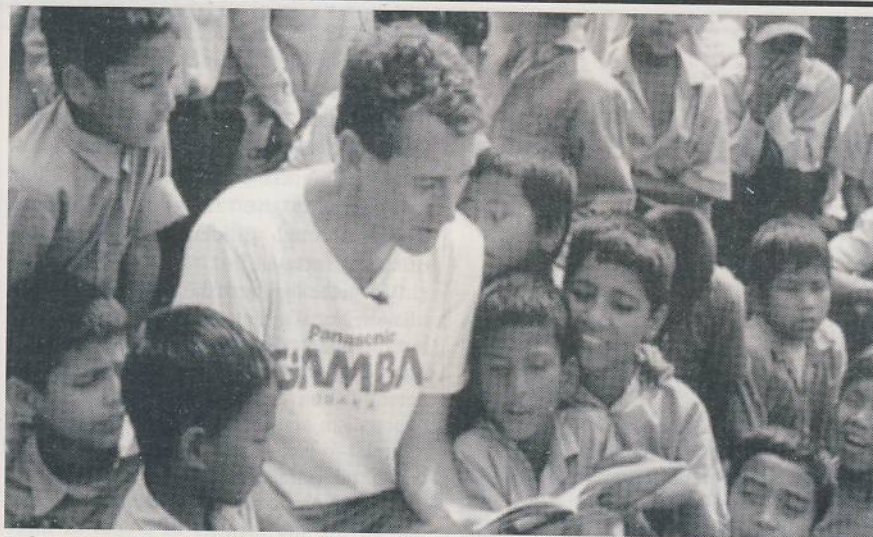
Nepal today. Our well-wishers had advised us not to return Nepal seeing the dangers involved in it. We would like to tell them that we have taken this historical decision because the likely danger to our lives is nothing as compared to the danger to the nation. The workers of Nepali Congress have also shown the example of unprecedented courage and love towards nation by returning to the motherland following the party directives.

In this hour of national crisis, all of us should get united by forgetting and ending the past unhealthy debates, experiences and differences. Our program should be directed by the feeling that we will no more exist in the absence of our nation. I do not know what fate awaits me after I return to the country. Through this statement, as the Chairman of Nepali Congress, I would like to appeal to the entire countrymen that let us all unanimously unite in the pious task of defending the nation, its progress, happiness and prosperity of the people. If I get an opportunity, I will put forth my feelings before His Majesty also. The responsibility to save the nation is the common responsibility of all.
Jai Nepal!

Bishweswor Prasad Koirala
Dec.30, 1976

(This excerpt has been reproduced in order to re-emphasize the importance of national reconciliation)





John Wood with children: For a cause

GIVING

Every Small Help Counts

Helping the less privileged ones has been part of our culture. But will the tradition survive?

By BHAGIRATH YOGI in London

Just ahead of Christmas, *Financial Times*—a leading British newspaper—chose Room to Read, a global charity, for its seasonal appeal for 2009 and asked its readers to donate

generously.

Established in 1999, Room to Read promotes child literacy in the developing world, builds libraries and publishes local-language children's books and supports girls' education in south and south-east Asia and southern Africa. John Wood, an employee with the Microsoft, decided to leave the top company after his trek of Nepal and founded the charity in 1999 to help less privileged children in the developing world.

Major newspapers, charities and NGOs launch appeals in the run up to Christmas and New Year in the UK asking people to donate for different charitable causes. The *Times*, another leading British newspaper, appealed its readers to support Solar Aid—a British charity—that is working on to provide solar power to thousands of people in remote African villages.

According to Charity Commission UK, the number of registered charities in England and Wales is over 179,000. The number of voluntary organisations across UK is around 500,000. The charities in the UK raise nearly £51.5 billion for various charitable causes.

While the impact of recession on charities is yet to be assessed, reports suggest that people in western societies haven't tightened strings of their purses despite economic hardships. It's difficult to find out why people give. But many agree that people simply love to give due to their belief that even their small help can go a long way in making difference in people's lives within their own country or abroad.

The Tradition of 'Daan'

In Nepal, we have a long history of charitable giving (known as 'daan') by individuals as well as communities. By establishing 'Guthis' and constructing 'pati' and 'pauwas,' Nepalese have been giving for broader social causes from time immemorial. Though the culture of giving has declined with the onset of consumer culture and individualistic tendencies, communities have raised millions of rupees of donations for

public causes by organising 'saptahas' and 'maha yagyas.'

It is estimated that late pundit Narayan Prasad Pokhrel raised over Rs 2400 million by conducting hundreds of 'sri madbhagvat katha saptahas' in which people donated generously to construct schools, roads or hospitals. His son, Dinbandhu Pokhrel, is continuing the tradition even after the murder of his father in 2005. Swami Ramananda Giri, Swami Aatmananda Giri, Swami Gyanananda Saraswati, Pundit Ram Krishna Upadhyay and some woman Hindu preachers are also reciting puranas at various places for social causes.

"From time immemorial, Nepal was highly rich in 'daan' as it is considered 'Maha Dharma.' All our cultural monuments (temples etc) are results of 'daan.' While people nowadays want to show off their money by organising parties, our forefathers used to share their wealth for the benefit of whole community," said Chintamani Yogi, founder principal of Hindu Vidyapeeth Nepal.

According to Yogi, knowingly or unknowingly NGOs and INGOs have discouraged voluntary spirit and promoted dependency syndrome in the Nepali society. "Now, many youths want to leave for abroad for education or employment. But there is a lot of work for them to do here and serve their communities. All we need to do is encourage young people to work for the community and inculcate our rich cultural values in them," he added.

Unfortunately, as things stand now that seems to be a tall order.

In his 2007 book "GIVING: How Each of Us Can Change the World," former US president Bill Clinton says that all of us can help people who are less fortunate than ourselves in a number of ways. They include giving money, giving time, giving things, giving skills, giving to good ideas or giving gifts that keep on giving. He also discusses the role of a new kind of giving – giving the gifts of reconciliation and new beginnings, which could be quite appropriate for a country like Nepal that is emerging out of the shadows of a decade-old armed conflict.

Says Bill Clinton, "There's so much to be done, down the street and around the world. It's never too late or too early to start."

So, the time to act is NOW, perhaps in our own small ways. ■



PM Nepal (Right) with Chinese Premier Wen Jiabao: Attention !

NEIGHBOURS

Watchful Eyes

With the dark cloud of uncertainty hovering around the new constitution in the new republic of Nepal, mighty republican neighbours may be preparing for possible fallout

By SUSHIL SHARMA

As the new constitution's May 28 deadline approaches, the uncertainty about meeting it is increasing by the day.

And even if, as some suspect, a hurriedly prepared draft is dramatically announced by the constituent assembly at midnight before the deadline expired, few believe it will bring peace and stability to the civil strife-torn nation.

No less concerned than the Nepali people over such a prospect are Nepal's two mighty neighbours.

This was reflected at the highest level in Beijing last month.

During a meeting with the visiting Nepalese prime minister, Madhav Kumar Nepal, Chinese president Hu Jintao Hu expressed the confidence that the new constitution would be promulgated on time.

But he knew the difficulties ahead, hence his advice to prime minister Nepal "to forge a consensus" for the purpose.

The Indian prime minister, Man Mohan Singh, offered the same advice to his Nepalese counterpart during their meetings, first, in Delhi, and later, in Copenhagen, on the sidelines of the climate summit.

The external affairs minister, S.M. Krishna, is certain to reiterate the same

during his visit to Nepal later this month.

But consensus is something that has been in short supply in Nepal due to mutual mistrust, crisis of confidence, and more important, the growing external machinations.

Not surprisingly, horrifying speculations about the May 28-aftermath has intensified. That the country would plunge into an unprecedented chaos; that a civil war would break out; that a free-for-all would ensue; that a dictator – rightwing or leftwing – would emerge etc.

Amidst such speculations, the two mighty neighbours are due to play host to Nepal's first republican head of state within a gap of a month.

President Ram Baran Yadav's long-awaited visit to Delhi is taking place – at long last – just four months before the constitution deadline. And the Beijing visit a little later.

Though constitutionally he is without executive powers, a legal debate has raged about his role as head of state in a potential crisis situation.

There have been arguments for and against his continuation in office in the event of the CA dissolving itself without a new constitution.

Whether and what role he will have in such a situation is also being hotly debated.

Opinions have differed, understandably. But few differ that the issue is purely a political one. And the conclusion depends on the interim constitution is interpreted.

At a time when the president's office is slowly being pushed to the centre-stage of a national debate ahead of the fast approaching constitution-deadline, the man holding the office is being rolled red carpet in Delhi and Beijing.

The powerless president is incidentally the supreme commander of the Nepali army which both mighty neighbours look upon as the only stable institution in the critical transition of Nepal where all other traditional and modern state institutions have either collapsed or on the verge of it. ■



Gorkhaland Agitators: Fighting for cause

GORKHALAND

Agitating Again

Gorkha Janamukti Morcha announces a new round of agitation after its fourth tripartite talks fail

By **UMAKANTAKHANAL**
in Darjeeling

As the fourth tripartite talks in Darjeeling ended without yielding any positive result, Gorkha Janamukti Morcha, the party agitating for a separate state of Gorkhaland, has resumed its protest programmes throughout Darjeeling Hills, Siliguri Terai and Dooars. Just after Christmas, Morcha has launched a relay hunger strike and other programs to pressurize the central and the state governments to pay attention to the demand of the separate state for the Indian Gurkhas.

Morcha's President Bimal Gurung, addressing a mass meeting in Darjeeling just after the tripartite talks on December

21, said, "Now we have to resume our agitation and you all have to be ready for that."

He seemed quite nervous while he was addressing the masses. After the central government declared Telangana – a separate state splitting Andhra Pradesh, Morcha has tried to convince the government their demand is one of the oldest demands for a separate state. Till the fourth tripartite talks, Morcha's demand was not discussed at the political level.

Morcha had launched a fast-unto-death to pressurize the central government to address its demands a week before the tripartite talks. But the central home minister P. Chidambaram

urged Morcha not to go for agitation that may disrupt normal life. Then Morcha lifted the agitation, citing the reason that it was "making an environment" for the talks.

The fourth tripartite talks held in Darjeeling lasted for more than 2 hours. The representatives of the central government, the state government and Morcha failed to reach any conclusion regarding the demand of the separate state, but agreed to arrange for a political talk within 45 days. The talks, held so far, have been at the administrative level.

Morcha's leaders who attended the meeting claimed that the representatives of the central and the state government were reluctant to discuss the principal issue. Binay Tamang, assistant secretary of Morcha said, "We convinced them about our demand for the separate state, so the discussion ended with the agreement to arrange for the next talks at the political level."

Meanwhile the union home secretary, the representative of the central government, said after the talk, "We discussed in detail regarding the creation of political consensus on Gorkhaland."

According to Morcha's leader the relay hunger strike will not be lifted until the date is fixed for the next talks, which Morcha has demanded should be held at the political level. The press and publication secretary of the party, Dr. Harka Bahadur Chhetri, said, "We will continue our agitation till the central government assures the next talk will be in political level."

The relay hunger strike is being held in Darjeeling, Kurseong, Kalimpong, Siliguri and Dooars. The people from minorities, students and teachers are participating in the agitation.

Anti-Gorkhaland organisations have warned of counter attacks if Gorkha Janamukti Morcha tried to include Dooars and Siliguri terai in Gorkhaland. A leader of one of the anti-Gorkhaland organisations, Akhil Bharatiya Adivasi Vikash Parishad, Rajesh Lakra, said, "We have been quietly watching the GJM stir. Now, if GJM tries to enforce strike in Dooars and the terai areas, we will defend here with all our forces." ■



National Unity Day

The nation remembers the late king Prithvi Narayan Shah on his 288th birth anniversary on January 11, amidst the worst crisis of survival of the nation he built two and a half centuries ago. The unifier of Nepal is being remembered at a time when the Nepal faces the danger of disintegration and returning to the pre-unification era due to the disunity of political parties and groups and unprecedented external meddling in the internal affairs.

'Civil Supremacy' Ammunition

By A CORRESPONDENT

Almost a month after its army chief Deepak Kapoor's controversial comments on the issue of the integration of the Maoist combatants in the Nepali army, Indian government blamed the media for "distortion".

In a clear reference to the Maoists, an Indian embassy statement also accused "certain political parties of deliberating exploiting these distortions".

Coming as it did only a few days before Kapoor's visit to Nepal, the embassy said that his purported remarks did not reflect the Indian government's position.

During a visit of his Nepali counterpart, Chhatra Man Singh Gurung, Kapoor was quoted three weeks ago as strongly opposing the Maoist combatants' integration in the Nepal army.

He reportedly said in Delhi that "bulk integration of Maoist combatants would be tantamount to politicization of the

Nepali army."

The embassy statement accused the media of distortion, but is silent on what Kapoor exactly said.

If, indeed, as claimed by the statement, Kapoor's views did not reflect the position of the Indian government that should certainly be ammunition to the Nepali Maoists to train their 'civilian supremacy' guns on Delhi as well. Will Prachanda and the company dare do this? ■



General Kapoor

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MAOIST 'NATIONALISM'

Great Wall Of Divide

The 'civil supremacy' agitation failed to get the Maoists back to power. Now, the declaration of the former rebels to wage a national independence movement aimed against what they call the Indian expansionist foreign master threatens to deepen a disastrous wedge in the faction-ridden party

By **SUSHIL SHARMA**
with **SAROJ DAHAL**

First, London. Then, Hong Kong. Followed by Singapore. Maoist chief Prachanda hurriedly visited the three cities in quick succession towards the end of the year 2009.

On return home on each occasion, he was upbeat. After the 48-hour

Singapore sojourn he even seemed confident. Of an early return to power he dramatically gave up less than a year ago.

His confidence was based on the talks he had had with the representatives of the Indian establishment, far away from Kathmandu.

But Prachanda remains a shattered man today. So are his compatriots and the red cadres and the combatants.

The seat of power has become even more elusive for the Maoists.

Frustrated, they have trained the guns on the powerful southern neighbor.

The politburo's decision to launch



Top Maoist Leaders : Thorns in roses

“a national independence” movement directed against the Indian “expansionism” has now reached to the 150-plus central committee.

But the campaign is mired in confusion. The leadership is divided.

The leaders are neither clear nor unanimous on the goal and the nature of the “national independence” movement.

Prachanda’s thundering speech from the New Baneswor mass meeting against India threatens to backfire.

There may be buyers of the argument that nationalism is at risk and that India may have posed a direct threat through its interference.

But few are prepared to buy the Prachanda rhetoric. They instead have no doubt about the reason behind the Maoist outbursts – the anger at not being pushed to the power.

It was aimed at boosting the morale of the cadres who got tired of the “civil supremacy” movement that went nowhere, and threatening the governing parties.

Admits a politburo member, “the civil supremacy slogan brought the cadres out on the streets but not the general mass.”

“The nationalism slogan has thus become a compulsion for us to mobilize the mass.”

But not all Maoists are clear about whom the movement is targeted against.

Some say, India is the obvious target. Others see that as a folly, “hitting the head against the wall”.

Prachanda’s anti-India tirade and the “dialogue with Delhi only” to restore civilian supremacy has divided the party leadership today. This has rendered the roadmap of the proposed movement fuzziier.

Vice chairmen Mohan Vaidya ‘Kiran’ and Baburam Bhattarai are leading the two camps leaving the chairman, Prachanda, sandwiched.

Said C.P.Gajurel, a ‘Kiran’ camp leader, “the movement will go forward with nationalism and independence as its main slogans and will be targeted against India.”

The ‘Kiran’ camp believes that the Indian intimidation has been the main hurdle in the way of the Maoists’ return to power.

“How long can we put up with this? There is no alternative of a fight,” said Gajurel.

He claims that there is a consensus

in the party on the issue.

The Maoists are banking on the 40 per cent vote support they won in the last elections. This, according to them, is anti-India vote.

“This will go up to 55 per cent,” said a senior leader, Krishna Bahadur Mahara,

Others disagree. “We have only decided to launch a nationalism movement, but not on whom it should be targeted against,” according to party spokesman Dinanath Sharma of the Bhattarai camp.

The Bhattarai camp is dead against “hitting the head against (the Indian) wall.”

Given the confusion and the internal differences it is more likely that the “anti-Indian intervention and nationalism” movement will end up in a mere ritual.

The Maoists have a long history of backtracking on many occasions or their moves have boom-ranged on them. In the recent past, the move to oust army chief Rookmangud Katwal cost them the hard-earned government. Their recent backtracking on the autonomous republican states’ declaration threatens to cause even more damage.

Weeks after unilaterally declaring 13

'We Will Build Popular Opinion Against India'

-*Krishna Bahadur Mahara,*

Head, International Department, UCPN(Maoist)

How do you stop what you call the Indian political interference by organizing rallies at disputed border areas like Kalapani and Susta?

We have right to inspect our borders. This will just be inspection, nothing more. The main issue remains the Indian political interference.

So your movement will be directed straight against India?

No, we are not saying that we will fight against India. All we are doing is defending our self-respect and dignity. Anyone who speaks or acts against it will naturally be the target of our movement.

You are chairman of the international department of the party.

But you gave up diplomatic road now?

No, nationalism movement does

not mean that one should give up the diplomatic road. Diplomatic channels have their own importance.

How do you run the movement?

We will go to the people. Will explain to them the cases of Indian interference. We will build popular opinion against India. This will encompass all villages and towns.

Then the Indians will come to talk to you fearing a defeat at your hands?

See, we have still been keeping the diplomatic channels with India open. India understands that if it did not behave it will have to face a big protest of the Nepali people. So, we are confident that there will be an agreement between us at some point.

But there is disagreement among yourselves in the party on how to deal



with India. One faction favours diplomatic channel while the other backs a head-on confrontation. How can there be agreement with India?

That's why we have not said that we will take on India. As far as differences within our party are concerned, a debate is natural. ■

By Saroj Dahal

autonomous states in defiance of the national and international opposition, the Maoists have now begun mulling to bring the number down to 6.

The anti-Indian nationalism movement is not sure of evading the same fate.

According to the programmes announced, Prachanda will lead and address a rally in the disputed Kalapani area on the Nepal-India-China border and Baburam Bhattarai in the long-standing disputed Susta.

They areas and the proposed protests are enough to provoke India.

The Maoists hope to provoke the southern neighbor into what they expect to be a positive gesture towards their march to the seat of power.

But the move is more than likely to backfire. It could even lead to a vertical split of the party – something that nearly became a reality five years ago over the decision to launch “a tunnel war” against India.

India's compulsion to keep the-then

king Gyanendra at bay helped prevent the split and instead brought a united Maoist party together with the seven-party alliance for what turned out to be a decisive blow to the monarchy.

With the monarchy gone, India has no longer has such a compulsion.

The factions seen then could resurface now. The power struggle within the party makes it a fertile ground for a possible split.

Baburam Bhattarai believes in taking India into confidence to enable the Maoists to return to power.

He himself is a contender for the prime minister's job. He has not hidden his ambition.

Prachanda, who earlier hinted at not giving another try at the Singh Durbar, has since changed his mind.

Said a standing committee member, “Prachanda will certainly lead the government if the Maoists returned to power.”

Some see no objection to Bhattarai leading the government if he has the

backing of India. But as long as Prachanda, chairman of the party for 18 years, does not give up his ambition of making it again, Bhattarai's dream will not be fulfilled.

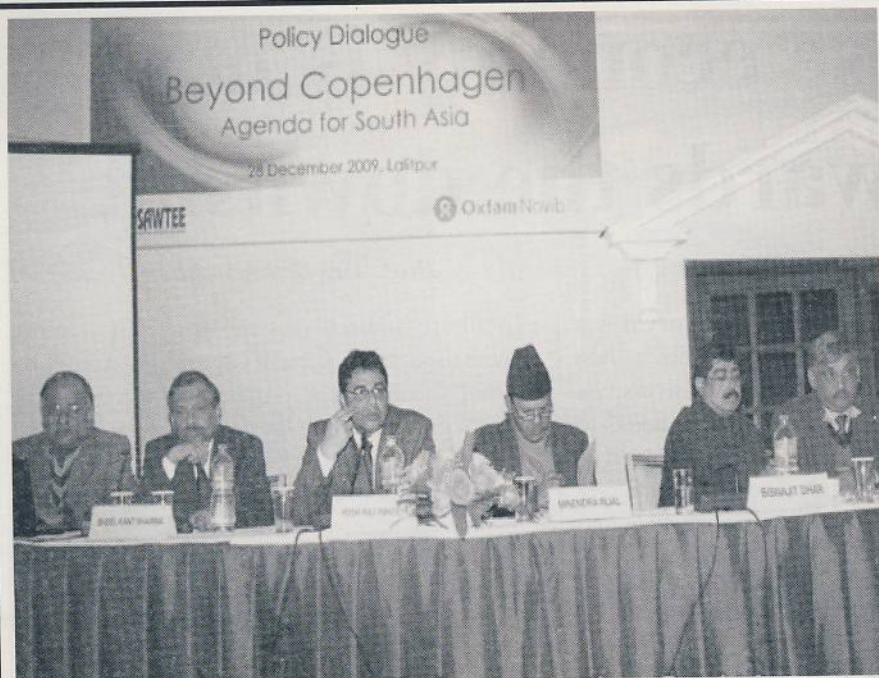
As the Maoists prepare for a “national independence” movement, the party of the former rebels will increasingly become vulnerable to the internal conflict.

A startling revelation by Prachanda at cadres' meeting proves the point.

He said, “India wanted to play into our party by proposing Baburam Bhattarai as the prime minister” to replace Madhav Kumar Nepal.

“And it is to foil the Indian game that I changed my mind and got the politburo to endorse me for a second innings as the prime minister.”

Clearly, a great wall of divide is expanding by the day. This has held the national politics to a ransom, as the search for a consensus with other parties become a victim of the wrangling within the Maoist party. ■



COP 15 : What is beyond Copenhagen ?

COP15

Too Much Ado

The much-touted climate meet brought little cheers to developing countries like Nepal, say experts

By **ABIJIT SHARMA**

The UN Climate Change Conference was criticized from all over. It was, critics said, a failure. It failed to reach any agreement which would benefit the worst-affected developing countries.

Let alone the developing nations, the European Union termed it 'a disaster'.

Such criticism has found its echoes in Nepal too.

On return home from Copenhagen, Prime Minister Madhav Kumar Nepal sounded a very disappointing note. He had led a jumbo Nepalese delegation to the climate jamboree in the Danish capital.

At a program organized in Kathmandu a few days after the event,

experts agreed.

Dr. Biswajit Dhar, Director General, Research and Information System for Developing Countries, told a SAWTEE function that most of the developing nations criticized the Copenhagen Accord because, they said, it was vague and in no way, would help them.

The accord, drafted by the US, China, India, Brazil and South Africa, was claimed to benefit the developing nations. Dhar said no way.

The accord recognizes scientifically that an increase in global temperature below 2 degrees is required to avoid the worst effects of climate change and that the developed industrialized nations will commit to cut down their carbon emissions by a certain extent.

According to Ajay Dixit, a water resource expert, climate change will have serious impacts on South Asian Countries and expressed regret over the disappointing results of Cop15.

"Currently, the temperature rise is 0.6 degrees Celsius in Nepal per annum. If the rate of climate change continues at the same pace, by 2090, the temperature rise could be upto 4.7 degrees Celsius," he said.

Purushottam Ghimire, Joint Secretary, Ministry of Environment, recalled the poor management in the Bella Centre and pointed out that mismanagement could have been one of the reasons for the Conference becoming a failure.

"The management was really poor. With overcrowded halls and auditoriums, it was difficult for us to put forward our views and participate in meetings," he said.

However, Dr. Minendra Rijal, Minister for Federal Affairs, who was also in the jumbo Nepalese team, provided a positive note. He said, the conference was not totally worthless and Nepal was able gather interest regarding the melting of the Himalayas and its consequences. "We got a chance to put forward our message, which we should consider as an achievement," he said. ■

NEW SPOTLIGHT

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“Nepalese economy is now moving towards the downside”

Prof. Dr. Bishwombher Pyakuryal

Professor Dr. Bishwombher Pyakuryal is a well-known economist of Nepal. He has a long experience of teaching at Tribhuvan University's Central Campus in Kirtipur, a number of books to his credit and a track record of being involved in research and policy making. Professor Dr. Pyakuryal spoke to **KESHAB POUDEL** on various economic trends of Nepal. Excerpts :

What is your view of the state of Nepalese economy?

Nepalese economy is now moving towards the downside. After a long gap, this is for the first time Nepalese economy has seen this kind of a situation. In the year 2002, Gross Domestic Product (GDP) was negative and Nepalese economy faced a major shock. Now the balance of payment situation has deteriorated and it is in bad shape. These trends raised two or three important things. Previous UCPN-M government estimated 7 percent growth by the end of 2009 before they revised their estimate by 5 percent before quitting the government. The present government also has predicted the growth at 5 percent. The government estimated that the 3.3 percent growth in agriculture sector and 6.6 percent in non-agriculture sector.

How can we maintain growth?

We need to maintain this digit to sustain annual 5 percent GDP growth. Nepal's population is now 28 million. Although our per capita income is estimated to be US\$ 470, it is the lowest among South Asian countries.

How is the level of production?

Compared to last year, Department of Hydrology and Metrology predicted that the monsoon was weaker and there was 60 percent less rainfall. This is the reason the paddy production declined by 11 percent and maize by 4 percent. Not only were the areas of cultivation, but also productivity declined. Paddy and maize surprisingly contribute 10 percent in Nepal's GDP and 27.5 percent in total agriculture output. This reveals the importance of agriculture sector, specially selected food grain production in determining Nepal's growth future.

How do you look at the growth estimates?

We have estimated that the 3.3 percent in

agriculture and 6.6 percent in non-agriculture growth to sustain 5 percent GDP. This assumption is being falsified. The professional estimates for Nepal's growth would be somewhere around 4.2 percent.

How do you predict the estimate?

Although some exercise was also done by the central bank in this regard, the government gets the information from Central Bureau of Statistics. The CBS submits the statistics to the National Planning Commission, and then only government endorses it as an official estimate.

Do you think we will achieve this?

If we want to formulate 5.5 percent growth in the coming three years, interim planning with the present growth rate of 4.2 percent, there will be a huge discrepancy created in the resource allocation. Nepal's experiences have shown that the increase in the money supply has strong and positive correlations with the price level. Increase in the size of the budget means the increase in the money supply.

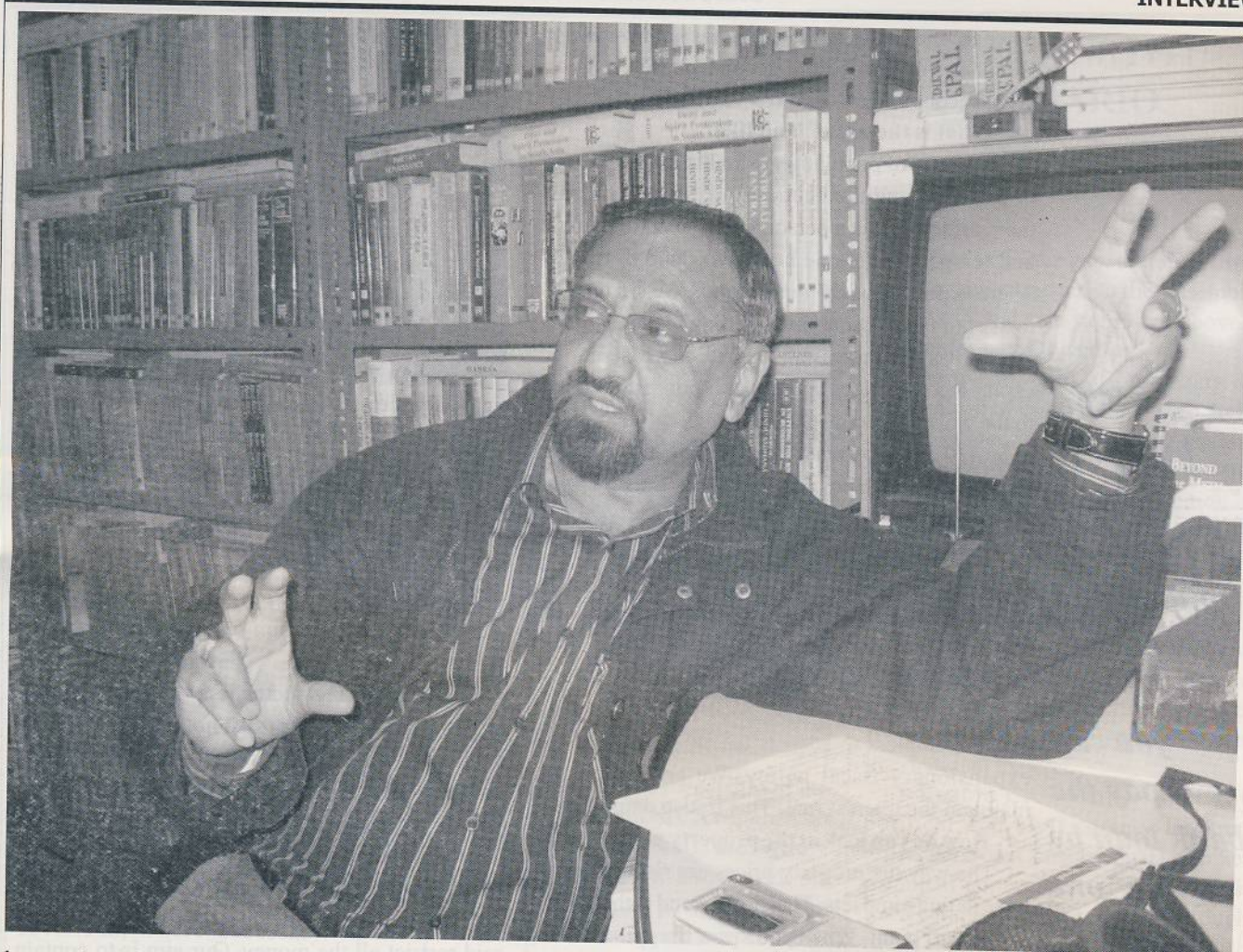
What are the main problems?

One of the problems in Nepal is that fiscal policy is formulated by the Ministry of Finance and monetary policy is formulated by the central bank. There is no link between them, unless there is understanding and collective work by the authority representing fiscal policy and authority representing the central bank. There are high level committees for formalities where the governor is ex-officio member. However, the governor does not have any say. The central bank has to wait until the official figures and estimates come from the CBS. Then the central bank has to recalculate, overnight, the growth estimates. There is a big pool of scholars in central bank but they are non-functional. There are lapses in growth estimates. We need to address them. Central bank has statistical information but central bank does not know what the size of the budget is. Although the central bank is regarded as an advisor of the government, its role has been undermined because of existing practices.

How do you look at the liquidity crunch?

This year we have seen a crunch in liquidity. It

This is the reason the paddy production declined by 11 percent and maize by 4 percent. Not only were the areas of cultivation, but also productivity declined.



has made major impacts in the people's livelihood at household level. If we see the statistic of three months, the imports of gold exceeded 15 billion Nepalese rupees. The actual statistic of import of gold has never been sent on time from the counter at Tribhuvan International Airport. Only months after the import, we get the information. If a country like Nepal will spend such a huge amount of money to import a single commodity, one does not need to understand the health of economy. Another area is import of vehicles.

What is the state of export and import?

In three months' period, Nepal imported vehicles worth of 6 billion Nepalese rupees. Other import is also electoral appliances. This import is just only from India. The import from India has increased by 133 percent. It showed whatever foreign currency is earned by this country; we sell that currency in India's capital market to purchase Indian currency. The foreign exchange reserve has been eroded for the import of gold and imports of car and electronic appliances.

What is the state of expenses?

The government's recurrent expenses are increased by 41 percent. However, the last five

months' statistic showed that capital expenditure increased by 13.3 percent. If we are unable to increase expenditure in construction and development work, what impact it has in social sector? One of the major impacts will be in the employment sector. We cannot generate the employment. Recurrent expenses are basically salary, wages and more required for day to day administration. This is the reason fragility of economy has increased. In the context of Nepal, the balance of payment was fine. Once there is a problem in price stability, there is a problem. For instance, interbank interest rate has gone up.

How do you view the NRB's position?

Thanks to liquidity crunch, Nepal Rastra Bank, as a lender of last resort, has to lend money. The interest rate fluctuates from one percent to 11 percent. This is a very bad phenomenon. Last year, our remittances had increased by 68 percent. However, it has increased just by 11 percent in the last five months. Since our base has already been bigger and the total amount may not decline, the current trends indicate that the coming days are not good. The remittances contribute 20 percent in the GDP. If it declines from 68 percent to 11

The import from India has increased by 133 percent. It showed whatever foreign currency is earned by this country; we sell that currency in India's capital market to purchase Indian currency.

percent, one can imagine the situation. Moreover, Nepal is yet to face the second phase crisis of global economic crisis.

What is the use of land like?

The ratio of population to arable land is lowest in Nepal among the countries of South Asia and the world. In India a person gets 1 hectare of land but, ten people get one hectare of land in Nepal. There is decline of cultivated land. We are unable to use our land. Inequality is getting higher, human capital has not increased. Despite increase in per capita income, Nepal is the 14th poorest country in the world. Average per capita income estimated to be 470 dollar by end of 2009 but it has yet to be seen. Life expectancy has increased to 63 but it is way down among South Asian countries.

How is the consumption pattern?

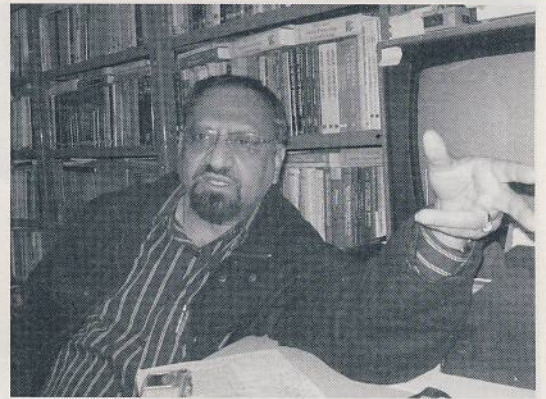
In the areas of consumption, or unproductive sectors, like to purchase the land, we spent a lot of money. There is a potential risk for financial stability. The monetary policy and fiscal policy cannot go together and monetary policy has become helpless to address the lapses created by expansionary fiscal policy. We are unable to maintain the interest rate. This is also damaging.

How do you look at the property prices?

The way the property prices are rising, it will have definite impacts. The global trend is that there is a cut-off point. When you know the value of the land goes up, people lend money from commercial banks. You purchase two companies of land and wait for two years but you can repay the bank loan by selling one ropani of land. Commercial banks, which lend the money, they also get the return easily. There are no defaulters and borrowers too have seen assets have gone up even putting the margin in profit. Even his repayment is timely. When there is downfall and start of decline in actual price of the land, it all depends upon the speculative measures. If the government has made small changes, it will make impacts.

What about NRB directives?

Recently, the central bank has issued the notice that only 25 percent of the amount can be invested in land and forty percent in housing. In housing there is transparency and there is clear visibility of collateral. There is very low risk. But, individual loan for commercial purpose is not transparent. There is possibility of risk. Some banks have lent over 40 percent to individuals. The central bank finds that over 35 billion rupees are not secure. Thus something has to be done in anticipation



that the price may decline. And then there will be defaulters. The liquidity crunch is the result of this. If there is plenty of money, you need not to pay high interest. There is possibility of increasing of interest rate. Small depositors will have benefits and those who involve in real estate business will lose since they have to pay 17-18 percent.

How is the situation of the manufacturing sector?

Manufacturing sector is not doing well and the service sector too is also not performing. The crises in real estate may have disastrous consequences. In this context, Nepal Rastra Bank's recent directive is a timely step. But, you have to wait and see. You cannot make restriction for all the time. It will be short term. NRB has not the right to increase the interest rate. We have not said restrict all the money. Our aim is to contain the flow of money. Our export has grown up by 133 percent with India and investment has gone up many folds in the unproductive and risky sector, the situation is very vulnerable. We import very costly items like construction materials, medicines and vehicles but we export cheap products. We have 125 billion trade deficits with India. There is a problem in balance of payment, foreign currency reserve; Nepal's economy is in crisis in real sense.

What is the solution?

When all political parties are talking about state restructuring, there is the need to focus on economic restructuring. It is unfortunate that nobody is talking about the economic restructuring. By the time you have to finalize the constitution you have to finalize the modalities of the economic restructuring. Sixty percent of development districts in Nepal, they make less than 10 percent of the resources, and ninety percent money need to be given by the center. Merely strengthening the state will not solve our problems. ■

You purchase two companies of land and wait for two years but you can repay the bank loan by selling one ropani of land. Commercial banks, which lend the money, they also get the return easily.

INTERNATIONAL CONFERENCE ON DYNAMICS OF CONSTITUTION MAKING IN NEPAL IN POST-CONFLICT SCENARIO

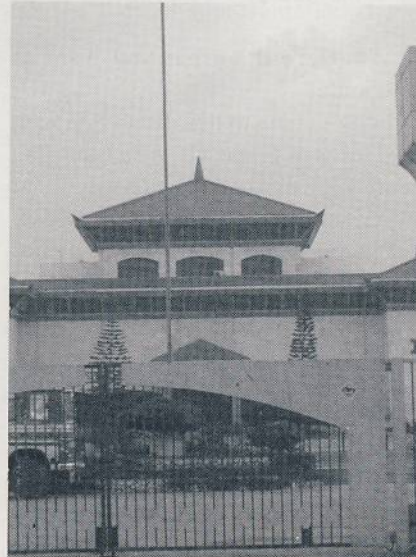
January 15-17, 2010

Context

The pace of work on writing Nepal's new constitution is at its peak. The Constituent Assembly (CA), in its revised calendar, has stated that a complete preliminary draft of the new constitution will be out by the end of December 2009.

The CA has allocated about two weeks in January 2010 for public discussion on the draft at different levels and for suggesting inputs and comments for its improvement. This will be the most crucial period for the CA members, Nepalese experts and stakeholders, including members of the international community who are supporting the constitution building and peace process from outside. This will be a time to study the proposed draft in its entirety, examine all the provisions with social, political and institutional perspectives and suggest revisions, where necessary. In the process, the role of the constitutional experts, both local and international, becomes important to help improve the document as a qualitative constitutional framework. It is the experts, rather than politicians, who can help the CA identify technical and substantive gaps in the draft at this stage, and suggest timely revisions to bring the draft at par with international democratic standards and in keeping with the lasting principles of constitutionalism.

To establish both national legitimacy and international acceptability of the draft prior to its promulgation, it is essential to enable prominent international as well as Nepalese constitutional experts and practitioners, who have been closely watching the developments taking place in Nepal, to put forth their comments on key constitutional issues and technicalities involved. Such a review of the draft by recognized international experts, at a time when the people of Nepal would be engaged in offering public comments



to get a sense of their ownership of the Constitution, will afford CA members an opportunity to revisit the whole document afresh. It will also provide the political stalwarts patronizing the Assembly with an opportunity to focus on issues that must be reconsidered at this level. Examination of the draft by internationally well-known experts will also help develop appropriate implementation tools as well. Moreover, such examination by independent experts with a varied experience in different countries will help generate consensus amongst political parties on many contentious constitutional issues, such as devolution of power and forms of governance that Nepalese experts are yet to develop their expertise on. An international meet of this kind will allow Nepalese scholars to build partnership with international scholars for the future. This proposal thus aims to organize a forum in Kathmandu in the form of an international conference to be participated by both the national and international constitutional experts.

In its current setup, the CA of Nepal does not have a constitutional expert group as one of its organs. It stands as a whole as a political assembly alone. As such, a forum like this is very

important to fill the gap, although from outside, and compensate the Assembly process in ways as suggested above.

Conference Objective

The overall goal of organizing an international conference is to help induct democratic norms, values and procedures in the new constitution, and contribute to the institutionalization of principles of constitutionalism and rule of law to resolve conflict and permanently establish peace in Nepal.

Immediate objectives:

- Improve the quality of the new constitutional draft and its technical and conceptual soundness through inputs from prominent national and international experts;
- Enable CA members and key political and civil society leaders, especially from Constitutional and other technical committees of CA, benefit from comparative experiences through their direct interactions with constitutional scholars and practitioners of international reputation about constitutional issues of Nepal's interest and concern;
- Embolden jurisprudential/theoretical foundation and democratic contents of the draft Constitution to international standards by bridging the identified conceptual gaps through open debates and deliberations;
- Offer opportunity to the international community to understand and appreciate the dynamics of Nepal's post-conflict country situation and areas of special needs that need to be addressed by the constitutional framework through appropriate choice of or reforms in the form of governance and devolution structure;
- Sensitize CA members, political actors and the common people about comments and feedback on the nature and contents of the new Constitution and its implementation tools as received from technical experts from within and without.

“The constitutional process has taken time in Nepal”

- Dr. Bob Rae

Dr. Bob Rae, former prime minister of Ontario, is also a member of Parliament for Toronto Center of Canada. Rae is coming to attend international conference on constitution making in Nepal. Excerpts of his view:

How do you see the constitution making process in Nepal?

The key point is that it is Nepalis, and not foreigners, who will make their constitution. As foreign advisors, all we can do is try and provide some information and context to the Nepali decision making process. On my last visit to Nepal I discussed the federal idea and how it worked in several different countries. But it would be a mistake to “copy” the model of another country.

Do you have comments on its substantib aspects?

Expected Output

- Technically and democratically sound Constitution produced
- Consensus on key constitutional issues and their solutions under the draft constitution
- Comparative comments and feedbacks from impartial technical experts and stakeholders on the draft Constitution achieved
- Resource materials useful for interpreting the Constitution documented and compiled
- Political leaders and CA members directly interact with and receive critical analyses and appreciation from prominent constitutional experts and practitioners participating in the conference on the key constitutional issues, including contentious issues like forms of governance, devolution, electoral processes, aspects of social inclusion, etc.
-]• Constitutional foundation for institutionalization of the peace process laid down
- Sufficient opportunity for international inputs and creation of grounds for international acceptability of the constitutional draft

My sense as an outside observer is that the constitutional process has taken time in Nepal, and it is now important for some substantive progress to be made.

What are the areas you want to contribute?

I don't come to this discussion with fixed ideas or proposals. As a Canadian member of parliament, constitutional lawyer, and former premier of a Canadian province I hope I have some useful experience, but I have no constitutional mission, only some bruises and lessons learned.

What kind of constitutional framework would best suit for Nepal?

And I have my own questions. Is it possible to imagine a “bare bones” constitution, with a later process to deal with more details? What do the parties

themselves make of some key issues - presidential Vs parliamentary system, federalism, rule of law and the role of the judiciary?



Do you have comments on its substantive aspect?

The constitutional process can get diverted by partisan politics and the desire to settle old scores. How to avoid that happening in Nepal? Or at least reduce it to a minimum? These are tough questions, but they must be answered, and the people will become frustrated if there is no progress made in finding them. ■

- Networking of experts of fifteen countries

Conference Format

As the purpose of getting outside experts in is to contribute to the Constitution, the organizers want the experts to engage directly with the draft constitution. As such, both Nepali and English versions of the comprehensive text of the draft Constitution of Nepal will be timely made available to all participating Nepali and international experts for their reference, and each of the experts will be asked to prepare their comments and recommendations for improvement on the draft in areas of his/her expertise and interest, before the conference starts. Some of the experts with such comments and recommendation will be requested to present their papers in the Conference to stimulate discussion.

In case, the Constituent Assembly of Nepal is not able to deliver a draft constitution according to the current schedule, as expected by the organizing committee, the participants will still be provided with the preliminary drafts of all thematic committees at the Constituent Assembly in lieu of a consolidated complete draft to go

through the process as highlighted above. All comments and recommendations including the papers received will be submitted to the Constituent Assembly for its consideration after the Conference.

As of November 25, seven major reports contributing to the draft constitution are already made public by the following thematic committees of the Constituent Assembly, which will more or less form the basis for the new constitution, subject to the approval/change by the full House of the Assembly. The Committees which have already produced the reports (which includes concept and preliminary draft) are the following:

- (1) Committee on Fundamental Rights and Directive Principles
- (2) Committee on Protection of Fundamental Rights of Minority and Marginalized Communities
- (3) Committee on Judicial System
- (4) Committee on Determination of the structure of Constitutional Bodies
- (5) Committee on Determination of Bases for Cultural and Social Solidarity
- (6) Committee on the Preservation of National Interest
- (7) Committee on the Form of

“It is a ‘constitutional moment’”

Dr. Thio Li-ann

Professor Dr. Thio Li-ann, is a well known constitutional lawyer of Singapore. She is now under the Faculty of Law, National University of Singapore. She spoke to various issues with New Spotlight on constitution making process in Nepal. Excerpts of her written interview:

How do you see the constitution making process in Nepal?

It is a ‘constitutional moment’, a period where the Nepalese people have the opportunity to deliberately consider how they want to write up the basic or fundamental rules governing the state, what kind of community they want, what sort of democracy and democratic values they wish to inform the structuring of state-society relations. The Nepalese people have intimate knowledge of their own histories and contexts and are best placed to decide what form of constitutional government is most suitable.

What are the areas you want to contribute?

I have been invited in particular to discuss issues of designing the legislature in terms of accountability and the idea of representation. I am conscious that “inclusively” of marginalized groups is very much on the agenda which is a reject of pure majoritarianism. This is an important qualification to representative democracy. A relevant concern however, is: will the hybrid system of first past the post / and proportional representation produce a government that is sufficiently strong to implement its program, and sufficiently checked to deal with worst case scenarios of abuse.

What is the strength of your own system that you want Nepal to consider?

I will say this: unity without diversity can degenerate into a homogenizing totalitarianism; diversity without unity can be chaotic, lead to fragmented societies, emasculated and ineffective government which cannot sustain peace and order, which is a pre-requisite for economic development which is necessary for the realization of social

justice; the key is to forge institutions which accommodate unity in



diversity. The general concept is easy to state; the particular conception is difficult to agree on. My own country, Singapore, is a multi-racial and religious society which practices the Westminster model of parliamentary democracy with modifications. While the constitution does not recognize minority rights as the focus is on individual rights (which would include all individuals, including individual members of minority groups) the government is duty bound constitutionally to care for the interests of racial and religious minorities. In the past 50 years of self-govt, the government has through programs e.g. waiving fees for educational institutions for ethnic minorities, built up some social trust. ■

Legislative Organs

(8) Committee on Division of Natural Resources, Financial Powers and Revenues (again in federalization/local self-government context)

(9) Constitutional Committee

Two reports are still on the pipeline. They are expected from:

(1) Committee on Determination of the Form of Government

(2) Committee on State restructuring and Distribution of State Powers (It works for the federalization/devolution of powers)

(3) Constitutional Committee (This is the principal drafting committee in the Constituent Assembly, which will have to organise all reports cleared by the full House into a viable constitutional draft. But then it is also responsible for preamble and other issues that are not covered by the thematic committees.

On the first day of the conference introductory events will be organized for familiarization and information exchange

of views amongst participants, including international experts, CA members, political actors, civil society leaders and other stakeholders.

For two days, extensive and intensive group interactions will be organized and deliberations and discussions on the key constitutional issues materialized and recorded. On the sideline, special sessions and meetings of selected international experts with key leaders of major political parties and CA members will be arranged to enable political actors clarify key issues of concern through independent and highly qualified and experienced scholars of global prominence with familiarity of Nepal and its special features.

Participants

Prominent constitutional experts and practitioners from developed and developing countries, including Australia, Africa (mainly from South Africa, Ghana and Sudan), Bangladesh, Canada, China, Ethiopia, Germany, India,

Japan, New Zealand, Sri Lanka, Switzerland, Thailand, the UK and the USA with experiences of post-conflict dynamics and challenges will assemble to share comparative experiences and provide their inputs. Amongst the invited experts will be those with expertise in different aspects of federalism, forms of governance, human rights, electoral process, judiciary, etc as well.

Among the prominent participants are: Dr. Bob Rae, former prime minister of Ontario and Member of Parliament for Toronto Center Canada, Justice Pekka Ballberg, president of the Supreme Administrative Court of Finland, George R.M. Anderson, Forum of Federation Headquarters, Professor Yash Pal Ghai and Dr. Jill Cottrell, Professor Steven Greer, School of Law University of Bristol, Professor Cheryl Saunders, the University of Melbourne, Professor Mahendra P. Singh, vice chancellor of the West Bengal National

University of Juridical Sciences, Kolkata, India. Professor Thio Li-ann Faculty of Law National University of Singapore, Professor Rohan Edrisinha, Professor Rei Shiratori, political scientist from Japan, Professor Wang Zhenmn, College of Law, Tsinghua University, China, Professor Rohan Edirisinha, University of Colombo, Sri Lanka, Alexander Wegener Inter-Republica Berlin Germany, Senior advocate of India Dr. Rajeev Dhavan, advocate Ms. Menaka Guruswamy, India and many other scholars and experts. Renowned Nepali Constitutional lawyers, experts and CA members will also take part in the conference.

Under the overall theme of the conference, following five major sub-themes will be categorized for streamlining the whole exercises:

- Salient features and basic constitutional principles of the new Constitution
- System of governance and institutional framework (including electoral process)
- Restructuring of State and devolution of power under the federal design
- Social justice and justice delivery mechanism



Pekka Hallberg



George Anderson



Yash Pal Ghai



Rei Shiratori



Rajeev Dhavan

- Human rights and accountability institutions (including political parties)

The overall deliberations in the conference will have gender and social inclusion used as cross-current issues in order to ensure that the new Constitution is gender and diversity friendly.

After the conference: After the conference a team of national experts will help –

- revise the draft constitutional text
- develop explanatory notes
- keep in touch with the international

experts, who contributed to the conference, and take their inputs where necessary

- submit the revised draft to the CA Constitutional Committee
- share the revised draft with all political parties represented at the CA
- respond to necessary queries coming from the constitution makers on the draft thereby submitted
- involve the constitutional experts even in the post-submission phase for their contribution
- publish the proceedings and necessary notes after the promulgation of the new constitution

Conference report and documents will also be archived on the internet for future reference while implementing and interpreting the new Constitution.

The organizing committee is expecting the graceful presence of President, Prime Minister, Chief Justice and Chairman of the CA at the event. ■

“Nepalese themselves to decide the system that they want”

Professor Cheryl Saunders

Professor Cheryl Saunders is well known constitutional experts of Australia and he is associated with the University of Melbourne Australia. Saunders is presenting paper in forthcoming International Conference on Dynamics of Constitution Making in Nepal. Cheryl spoke about various issues to New Spotlight Excerpts:

How do you see the constitution making process in Nepal?

Like all constitution-making processes, it is highly complex and difficult. That is because the decisions to be made are so important; a high degree of consensus is desirable; and the process involves the people to a much greater degree than usual. Delays and unexpected developments are predictable, but need to be overcome, through leadership and vision from within the process and pressure from civil society.

Do you have comments on its substantive aspect?

Not at this stage. As I understand it, not all the substantive recommendations are yet publicly available. Some areas obviously are causing more difficulty than others. As they become available, it will be necessary not only to evaluate solutions in particular areas but to consider how all the proposals will work together, in a final Constitution.

What are the areas you want to contribute?

I have agreed to contribute to discussion on the structure of government or, in other words, the relationship between the legislature and the executive. This involves the question of the choice between a parliamentary, presidential or semi-presidential system, or some variant on these. Whatever the choice, it also involves consideration of ways to fit the model to the particular circumstances and needs of Nepal, and to minimise any potential disadvantages of it. I would also be happy to contribute to other areas, including the structure of the judiciary and any questions about levels of

government, under a federal system or another form of devolved government.



What is the strength of your own system that you want Nepal to consider?

It is up to the Nepalese themselves to decide the system that they want. I would not press any particular model on them, including the experience of my own country, Australia. But Australia is a good example of the advantage of living under a stable system of government, where the rule of law is broadly respected and government changes hands peacefully and quite frequently after regular elections. In that sense, the Australian experience provides a goal, rather than a model. The Australian Constitution is far from perfect, but it is generally accepted and has provided a reasonable base for stable democratic government. ■

Constituent Assembly The Deadline Dynamics

An international conference on constitution making in Nepal is starting next week amidst the rush towards meeting the deadline

By KESHAB POUDEL

Eight thematic committees of the Constituent Assembly have completed their assignments. The Constitutional Committee has also submitted its report. However, the fact that two other committees have fallen far behind schedule in preparing their draft reports raises serious concerns. The dynamics of constitution making after the historic change of April 2006, and especially after the crucial CA elections of 2008, has been complex, to say the least.

Amidst all this, an international conference, starting next week, is set to examine the dynamics of constitution making in post-conflict Nepal, raising hopes that significant inputs will be at hand for the constitution writers. Organized by Nepal Constitution Foundation (NCF), Tribhuvan University Faculty of Law and Supreme Court Bar Association Nepal, the conference will be held from January 15-17, 2010 in Kathmandu.

"Constitution making in the post-conflict countries normally suffers on



Dr. Dhungel, Dr. Adhikari and Kharel : Conference with cause

account of national ownership and international legitimacy. This international conference is being organized at a time when 601 inclusive members of CA, representing 24 political parties, have already worked on the preliminary draft of the constitution and supporting concept papers. These documents will be jointly examined by national and international experts in order to help CA members, who have on *their table various options and suggestions,*" said renowned constitutional expert Dr. Surya Dhungel, who is also the convener of the conference.

"The international conference is going to be a major milestone in the

history of constitution making in Nepal," said Amber Panta, Dean at the Faculty of Law of Tribhuvan University. "International experiences will help Nepal to learn more at the last minute."

"Supreme Court Bar Association is proud to be part of this historic conference. "The discussions that take place in the meeting will help address

the crisis faced by the CA," said advocate Indra P. Kharel, chairman and co organizer of the conference.

"This is going to be a place where experts can advise Nepal's CA to address the challenges," said Dr. Bipin Adhikari, chairman of Nepal Constitution Foundation, Nepal.

"I think this is a good initiative in the present context," Subhash Chandra Nembang told New Spotlight. "These kinds of conferences will help to find out ways to address the crisis faced by Nepal." The conference will be inaugurated by President Dr. Ram Varan Yadav on 15th January. ■

Nepal Constitution Foundation

Nepal Constitution Foundation is a newly registered, independent and non-partisan civil society organization. It was registered in Asoj, 2066 BS (September 2008) under the the Society Registration Act, 2034 B.S. (1977) as a collaborative effort of some constitutional experts, management professionals and development practitioners. It is a non-profit making membership organization. Headed by Dr. Bipin Adhikari, the Foundation was founded to encourage and facilitate the study and research of constitutional matters, and is dedicated to increasing public understanding of, and appreciation for, the constitution of Nepal. It is intended to examine and evaluate the constitutional system and to contribute actively to the

debate on its reform and further democratization. As a 'think tank', the Foundation works through various interactive and interpretive facilities. There are two important areas of NCF interventions:

- (1) Support for constitution building and its institutionalization process
- (2) Development of constitution sensitive socio-economic and political leadership in the country.

Objectives

The major objectives of the Nepal Constitutional Foundation are as follows:

To conduct study and research on constitutional subjects including free and fair elections, accountable government, the rule of law, independent judiciary, fundamental

rights and freedoms and independent and impartial constitutional bodies in order to help them institutionalize in Nepal, and monitor the operation of constitutional democracy here.

To help resolve complicated constitutional issues by pursuing study and research on various aspects of constitution and constitutionalism and bringing forward relevant parties and civil society point of view in the process of their resolution.

To conduct programmes as a non-governmental organization for the democratization of political parties and public institutions, and work as a helping hand in the research of issues involving them and making laws for their democratic management and reforms.

To disseminate information and conduct advocacy on equality, pluralism and social justice in order to institutionalize the values of constitutionalism in Nepal and so on.

Equity and Human Development: Review of Nepal's Basic Public Policies in Education and Health

By Mohan Das Manandhar
Rojan Bajrachrya¹

Background:

The equitable delivery of basic services is central to the goal of reducing poverty and inclusive growth. Poor people list drinking water, education, health care and personal security needs as their highest priorities for growth and prosperity. So, inclusive service delivery is pivotal in achieving the Millennium Development Goals (MDGs). There is a widely held view that providing basic of education and health is the government's responsibility for their citizens. The provision of such services is replete with market failures or externalities. Hence, if left to the private sector, it will not be able to achieve the level of education and health that society intends to have. More importantly, education and health services are deemed fundamental human rights. These suggest that irrespective of problems related to its delivery, the public sector should be mainly responsible for the education and health of their people (the so-called "merit goods argument"). The Government of Nepal (GON) has acknowledged the necessity of providing quality public health and education services; this is reflected in its many policies, programmes and plans.

After the reinstatement of multiparty democracy in 1990, there is raising discourse in poverty, equitable distribution of basic services and social inclusion/exclusion. Gradually, there is also resurgence of ethnic identity. The Eighth Planning Document of Nepal which was also

first after 1990's political transformation initiated to design development plan through social lens. Government gradually starts to develop conducive policy environment to allow equitable delivery and financing in health and education. Also, GON has made a number of international commitments in this regard, which is best reflected

areas in an integrated way". The public health system is organized as a system of public and personal health care which is interlinked through a network of district hospitals and health posts which is designed in the wake of the historic Alma Ata Declaration in 1978. In this regard, the NHP, 1991 has targeted the spread/outreach of health services facilities by considering the

The provision of such services is replete with market failures or externalities. Hence, if left to the private sector, it will not be able to achieve the level of education and health that society intends to have. More importantly, education and health services are deemed fundamental human rights.

in being a signatory of the UNDP Millennium Summit. Further, the political transformation after 2007 envisages the need to develop conducive social inclusive growth with equitable participation of every populace in socio- economic affairs and equitable benefit to populace of each social and ethnic groups.

Basic Service Policies in Health and Education

In term of health, equitable service delivery is initiated by the National Health Policy (NHP) 1991. The objective of NHP 1991, which is the guiding policy in health sector, states "In accordance with the commitment of providing Health Services to rural areas, it has been targeted to establish one Sub-Health Post in each Village Development Committee to provide Preventive, Promotive and Curative Health Services to the people in rural

population ratio.

The subsequent Second Long Term Health Plan (1997-2017) has envisioned a health system with an aim of equitable access to coordinated quality health care services in rural and urban areas, which again is characterized by: self-reliance, full community participation, decentralization, gender sensitivity, effective and efficient management, and private and NGO sector participation in the provision and financing of health services resulting in improved health status of the population. Further, the present Three-Year Interim Plan intends to improve health status by providing an equal opportunity to every community and social groups through an effective and equitable health system in consideration of access to basic health services as human rights as ensured

in the Interim Constitution of Nepal.

In 2004 GON has enunciated a Health Sector Strategy which is an operating framework for Nepal Health Sector Programme: Implementation Plan, 2003. In the preface of the Strategy, it is stated that "equitable access to health to attain an acceptable level of health and better quality of life by creating more equitable distribution of resources". Likewise, the plan formulated three outputs related to service delivery and five outputs related to institutional capacity including health financing. Health financing output has been designed with an intension of sustainable development of health financing and resource allocation across the whole sector. It has already been functional since 2004 and facilitates the implementation of a "Sector Wide Approach". Sector Wide Approach is a method of working between government and development partners and a mechanism for coordinating support to public expenditure programmes for improving the efficiency and effectiveness with which resources are used. Moreover, Local Self Governance Act, 1999 gives increased responsibility to the local bodies in taking health service related decisions and facilitating in extending health services in the local level.

In term of education, Nepal has mixed educational system prior to 1972. During then time, some public educational institutions were simply provided financial grant without direct control of Central Government while some public educational institutions were under direct control of Central Government. In 1972, GON (then His Majesty's Government of Nepal) introduced Education System Plan which nationalized all the community schools and this changed the modality of school management and financing with an all out responsibility to the government. However, the government belatedly realized it to be a disastrous policy which killed the

community initiatives in education development. GON attempted to address this situation and made amendment in education law in 2002 and also initiated the transfer the management of school back to the local community via. School Management Committee (SMC). These SMC's are consisting of representative from: Teacher's Association, Parent's Association, Local Community and Representative from GON. The community schools including those handed over to the communities get central government grants on a regular basis. Community schools getting only temporary

education. Likewise, the secondary education was designed under Secondary Education Support Program for 2003 to 2008 period which again is based on the Poverty Reduction Strategy Paper (PRSP) policies of increased community participation, decentralization, cost sharing, recognition of regional diversities and institutional strengthening. It also takes into account the Secondary Education Perspective Plan 2001 including the lessons learnt of the earlier education projects.

In term of scholarship, the current provision are: Full scholarship to all

World Bank, DFID and ADB 2008 study reveals that there is not significant improvement in the education participation of Janajati, Muslims and Madheshi communities in general and girls among them particular in 1996 to 200 period. The significant improvement has been observed in the education participation of Dalits children however the retention of Dalits and Janajati is significantly less.

approval, also known as unaided community schools, do not get government grants in the form of approved teachers positions (quota). However, all the community schools are eligible to receive all kinds of grants including scholarships and others support from central government.

In term of government support program, the primary education had been designed under Basic Primary Education Project from 1999 to 2004 period and Education for All (EFA) for 2004 to 2009 period. The six components of the EFA (2004-2009) plan are as follows: Expanding and improving early childhood development; Ensuring access to education for all children; Meeting the learning needs of all children including indigenous peoples and linguistic minorities; Reducing adult illiteracy; Eliminating gender disparity; and Improving all aspects of quality

Dalits (Untouchable Caste) at primary level; NRs. 500 scholarship per year for each Dalit at lower secondary and secondary level; and few limited scholarship to Dalits, Indigenous Communities and Girls at Grade 6 and 7 level. The Government is committed to free primary education which covers grades I to V and is likely to be extended up to grade VIII. In this arrangement, the private sector and other trusts also come into the picture in owning the schools and sharing the cost of school education. There is a growing pressure upon the government to make the secondary education up to grade IX free. Hence the government's financial obligation in the school education is ever increasing, and the government has not been able to meet even the existing level of its commitments to the students and schools. Additional fund can be allocated to school education, if any additional public investment on

SOCIAL INCLUSION

school education will significantly help reducing the poverty incidence.

Impact of Policy Measures

There is improvement in the number of health and education delivery institutions and its distribution. The number of school upto secondary has increase from 28568 in FY 2003 to 8076 in FY 2009 with Primary School in each VDC and the number of health institution has increase from 83 in FY 2003 to 94 with one Sub-Health post in each VDC. The primary level teacher to student ratio has decrease more equitably in all development regions of the country except than in mid-western in 2003 to 2009 period. Likewise, the health worker per population is almost equitable in all development region of the country except than that of doctor which is high in the central development region of country

Despite, there is marginal improvement in macro context in health and education sector, the policy and program commitment on inclusive delivery of health and education has marginally contributed in equitable access of the suppressed and discriminated groups and societies. World Bank, DFID and ADB 2008 study reveals that there is not significant improvement in the education participation of Janajati, Muslims and Madheshi communities in general and girls among them particular in 1996 to 200 period. The significant improvement has been observed in the education participation of Dalits children however the retention of Dalits and Janajati is significantly less. The trend is similar also in health. Bank, DFID and ADB 2008 study reveals that it is the women from Dalits, Janajati and Muslim communities who have less access to health facilities for pre-natal and ante-natal check-up.

The allied form of exclusion prevailed in delivery of Health and Education in Nepal. Though there is marginal improvement in the distribution of basic service delivery

institutions (viz. schools, health centres and water supply system), its concentration is still high in urban area resided by upper caste and dominant ethnic groups. Ministry of Education reported that Kathmandu Valley, the urban centre, has lowest primary student teacher ratio of 16 which is far below than the national average. Further, the distribution of higher education is more skewed with all Universities and its faculty are located in urban area. So, the excluded and suppressed groups have limited geographical access to these institutions.

The economic status of excluded and suppressed group is poor which restrict them from having access to basic services- specifically education and health. The children are compelled to serve their family members in household work and this tendency is high in girls. The Living Standard Survey of Nepal report that the 38 percent of school going age children

Nepal. Due to limited participation of suppressed and deprived group in schooling, Government is not able to reach the target of the scholarship grant.

There is limited participation of excluded group and suppressed communities in basic service delivery mechanism (as teacher and health assistant). The proportion of Dalits and Janajati Teacher in schooling system of Nepal is around 1 and 23 percent respectively. So there is limited inter-caste and inter-ethnic motivation between various caste groups perpetuating limited use of basic service.

There is limited use of local languages for campaigning the health and hygienic program so the minority language speaker might not get rightful message. Ministry of Education has launched Welcome to School Campaign in 2007 to enhance the participation of children in School but government has only used Nepali language in this campaign. In term of

The Living Standard Survey of Nepal report that the 38 percent of school going age children were not attending school due to household work in 1996 and this had marginally decrease to 32 percent in 2004. In Ninth Planning Document of Nepal, there is an interesting anecdote that a girl has school nearby her house but she has to travel 2 hour for water source so her 4 hour which she can utilize by attending the school spade on collecting water for household.

were not attending school due to household work in 1996 and this had marginally decrease to 32 percent in 2004. In Ninth Planning Document of Nepal, there is an interesting anecdote that a girl has school nearby her house but she has to travel 2 hour for water source so her 4 hour which she can utilize by attending the school spade on collecting water for household. This nexus between household work and education is highly prevalent in the poor excluded communities of

health, Government is currently running national level Immunization and vitamin campaign but all the publicity material for these campaigns are only in Nepali

There is limited provision of mother tongue education which seriously lags the interest of minority language speaking children from formal education. More specifically, it is in the initiative of some local NGOs there is distribution of mother tongue language book and the

Government's Fiscal Allocation Book account less than 2 percent of education budget in mother tongue education.

As per caste based discrimination, Dalits being impure are restricted from schools, and health institution. Dalits children are restricted to share Tiffin with other children under the under Food for School Program. A study on Technical Review of Scholl Education 2005 highlights many case studies where Dalits student are restricted from using common latrine and water source in many of rural schools. Likewise, New Era and Action Aids 2007 study on poverty case history highlight on a sub-health check rejecting the treatment of pregnant because of being Dalits

The indigenous knowledge is not incorporated in formal education system and such knowledge is not recognized by modern health treatment which partially contributes on limited interest of indigenous in education and health. Government has only recognized the traditional aurvedic medical treatment which again is based on Brahmanic epic but it does not recognize the traditional knowledge of Indigenous viz. Fish oil massage of Raji and others. Summing up, various forms of exclusionary practices persist in basic services delivery.

Loopholes of Policy Measures

The development approach adopted by GON does not seem favourable to socio- politico status of country. Specifically, it has not addressed social deprivation issue caused by politico and socio structure of country. Beside gender parity, it was only since Ninth Planning Document the government incorporated social and political transformation process which is influential for development process. Social deprivation is the leading cause of limited achievement in development practices of Nepal and such custom is unseeingly rampant in every sector of country at various intensities. So, there is great threat of

development approach from being materialize if the issues of socio-political structure are not addressed. The development plan would have been more fruitful if it has identified social equity and justice as one of its target. So the development approach should address the issues of socio-politico structure and the development goal should also be evaluated via exclusion and deprivation index.

Tools for Inclusion

Nepal has failed to achieve its development target due to not using social inclusion and equity as one of the policy guiding tools. Nepal needs redesign in development approach by including the issues of social exclusion and deprivation. In this regards, the experience of other countries will be fruitful insight for Nepal which it can use for its own benefit. Nevertheless, the country needs some of policy initiatives to enhance the access of deprived and suppressed communities in education and health.

In education, there should be provisions of mother tongue education which encourage minority language speaker for education. Government should provision quota in schools and colleges for the children from suppressed communities. In health and education, the local language should be used to campaign health and education program so that minority language speaker are well alerted. There should be reservation for suppressed communities in service delivery of education as well as health. There is general practice of such reservation being transfer to other (specifically dominant group and communities) due to unavailability of eligible candidate from suppressed communities. Such practices should be discouraged and the measure should be brought out to motivate suppressed communities in participating the reservation. The indigenous should be encouraged to use their knowledge of on traditional health system which conceives preservation of their identity by state.

Government should provision quota in schools and colleges for the children from suppressed communities. In health and education, the local language should be used to campaign health and education program so that minority language speaker are well alerted.

There should be good infrastructure of education and health in rural/ tribal areas.

Policy Measures for Inclusion

The religion, caste and ethnicity are the prime politically mobilizing factor and the base of social structure in Nepal. The social exclusion practices are prime cause of inequity and injustice prevailed in Nepal. The development approach of Nepal's government has not address the socio-politico side so it's outcome are not favourable. Further, such approach won't be fruitful to explore why the approach has failed. The further development approach should address the social exclusion agenda and social equity and justice should be one of the target. In designing such policy initiative, the experience of other countries will be fruitful insight to Nepal.

Mr. Manandhar and Mr. Bajracharya are engaged with Social Inclusion Research Fund. The views presented in this article are those of authors' own.

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MIREST Nepal Reaching Out To People

By A CORRESPONDENT

The constitution making process is nearing its final stage, getting through intense internal discussions at the CA on reports prepared by thematic committees. What is lacking in this process, however, is people's participation. Media Initiative for Rights, Equity and Social Transformation (MIREST Nepal) is reaching out to the grassroots to fill this gap.

We would like to know what the members of CA have been doing. Are they sincerely writing the constitution or doing something else?" a school student in Sindhupalchowk asked a communication outreach program team from MIRESTNepal.

"We have been fulfilling the historic responsibility of writing the new constitution by including the voices of the people. Our main task now is to draft the new constitution by the end of May 2010," said Govinda Chaudhari, chairperson of the CA Committee on Determination of Constitutional Bodies. "We want to fulfill the wishes of the people."

Not only just to Sindhupalchowk and Kathmandu, MIREST Nepal team travelled to remote parts of Kalikot, 600 kilometers west of the capital, to far eastern district of Panchther and Janakpurdham of Terai to collect the views of people from the grassroots on what they wanted about the constitution.

MIREST Nepal's communication outreach team has reached as far as Darchula, Baitadi, Bajhang, Mustang, Myagdi, Manang, Lamjung, Tanahu, Gorkha, Gulmi and Arghakhanchi. Recently, they have held public debates in Kanchanpur, Jumla, Kalikot, Achham, Doti, Bajura, Surkhet, Rolpa, Dang, Kapilabastu, Rupendehi, Chitwon, Parsa, Dhanusha, Solukhumbu, Sunsari, Morang, Jhapa and Panchther and other areas. MIREST Nepal is the first organization to reach many remote districts with multi-media intervention programs in constitution making.

MIREST Nepal team of 18 people including local Partners-in-Change (P-in-C) with about 400 kg of gadgets, accessories and luggages with them walked one whole day to reach Martadi, the district headquarter of Bajura to collect the voices of the locals. Professor Krishna Khanal, the renowned political scientist also walked with MIREST Nepal team to share his thoughts on state restructuring and federalism with

stakeholders like the chairpersons of the three thematic committees and CA members. Although the voices of people are sometimes bitter to the CA members, MIREST Nepal is giving space to ventilate opinions.

During these programs MIREST Nepal released the Will of the People related to two CA thematic committees from the lyrical composer of Nepal's National Anthem Byakul Mahila and Senior Literature and Anthropologist Satya Mohan Joshi.

"After attending this program and listening to the voices of the people, I have



Gathering at Bhaktapur: People's voice

the people of Bajura.

These were the kinds of voices, collected by MIREST Nepal in different parts of Nepal. The MIREST Nepal's team is active throughout the country at the grassroots level meeting the people and organizing various programs, including open discussions through a television channel and a national radio network.

Under the communication outreach program, teams of MIREST Nepal travelled throughout the country to collect the will of the people in the constitution writing process. As the majority of members of the CA are busy in the Constituent Assembly to prepare the thematic papers, or discuss them, hardly anyone finds time to reach to the people to listen to their grievances. Out of ten thematic committees and one constitutional Committee, nine committees have already presented their drafts. However, no one has made any initiative to take them to the people to know their wishes.

MIREST Nepal, though its communication outreach program, is reaching the doors of common and rural population and trying to generate the people's voices on the reports for the new constitution.

In its three recent programs conducted in the capital, MIREST Nepal brought together voices of people and concerned

realized that the people are very much aware about the constitution making process. Although we have found very little time to consult the people, MIREST Nepal has helped us become aware of the voices of the people," said Ramesh Rijal, chairperson of CA's Committee on Determination of the Form of the Government. "By organizing the interaction program, MIREST Nepal provided us an opportunity to listen to the grievances of the people. This is complimentary to CA." Likewise, Lal Babu Pandit, chairperson of the Committee on Preserving Rights of Marginalized and Minority Groups emphasized, "We have incorporated in our concept paper the recommendations received through MIREST Nepal."

Constituent Assembly's thematic committees are presenting their thematic papers to CA and MIREST NEPAL is taking the documents to the public to see their responses and grievances on them.

"CA members must not forget that people will reject the constitution drafted by them in case the document failed to address the real grievances and incorporate the will of the people," said Dr Balkrishna Mabuhang, political scientist and ethnic and indigenous activist in an interaction program organized by MIREST Nepal. He roared, "don't think that people will accept what

CA writes.”

Even the CA members and chairperson see MIREST Nepal’s program is important. “People have given the responsibility to MIREST Nepal to remain vigilant that the constitution is drafted within the deadline,” said Nilamber Acharya, chairperson of the Constitutional Committee of the CA.

“MIREST Nepal has done a wonderful job by collecting voices of the people from across the country that were to be incorporated in the new constitution”, said Subash Chandra Nemwang, chairperson of the Constituent Assembly.

Other political leaders hold similar views. MIREST Nepal focuses on ordinary citizens of Nepal encouraging them to join in the participatory constitution making process. MIREST Nepal’s communication outreach has been playing a crucial role in informing and capturing the voices of the people,” Jitendra Deo, General Secretary of Madheshi Janadhikar Forum-Loktantrik, said.

The veteran leader of the Unified Communist Party of Nepal- Maoist Dev Gurung appreciated, “MIREST Nepal has made important contribution in the work of constitution making by organizing direct interface between representatives of the people and their constituencies.”

MIREST Nepal’s initiative has helped ordinary citizens to access the CA delegates and political leaders at their own constituencies. During the last 12 month period, MIREST Nepal was able to engage 102 CA members, 60 political leaders and 48 experts in the social dialogue focused on constitution making.

“These dynamic interaction forums have been able to fill the vacuum between the ordinary citizens and the policy makers on constitutional issues and governance.” said Biswakanta Mainali, President of Nepal Bar

Association. His opines, “meticulous arrangement made for public dialogues and efforts put by MIREST team alongwith their grassroots affiliates really appreciable.”

In fact, MIREST Nepal is not only supporting peace process and participatory constitution making process, it has also helped to inculcate culture of tolerance at grassroots level and contribute in bringing gradually positive change through communication outreach interventions.

The work of MIREST Nepal has been effective because it conducts dialogues and undertake synthesization and anti-synthesization, which are crucially important in any constitution drafting process.

Nepal has already spent a lot of resources and time to make the people’s constitution. However, people are yet to be consulted on major issues incorporated in the draft of the constitution. There is a big gap.

“MIREST Nepal’s program helped a lot to CA in the process of constitution making through interactive audio-visual program and their publications,” said Mukunda Sharma, spokesperson of the Constituent Assembly Secretariat.

“Historically, popular participation in political and constitutional processes has been highly limited. Consultations with people at grassroots level have been minimal. However, MIREST Nepal’s communication outreach program has made certain efforts to raise the awareness at grassroots level,” said he.

In the last one year period, the program has covered more than 150,000 people at the grassroots level from different parts of Nepal, particularly rural areas and semi-urban areas, and marginalized population.

Thanks to the program launched by the organization like MIREST Nepal, the interest of people on constitution making is growing. As the communication outreach program is directed to the grassroots people, it encourages people to speak their mind.

“We are concentrating our efforts to incorporate people’s views in the new constitution to make it the people’s constitution. Very little efforts have been made in these important areas. More attention has been paid to the constitution making, but nothing has been done to increase ownership of the people. During the period of enforcement of the new constitution, the future of the constitution will be determined by whether people will take ownership of it or not. If we undermine the people, there is a possibility of an accident in the time of implementation,” said Suresh Acharya chairperson of the MIREST Nepal.

“Our communication outreach program is working as a bridge between the people and Constituent Assembly. I cannot say how much the CA understands our objective but we think that the CA needs to take our program seriously since we are doing complimentary and supplementary works for them,” said Acharya

Although several programs and projects have been implemented throughout the country in the last few years to generate awareness among people about the CA and the constitution, only a few programs are able to show their effectiveness.

By organizing the interactive programs through the mobilization of media, MIREST Nepal has made solid impacts. Thanks to its communication outreach program, the process of connecting the people and CA seems possible. ■

“People Should Own New Constitution”

SURESH ACHARYA

SURESH ACHARYA is the President of Media Initiative for Rights, Equity and Social Transformation-Nepal (MIREST Nepal)-an NGO with nationwide network, which has been actively working to generate awareness among the people on the need to develop Nepal into a peaceful, prosperous, inclusive and democratic nation. Acharya has widely travelled across the country, interacting with local people. He is travelling with his caravan of team in an attempt to find out the agenda of ordinary citizens in constitution making in far-flung districts. As the Constituent Assembly is receiving reports from its thematic committees, MIREST Nepal is collecting responses and grievances of the common people on those documents. Acharya spoke to NEW SPOTLIGHT on various issues. Excerpts:

What is MIREST-Nepal doing?

Our main objective is that Republic of Nepal should get a people-centric

constitution, unlike those constitutions of the past. Our focus now is to create a situation in which the people take ownership of the new constitution. MIREST Nepal is concentrating its efforts to incorporate people’s views in the new constitution, to make it people’s constitution. But, sadly very little has been done in this area. Greater attention is paid to writing the constitution and political parties are fiercely competing with each other to enshrine their views in the upcoming constitution, but nothing much is there to increase the ownership of the people. During the enforcement of the new constitution, it is very important to see whether the people will take ownership of it or not. If we undermine the sentiment of the people, there is a possibility of an accident in the time of implementation. But, I wish no such situation arise.

What is the people’s response like?

Political parties and Constituent Assembly

may write the new constitution, but the question is whether the people, communities or ethnic groups accept it or not. For example, workers of Limbuwan have already said that they will not accept the new constitution in case it fails to incorporate their views. Similarly, Khumbuwan too has publicly issued similar threats. Dalits and other ethnic groups have already threatened that they will not accept it if it ignores their aspirations. Many of the Madhesi groups are also not happy what’s going-on in the country.

What is the thrust of your communication outreach program?

Our communication outreach program is working as a bridge between the citizenry of Nepal and the Constituent Assembly. We have been able to capture voices of youths, women, marginalized communities, minority groups, ethnic groups and the smaller parties in constitution making process. By organizing democratic dialogues across the country and

listening to the conflict affected people, we are able to help to identify bottlenecks and side by side create conducive environment to bring the peace process to a logical end. I cannot say how much the CA understands our objectives but I think that the CA needs to take our program seriously since we are doing complimentary and supplementary work to aid it. We understand pulse of the people due to our constant engagement with them.

At a time when the CA is busy in laying the groundwork for the new constitution and its members find a very little time to go to the people, the outreach program sounds helpful. How does it work?

Our program has been there to increase the participation of people and to empower Nepali citizens to exert pressure on decision makers to make the constitution inclusive through mobilization of public opinion. We have been mobilizing a large number of people at the grassroots, including media persons and social actors. Even after the promulgation of the constitution, we will continue our work informing people about provisions of the new constitution and its relevance in building a democratic society. We have been using multi-media like Television, Radio, newspapers and research and publication work.

How do you go to the people?

We have been organizing various open debate programs and all women roundtable discussions in various parts of the country on constitution making issues. We have chosen all the regions, including mountains, hills and terai, of 30 districts in 14 zones of 5 development regions. For those people who cannot take part in such programs or those who don't want to raise their voices openly, we have prepared a program in all 75 districts for informal interviews We term it Radio Oral Testimony (ROT). Under this, we interview various kinds of people, ultra-minority groups, farmers, laborers, teachers, people with disabilities, and young women and housewives on constitution making. We collect the information and collate for wider dissemination, and for the reference of CA members.

How do you collect the information?

We mobilize local reporters as social communicators and activate social workers and members of civil society. Besides, MIREST Nepal has been an established chain of affiliates, which we call Partners-in-Change (P-in-Cs) and Social Communicators (SCs) in all 75 districts in Nepal. These frontline reporters and communicators write feature articles on the basis of their interaction and dialogues with the grassroots people. We disseminate these features nationwide free of cost. There is a high demand for these in the districts outside the capital. The features cover the issues that people want addressed in the new constitution. Our human resources write and collect views also from formative and action researches. MIREST Nepal also publishes fortnightly e-bulletin. We bring the issues to public forums.

Do you have any specific plan right now?

By the end of January 2010, we are working

to bring a book, like an almanac, covering all different activities in the constitution making. People involved in constitution making process such as media person, academician, development experts, constitution experts as well as our grassroots affiliates based in various parts of the country will write about issues concerning the constitution making process in Nepal. These write-ups will cover issues on constitutionalism, practices of constitution making, incorporation of voices of people in the constitution, role of the media including radio, television, newspapers and new media, and aspirations of various ethnic groups, dalits, Madhesis and Muslims.

What else will be there in the book?

The book will also assess individual roles and inputs of the CA delegates, and statistics concerning human rights situation during constitution making period. Apart from that the book will include how much resources the country spent for making the new constitution. How much money do we spend in writing a new constitution? Since the beginning of the election of CA till the promulgation of the new constitution in 14th May 2010, our study already indicated that about 1 trillion rupees will be spent in total.

How do you look at the present state of constitution making?

Constitution making is one of the expensive exercises in terms money spent. But, if not properly handled, it can be much more costly affair in terms social harmony, and we have been doing this. In case, political parties and the CA are unable to fulfill the aspirations of the people, it is going to be a major loss. We cannot repeat such an exercise again, even if we are willing to do so. Since we have already demolished many of our institutions, foundations and ethos, we cannot continue for a longer period under this interim arrangement. If it is prolonged, than the loss might be catastrophic. Thus the CA doesn't have other options now than to write and promulgate the new constitution in the stipulated deadline of 14th May 2010. We have been effortful to make the process successful. By using multi-media, we are generating awareness among the people and using advocacy to bring the new constitution as per the wishes of the people.

What is the mass psychology about constitution making?

The public seem skeptical about political leaders and the CA. People are also disenchanted with the overall situation of the country especially pathetic service delivery, fragile law and order and frequent 'bandhas', and mass exodus of youths for foreign employment. Every time you travel along the highways, particularly East West Highway, you will encounter bandhas and blockades clamped by a bunch of people in various segments of the 1572 km long stretch of highway. In many places, you can see hooligans and baton wielding mavericks creating chaos and threatening the innocent highway users in the name of politics. In rural areas, even local political leaders are seldom seen in their home village due to constant threat and coercion, and very few youths live in villages. So, people are desperate to have new constitution soon



in hope of living in peace and tranquility.

Initially, political parties and civil society were in such euphoric mood that they were ready to discuss any matter with the people, but after the Constituent Assembly election was held, the situation has changed dramatically. The mass psychology is that party-agenda and groups interests have unassumingly prevailed over ordinary citizen's voices. The mass is of the opinion that too much dependence of CA members to their supreme leadership in decision-making has also faltered the participatory process. This new phenomenon- which may be called "dependency syndrome" can tarnish the image and sovereignty of the CA as a powerful body.

Is there any conflict of interest between your work and that of CA?

We have been working closely as a bridge to Constituent Assembly and its thematic committees by providing inputs garnered from citizens and holding public dialogues on concept papers prepared by these committees. In fact, many of the CA concept papers have incorporated views expressed by the people at MIREST Nepal's communication outreach programs. We have greatly helped the CA thematic committees by providing them 'Will of the People' based on the voices of people remaining within the framework of respective thematic committees. We have already provided six such 'Will of the People' to the CA committees, which have been appreciated by the convener of these CA committees. Besides, there are 25 political parties represented in the CA. There are 125-130 political parties, armed and unarmed, outside the CA. There are many social organizations like Mother's group, User's groups, ex-servicemen's groups, ethnic groups, professional bodies and civil society. We are collecting the voices of these grassroots citizens and organizations not represented in the CA. MIREST Nepal is just a small organization but we have been doing our best to ventilate the feeling of people through interactions, interviews and dialogues. Otherwise, they would have never had a chance to speak about their own constitution.

How do you define the Will of the people?

We think the constitution is a will of people. It includes the voices of people of various walks of life. We inform and disseminate the voices of people. Even many programs, out of 601 members, 102 CA members have directly been involved in our

programs and contributed in preparing the 'Will of the People' within the last 12 month period. This is an in-built mechanism to facilitate constitution making process. Through our communication outreach programs CA members have also been carrying the voices of people directly to the floor of the CA and relevant thematic committees. However, I still think the debates have not been taking place intensively on major issues like federalism, judiciary, electoral system, mechanism of local governance and national cohesion, organizations like ours can do this.

How do you look at the issue of federalism ?

We have been discussing the issue of federalism at the superficial level. Generally, it is found that the political parties and civil society are concentrating only on the number of provinces to be carved. We have hardly talked about the geo-political, national, social, economic and political ramifications of federalism in a land-locked country like Nepal and that with only one Mahendra Highway that connects the country from east to west. Nepal's federalism if not structured well could make situation worse as much as freedom of mobility is concerned.

Similarly, I think the CA has to discuss more on foreign relation aspects of provinces, because almost all provinces to be carved would be exposed to international borders. Federalism is a very sensitive issue, which has no re-entry point to status-quo, in case it failed to deliver. We have witnessed the painful disintegration of some of centralized and authoritarian federalist nations like former Pakistan, Yugoslavia, Russia and Checkoslovakia.. Federalism is good for economic and cultural prosperity, and shared decision making in a decentralized and democratic dispensation, but we need to take care of it. If we fail to implement it successfully, it will have disastrous effects.

What is your view on the current debates on federalism?

Nepal needs to build a basic framework before turning into a full-fledged federal state. There is a vertical split in the country whether to go federal or not. Along with National People's Front and RPP-Nepal which have been opposing the idea of federalism, the recent statement by deputy prime minister Sujata Koirala, and follow-up statement by CP Mainali, the leader of CPN-ML has raised this concern on the federal state. We need to be more pragmatic and live in realism. When we discuss the issues of federalism in Nepal I have heard many politicians and policy-makers, giving the example of Nigeria, Ethiopia and others that fall under the lower bracket of Human Development Index (HDI). We have always given example of failed models of federalism. We must do a lot of homework on federalism.

What are the major issues in debate now?

The issues like federalism and electoral system are important and tricky, but no one is paying adequate attention on both the issues. Will federal system function smoothly in the absence of democratic and decentralized system? What kinds of electoral system is the

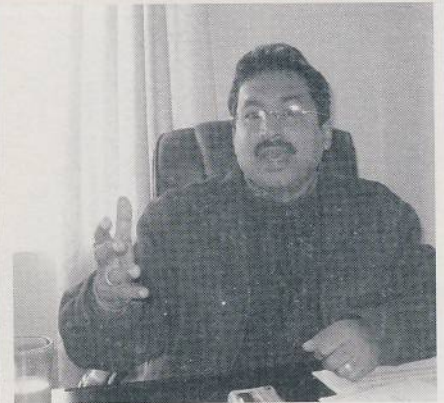
country going to have? Whether we will have a mixed system, the first past the post system or the proportional representative system or their variations? I have not heard this discussion in the CA but the electoral system will determine the mode of political dispensation, whether it is going to be autocratic or democratic. In our open debate programs and radio oral testimonies, we have collected three different kinds of voices. Some people want to continue the old electoral system like first-past-the-post. Some people have also proposed Electoral College system to elect the Head of the State or Prime Minister. There is also opinion on yes or no vote system. But, the majority voices want to have the "Right to Recall" their representative if they deemed they are unfit to represent them. People are of the views if the president, vice president, prime minister, chief justice and judges, speaker, heads of constitutional bodies is anticipated to face impeachment or no-confidence motion in the proposed constitution, why not parliament members? I find wide demand on this agenda. The Constitution Committee of the CA can take a lead on these issues. There is the need to take these issues to the people within five months. We have not seen CA committees are paying adequate attention to it even after we brought up these issues to the respective CA committees.

Do you believe that the CA members know the Will of the people?

They should, if not they are morally disqualified to represent the people. People's will has definitely reached the CA. CA members are the representatives of the people. Their responsibility is to collect the people's voices. If people's opinion is not reaching it, it is the duty of the civil society organizations including us to make it reach CA cannot address all issues. The first communication outreach program organized by the CA distributed 3.3 million set of questionnaires with 825 million questions, but they received just 400,000 responses. The participation of the people in constitution making is less than one percent in Nepal, whereas it was about twenty percent in South Africa and Ethiopia. It is the role of CA members and organizations like ours to continue these kinds of things. How to make it more participatory is important. Participation has correlation to ownership. There are many stakeholders involved outside the CA. Frankly speaking, there are very few outreach programs directed to the rural parts of Nepal. The total rural population is 85 percent but we are negating this largest group.

Where do you focus your program now?

We need to focus our program in rural parts of Nepal. We visited Darchula, Baitadi, Bajhang, Manang, Lamjung, Tanahu, Gorkha, Gulmi and Arghakhanchi in the recent past. But, now we have held public debates in Jumla, Kalikot, Achham, Doti, Bajura, Rolpa, and other areas. Ours is the first organization to reach many remote districts with multi-media intervention programs. We have found very new views in rural districts such as Jumla, Kalikot and Bajura. Rural areas are also very strong in terms of their views. In many cases, people don't know their own representatives who are nominated. In the past, people knew



their own representatives.

Do you see the possibility of constitution being promulgated in time?

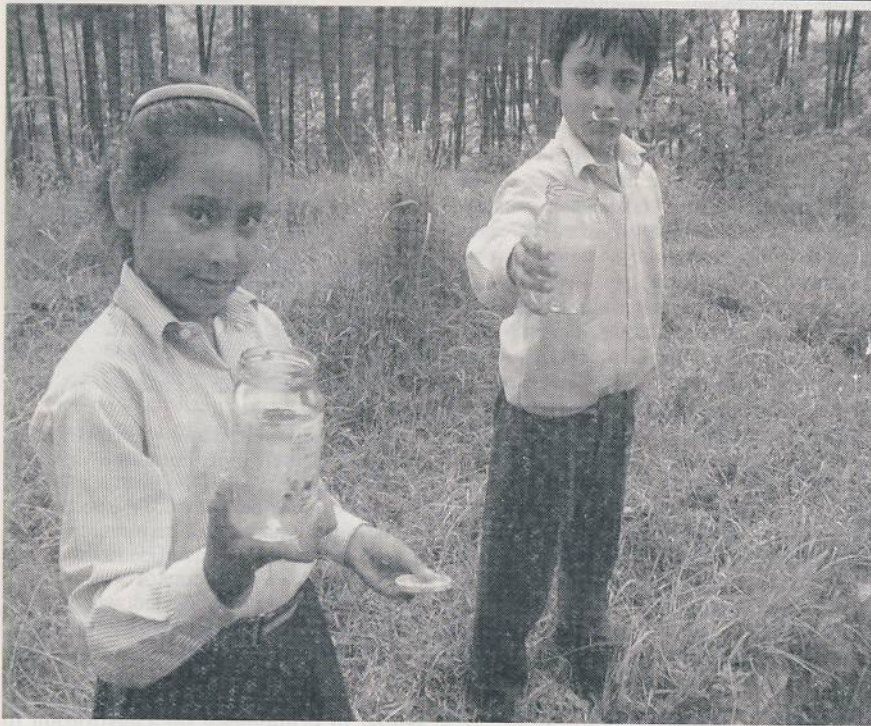
People are skeptical. Political leaders and CA members need to convince the people that the new constitution will be promulgated in time. They have to say confidently that they will promulgate the constitution. If the constitution is not promulgated, what will be the repercussions? We need to think about this. Political parties need to prepare backup plans.

What will be the consequences of failing to promulgate the constitution in time?

Interim Constitution has made it clear that the new constitution will be promulgated in two years' period. Every political party which contested the election sought mandate from the voters that they will write the constitution in two years. Even CA's calendar of operation endorsed unanimously by the House for the consecutive eight times, too expressed the commitment to formulate the constitution by 14th of May 2010. If the CA cannot promulgate the constitution by the stipulated date, the constitutional legitimacy, political validity and moral authority of the CA might be questioned and contested in many fronts. Nepali people have practiced several types of elections since last six decades, but they had not witnessed any political entity elected for a stipulated tenure prolonged its tenure unilaterally without seeking a fresh mandate. The mandate is always a time-bound.

Do you believe the new constitution will be inclusive?

Yes, I do. The state has declared that there will be an inclusive constitution. The major political parties have vowed to make it inclusive. The state cannot exclude one group and give special privilege to another in terms of political and human rights, and that would be violation of United Nations' charter and conventions, which Nepal is party to signatory. It can give certain privileges to marginalized groups considering geographic remoteness and physical disabilities, and in terms of economic and cultural rights basing on policy of affirmative discrimination. However, there are concerns to give special rights in governance to certain groups. We need to seriously consider such issues. It is a positive sign for the state to pursue the policy of inclusion but the state cannot create the situation of systematic exclusion of other groups. In our country, in raising the issue of inclusion, the possibility of systematic exclusion of other groups increases. We should not create such a situation. ■



Schools

Going Global

A DFID-funded project fosters partnership between schools in the UK and Nepal

By **ABIJIT SHARMA**

While walking on the street of Nag Pokhari, Naxal, along the eastern wall of the Palace Museum, one often gets to see a large crowd of young people outside one particular building. It is not a theatre, like the Jai Nepal cinema hall nearby. Nor is there any concert going on here.

Are these youth preparing for one more rally in Kathmandu? No. They are mostly students applying for visas at the UK visa centre.

The number of young people going abroad for higher studies is growing. One of the main reasons: the education system of Nepal has remained unchanged for many decades. Academic institutions are following curriculum and teaching methods going back as many as fifty years. Major transformations have taken

place in education sector across many parts of the globe, but Nepal has been way behind in catching up.

There is a lack of global dimension in the Nepalese curriculum. As a result, students fail to get an understanding or knowledge and fail to develop a perspective of their own to look at things. With the present style of education in Nepal, it becomes a challenging task for a student from Nepal to compete in the global arena, where there is an immense competition.

With the aim of addressing this problem and promoting partnership between schools of UK and Africa, Asia, Latin America and Caribbean, the British Council has been carrying out a project under the Department for International Development (DFID) Global School Partnership. The DFID funded project provides a chance of interaction between schools of UK and other countries in

order to foster cultural exchange and enhance learning and teaching methods.

The main aim of the program is to develop a global kind of curriculum within the curriculum of the local schools.

“Our program mainly involves providing guidance, advice, professional development opportunities and grants to schools involved in the project,” says Vaishali Pradhan, Country Manager, DFID Global School Partnerships Project. “Since Nepal has had a very traditional education system, the main aim of the project is to embed the global teaching and education style in the local schools,” says Pradhan.

During the course of the project, the teachers from UK visit their partner schools in Nepal and provide them an idea regarding participatory learning and teaching methodologies like debates and discussions. Similarly, teachers from Nepal get an opportunity to visit the UK to their respective partner schools, and observe the teaching environment there. During the visit, the staff plan ‘joint curricular activities’ within a global dimension theme, to be taught in their schools.

“The project not only helps improve the curriculum and benefit the students, but also helps in the professional development of the teachers,” says Pradhan.

The students from the local schools here will be able to interact with students in the UK which will help the students increase their awareness about global issues and help them think globally. It will aid in broadening their views, helping them think critically and not just stick to their books.

“Currently, we have a total of 59 partnerships between the schools in UK and Nepal,” informs Pradhan. The total target is establishing partnerships between 175 schools. The partner schools mainly include private institutions, but some of them are also the government education institutions.

“We have also had interactions with the policy makers and local authorities regarding a permanent change in the curriculum which will be very beneficial for the students as well as the whole society,” says Pradhan.

This kind of project, if continued and expanded in future, could well bring a positive change in the education system and prove to be a turning point towards providing quality education in Nepal. ■



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- **Nima Rumba**
Singer/Actor



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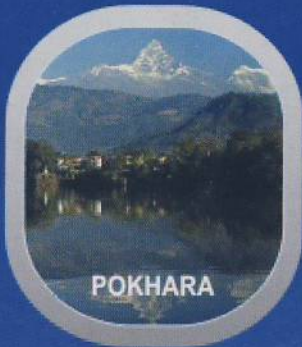
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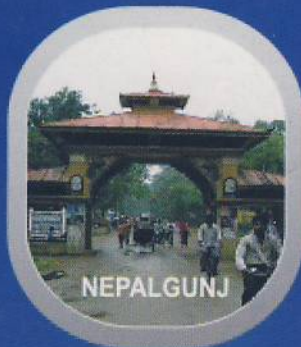
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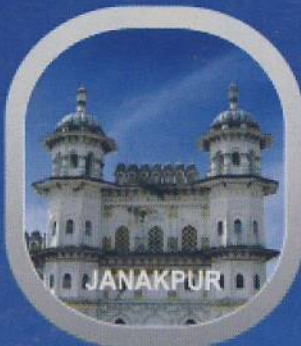
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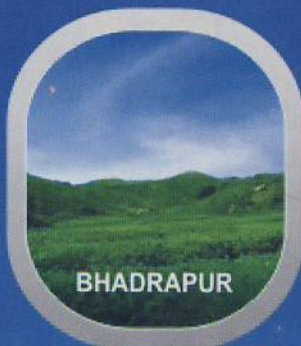
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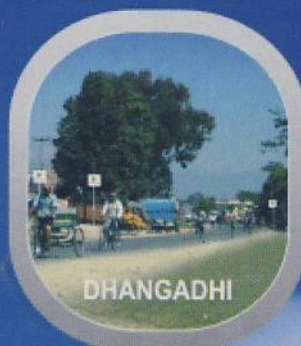
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