



Opinion:
Dr. Kishor Uprety

NTY 2011: End Or Beginning?
Petroleum Price Hike

Commentary:
Yubaraj Ghimire



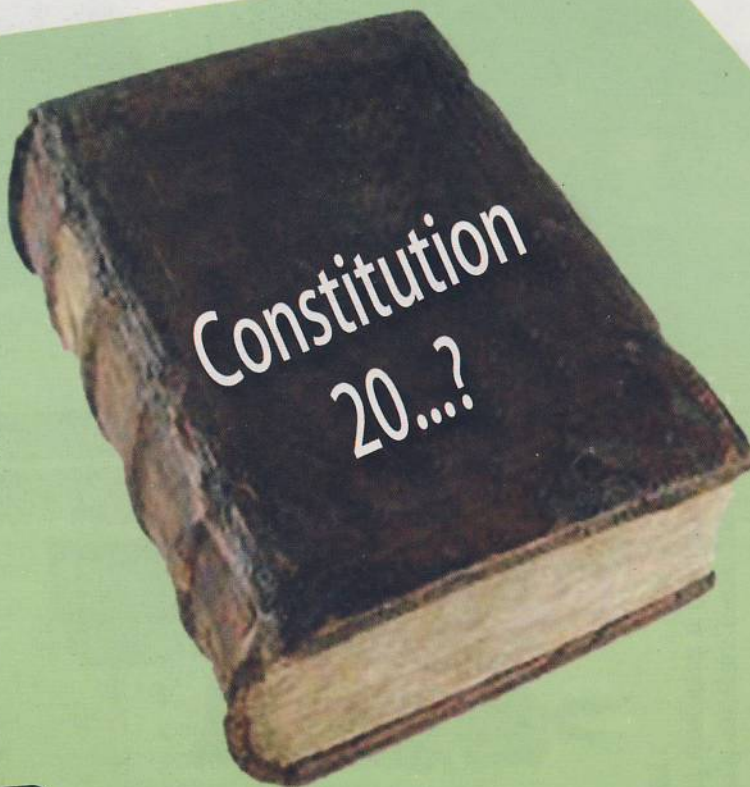
New

SPOTLIGHT

Jan. 27, Feb-09, 2012

www.spotlightnepal.com

FORTNIGHTLY



Not A Panacea

Nepal..... NRs. 50.00
India..... IRs. 35.00
Bhutan..... NU 35.00
Other SAARC Nations..... US\$ 1.00
Asean Countries..... US\$ 1.00
Japan..... US\$ 1.00
Europe..... US\$ 2.00
USA/Canada..... US\$ 2.00
China/Korea/Hongkong..... US\$ 2.00
Australia/New Zealand..... US\$ 2.00
M/I/Israel..... US\$ 3.00
DAO Kathmandu Regd. No. 148/11/063/64

लाखौं नेपालीहरूको नाता रु. १ मा सुविधा सम्पन्न स्वाता

नेपाल इन्भेस्टमेन्ट बैंक स-गौरव प्रस्तुत गर्दछ रु. १/- नै स्याल्ल सकिने आफ्नै बचत स्वाता । समस्त नेपालीहरूलाई गुणास्तरीय बैंकिङ्ग सेवा उपलब्ध गराउने हेतुले यस सुविधा सम्पन्न आफ्नै बचत स्वातामा रु.१,१२,००० भन्दा बढि नेपालीहरूले विश्वास जनाई सक्नु भएको छ । आजनुहोस् र आफ्नै बचत स्वाता स्याली उत्कृष्ट सेवाहरूको अनुभव गर्नुहोस् ।

विशेषताहरू

- न्यूनतम मौज्जात रु. १/-
- रु. २००/- मा VISA Electron डेबिट कार्ड (नेपाल र भारतमा प्रयोग गर्न सकिने)
- नि:शुल्क ई-बैंकिङ्ग सेवा
- नि:शुल्क अन्तर शाखा बैंकिङ्ग सेवा (कार्डमाई उपलब्धतामा मात्र)
- ATM वा इन्टरनेट बाट नेपाल टेलिकमको पोस्टपेड मोबाइलको बिल भुक्तानी गरेमा कुनै शुल्क नलाग्ने
- ATM वा इन्टरनेटबाट नेपाल टेलिकमको प्रिपेड मोबाइलको सिम रिचार्ज गर्न सकिने

विस्तृत जानकारीको लागि नजिकैका नेपाल इन्भेस्टमेन्ट बैंकको कुनै पनि शाखाहरूमा सम्पर्क गर्नुहोस् ।

 **नेपाल इन्भेस्टमेन्ट बैंक लि.**
NEPAL INVESTMENT BANK LTD.
Truly a Nepali Bank

e Banking
VISA Debit Card

 **ICRA**
[Nepal]A

The Banker
Bank of the Year 2008
NEPAL

The Banker
Bank of the Year 2005
Nepal

The Banker
Bank of the Year 2003
Nepal

www.nibl.com.np



 **आफ्नै**
बचत स्वाता



From The Editor

Fewer than four months are left for the new republic to promulgate the new constitution, conclude the peace process and provide justice to the victims of violent conflict of the past. However, all major issues related to the peace process are now in limbo. Constitutional writing and integration process are virtually stalled. The transitional justice system is under controversy following the proposal by Maoist party to give blanket amnesty. In this context, we have made efforts to look into Nepal's constitutional crisis and its relationship with Nepal's overall political crisis. We have tried to analyze various aspects of the crises as our cover story for this issue. Similarly, we have also analyzed the overall scenario following the price hike in petroleum products.

Along with politics, we have also covered important issues of the last week. As Nepal is celebrating the Lumbini Year, this issue peeks into the new drive to promote tourism in Nepal. Similarly, the threat of earthquake in Kathmandu is another topic for coverage besides the regular columns.

Keshab
Keshab Poudel
Editor

NEW SPOTLIGHT FORTNIGHTLY

Vol.: 05 No.-14 Jan. 27 -2012 (Magh 13, 2068)



COVER STORY :Constituent Assembly Futile Exercise

9



Interview: Moretn Jespersen 15



RHINO PROTECTION

18

NEWSNOTES

2

ECONOMIC BRIEF

4

OPINION : Dr. K. Uprety

5

VIEWPOINT: Guido Westerwelle

6

FACE TO FACE : Sushil Koirala/Khadga Bahadur Bishowkarma

7

COMMENTARY : Yubaraj Ghimire

8

FORUM: S. Chandrasekharan

12

ARTICLE: Abhishekh Adhikari

13

DELHI DIARY : Abijit Sharma

14

FACE TO FACE : Pradeep Poudel/ Lekh a Raj Bhatta

16

NTY 2011: End Or Beginning?

17

EARTHQUAKE: The Danger Below

19

VIEWPOINT : Dhruva Adhikary

20

PERSPECTIVE: Tanka Raj Niraula

22

FORUM: Jeeva Raj Budhathoki

23

TRENDS: Shradha Gyawali/Aditi Aryal

24

PROFILE: Shyam Kumari Sah

25

ARTICLE : Nihar Nayak

26

ARTICLE

27

HEALTH : Buddha Basnyat, MD

28

Editor and Publisher : Keshab Poudel, Senior Editor: Alok Tumbahangphey, Senior Correspondent: Saroj Dahal, Correspondent: Uma Kanta Khanal, (Jhapa) Abijit Sharma (New Delhi), Reporter: Debesch Adhikari
Marketing Manager : Madan Raj Poudel, Tel: 9841320517, Nabin Kumar Maharjan Tel: 9841291404, Photographer : Sandesh Manandhar
Cover Design/Layout : Hari Krishna Bastakoti
Editorial Office : Tel: 977-1-4430250 E-mail: spotlightnepal@gmail.com, P.O.Box: 7256
Office : Kathmandu, Nepal
Printers : Pioneer Offset Printers (P) Ltd., Dhapasi, Kathmandu. Ph: 4363624
Kathmandu DAO Regd. No. 148/11/063/64, Postal Regd. No. 36/068/069
US Library of Congress Catalogue No. 91-905060, ISSN : 2091-0711 (Print), ISSN: 2091-0754 (Online)

Indian Embassy celebrated 63rd Republic Day

Twenty ambulances and four buses were gifted by Government of India to various hospitals, non-profit charitable organizations and educational institutions from twenty districts in Nepal on the occasion of the 63rd Republic Day of India.

At a public function held in the Indian Embassy premises in Kathmandu Ambassador, Jayant Prasad hoisted the India national flag and read out the Address of the President of India, delivered to the nation on 25th January, which stressed among other things India's unwavering adherence to democratic principles, poverty eradication, economic stability and food security.

The Ambassador presented sixteen ambulances and four buses to recipient organizations from 16 districts. The remaining four ambulances were gifted by Consul General of India at Birgunj,



Shri Ashutosh Agrawal to organizations coming under the consular jurisdiction of Consulate General of India, Birgunj. During the function, Ambassador also gifted 200 Wheel Barrows to the Ministry of Local Development, as requested by them, for use in various Municipalities in Nepal.

According to Indian Embassy since 1994 Government of India has gifted 342 ambulances to various organizations across 70 districts in Nepal. This has helped in bringing healthcare services to the doorsteps of thousands of people who do not have access to healthcare services/health centres.

Danish Embassy Hosts Reception

The Danish Embassy organized a media reception on the occasion of Denmark's EU presidency in Nepal. Addressing the reception, EU Delegation Ambassador Alexander Spachis said EU delegation engages in its daily work in Nepal as, along with its member states, the single largest contributor to Nepal.

He added it understandably has a prominent role in channeling resources to various important development sectors by interacting with a variety of different actors and using a variety of means.

Attended by journalists representing various Nepalis media, the formal program began with the statement delivered by Danish Ambassador to Nepal Mogens Jespersen.

Danish ambassador Jespersen said since July 2011, Denmark has been responsible for the local EU presidency in Nepal and Denmark will continue to hold the presidency the first half of 2012 on behalf of the EU- the EU-delegation and the EU member states- in Nepal.

UK Secretary Of State Visits

The UK's Secretary of State for International Development Andrew Mitchell concluded a two-day visit to

Nepal to see how British aid is being used and to meet senior members of the Government.

"The UK is directly tackling Nepal's serious challenges like climate change, disaster preparedness, job creation, corruption and supporting the rapid conclusion of the peace process," Dominic O'Neill, Head of DFID Nepal, said.

"During his visit, the Secretary of State saw the full range of activities that UK aid is funding. In Lamjung District, he went to a local health centre to see how UK funds going to the health sector are reducing maternal mortality. He also visited the Silingtar Bridge in Gorkha District, a vital infrastructure project funded by the UK.

"Following the discussion with the Prime Minister, the Secretary of State announced that the UK will provide a further £20m to support the successful conclusion of the peace process in Nepal."

Nepal is a priority country for UK aid. Between now and 2015 we will ensure that 230,000 direct jobs are created through private sector development, 4232 km of roads are built or upgraded and 110,000 people benefit from improved sanitation.

In addition, the UK will help 4 million Nepalis to strengthen their ability to cope with natural disasters and the adverse impact of climate change.

The Secretary of State saw first-hand that the ties between the people of Nepal and the UK are as strong as ever. There is universal admiration in Britain for the dedication and bravery of the Gurkha soldiers whose communities he also met.

Israel Embassy Shares Activities

Embassy of Israel in Nepal organized a press meet at 11 January 2012 to share the Embassy's activities of the year 2011. Ambassador of Israel Hanan Goder shared the activities focused mainly on children, education, health, and agriculture sector.

"Last year (year 2011), we focused on activities and programs related to children but it not only focused on one aspect but was a holistic approach where programs such as opening of children learning center, trainings on ECD and Mother and Child Health were organized along with introducing Medical Cloning," said Ambassador Hanan.

There are lots of activities in pipeline for 2012, stated the Israeli Ambassador. **DFID Support For Quake Preparedness**

The UK Department for International Development has announced new funding support for earthquake preparedness in Nepal.

DFID's new disaster preparedness programme will strengthen Government of Nepal's disaster risk management policy and support improved building code compliance. It will scale up community-based activities to build the resilience of 4 million people to earthquakes and other disasters. It will reconstruct at least 162 schools damaged in the Sikkim earthquake in September 2011, and develop a national plan to improve the seismic safety of hospitals. DFID support will also improve preparedness for a national and international emergency response and train 4,000 volunteers across Nepal in search and rescue and first aid. DFID will provide up to \$26m (equivalent to Rs 2 billion) over four years.

The Alan Duncan, UK Minister of State for International Development, who has been closely involved throughout the development of the new programme, said: "I have been extremely focused on the earthquake risk in Nepal since my first visit to Nepal as a UK Minister. An earthquake in Kathmandu has all the components of a cataclysmic tragedy. This is a risk that the UK cannot ignore."

Peace Corps Return Hailed In Nepal

The Peace Corps is returning to Nepal after a seven year absence from the country. Support from the Government of Nepal has been instrumental in bringing the Peace Corps back. Two events in Kathmandu marked the occasion.

The first event was hosted by Prime Minister Dr. Baburam Bhattarai at his office in Singha Durbar. Speaking at the event, Prime Minister Bhattarai remarked, "I am very pleased with the return of the Peace Corps to Nepal. From the early 60s, thousands of volunteers have served in districts all across this country. I remember in much of the 60s and 70s, the volunteers were a big source of teachers for subjects like math and science. I am very glad that with USAID's assistance, the volunteers are coming back one more time to help with agriculture and health. Those are areas that need help, and I welcome the decision to redeploy the Peace Corps."

Ambassador DeLisi then hosted a program for friends of the Peace Corps at his residence.

"The return of the Peace Corps to Nepal is symbolic of the deep, long-standing relationship between our two countries, which began in 1951 when the U.S. Government first entered into a development partnership with Nepal," said U.S. Ambassador Scott H. DeLisi.

The first group of approximately 20 Peace Corps volunteers is scheduled to arrive in Nepal later this year.

Home-coming Day Of Bangabandhu

Bangladesh Embassy in Nepal celebrated the 40th Anniversary of the Great Victory Day of Bangladesh and Home-coming Day of Bangabandhu.



The program began with the observance of one minute silence and prayer for the salvation of the departed souls of the martyrs, those who sacrificed their valuable lives for the freedom and for the progress and prosperity of Bangladesh.

Mahendra Yadav, Minister for Irrigation, Daman Nath Dhungana, Former Speaker of Nepali Parliament, Central Committee Member of Nepali Congress and MP were present.

Deputy Speaker of Bangladesh Parliament Shawkat Ali, graced the occasion as the Chief Guest. The meeting was chaired by Ambassador of Bangladesh to Nepal Dr. Neem Chandra Bhowmik.

During the discussion the contribution of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman, his historic role in the emergence of Bangladesh as an independent nation in the globe was discussed. At the discussion meeting Nepal's moral support for the independence of Bangladesh during the war of 1971 was also recollected.

MASHAV and DHKUH signed agreement

Dhulikhel Hospital Kathmandu University Hospital (DHKUH) - Nepal and the Israel's Agency for International Development Cooperation (MASHAV) signed today Memorandum of Understanding (MOU) in the field of



Capacity Development in the field of Health and Community Services. Hospital Director of DHKUH-Nepal, Prof. Dr. Ram KM Shrestha, signed the agreement on behalf of DHKUH, while His Excellency Mr. Hanan Goder, the Ambassador of Israel to Nepal, signed for MASHAV.

The three-year agreement was signed in presence of representatives from Government Offices of Nepal, Health Institutions and media. The agreement between MASHAV and DHKUH is a basis for further strengthening the cooperation in the field of health and community services. It aims to organize an appropriate capacity building package of short and medium term trainings/workshops in Nepal with the help of expert resource persons from Israel in the form of on the spot training/workshop for trainers and health professionals of DHKUH and other health professionals of Nepal in various health and community services. These packages are meant to bring positive improvements, knowledge and skills, which will result in quality service delivery, innovative public health interventions and rational community services.

MASHAV and DHKUH have been working together in capacity building and training programs in the Nepal with focus on community oriented health care services and this cooperation will flourish further with the planned programs on health and community services in near future.

Multilateral Aid for Forestry Project

Representatives of Nepal UK, Switzerland and Finland signed a joint US\$ 62 million funding agreement Monday to implement the multi stakeholders' forestry project for inclusive economic growth, poverty reduction and tackling climate change.

The program will continue until March 15, 2015. Government of Finland has delegated the administration of its funds for the program to the Embassy of Switzerland.

The program covers 23 districts across the country. ■

“We Can Introduce Pay Police For The Security Of Businessmen,”

RAJENDRA KHETAN
 chairman of Khetan Groups and CA member

There were always talks of political involvement in the cases of kidnapping of businessmen. But now this has been proved. What are your thoughts on that?

In the span of five years, 65 cases of kidnapping have been registered. Among them, many don't have any records, but among the cases whose records are found, we have seen three kinds of kidnapping. First, criminals from Bihar perform kidnapping when they enter Kathmandu after the security around the border is tightened.



Secondly, kidnapping is done under political protection due to resentment. Finally, kidnapping is also done by international criminal groups which are running their businesses here in Nepal. But, first and second

kind of kidnapping is found mostly in Nepal. Pawan Sanghai's case also falls within these two kinds.

Didn't the criminal activities drastically decrease in the recent times?

Yes, during the time when Ramesh Kharel and Navaraj Silwal were Chiefs of Metropolitan Police Kathmandu, the criminal activities were near zero. But, after the case of Sanghai, we are again scared, though we are relieved now.

What do you think of the role of police in Pawan Sanghai's case ?

Personally I'm very pleased with the work of police in the case. I also used to fall in the group of people who used to doubt the competency of Nepali police, but now I'm very pleased with police's hard work and commitment.

Although there has been reduction in other crimes, have the crimes under the political protection increased?

Earlier, Nepali politics was limited within Congress and CPN-UML. But after the Maoists entered politics, Nepali politics reached another level. Then, after that, regional and religious parties entered politics and it reached even higher level. People need money to do politics. And shortage of money leads to criminal activities.

How much feasible is it in providing personal protection to all the businessmen?

We have to understand the limitations of the government and have to adopt security measures ourselves as well. But, amidst everything, we have to go to pay police system. This will increase the employment and will also have a psychological edge as they are still the police. ■

“People Willing To Take The Role Of Executive Should Accept The Position Farsightedly”

ASHOK RANA
 CEO of Himalayan Bank Ltd

Everybody is worried about the situation after Poush. What are you expecting after that period?

Poush comes as a big event for every bank and financial intuition as it is the time to register half year's profits. Along with that, huge amount of money goes out of banks as taxes. Liquidity of banks goes down after Poush.

Every bank is worried about their investment in the realty sector. Rastra Bank is also querying bankers about the introduction of asset Management Company.



After a lot of discussion, the government has decided that people wouldn't have to show their income source for up to 10 million in stock transactions. Is this a welcome step for BFIs?

I don't think so. There is a lot of money with people who haven't paid taxes. They are worried as government looks for their income source and the government is thinking people will come out and invest if their sources are not scrutinized. Those who are working legally have to pay taxes up to 35 percent but those who hide their income receive tax waiver. If this is the case then it will affect those who are paying taxes. Who will pay taxes then?

Likewise, even if the loan limit in the realty sector is increased, it will not solve the problem.

Everybody is looking for a decrease in the interest rates. What are your thoughts?

It is difficult to decrease the interest rates straight away. Still, banks are taking deposits at 12 percent. 25 percent banks are new in business; it will take five years for them to settle. Till that time, the interest rates won't go down.

The problem in the Himalayan Bank has surfaced like in other banks, why?

In the recent times, all banks are facing troubles. Lack of organizational disciplines is seen. If people want power, they should take the executive title. Without taking the title, you cannot enjoy the executive power. This is the main reason for all the troubled banks.

In some cases, people take the executive power but don't work accordingly. If people want, they should take the position farsightedly and it will be beneficial for both the company and the person himself. ■

Ncell Awards 7 Customers

Ncell has announced cash rewards of Rupees 7 million for its 7 customers to mark its subscriber base which reached 7 million. According to Ncell, 7 lucky SIM cards selected on a random basis will be announced as Golden SIM Cards and be awarded with cash prize of Rupees 1 million each. The applicable taxes will also be borne by Ncell to ensure that the winner bags net One million rupees.

“It is a matter of great pride that the customer base has grown steadily, and today we have 7 million users in our family. Being a part of the daily lives of over 7 million customers, Ncell takes much

pride that every day, over 7 million people trust the Ncell Network to connect, express and communicate with each other.” CEO of Ncell Pasi Koistinen said.



Customers need to verify the 19-digit number printed on the back to check whether it is the golden SIM. Ncell has asked the winner to dial 7070 for further instruction and to claim the reward.



Illusionism Of Optics

By DR. K. UPRETY

An optical illusion, as per most standard dictionaries, is the visual image that differs from objective reality. The information gathered by the human eyes is processed in the brain to give a perception that differs from the physical measurement of the subject and the source. Those dictionaries classify such optical illusions into three main types: (a) "literal" that create images that are different from the objects that make them; (b) "physiological" that are the effects on the eyes and brain of excessive stimulation of a specific type; and (c) "cognitive" that happen to be the result of one's unconscious inferences, and in which one tends to see what one wants to see. It is this third type of illusion that we, in Nepal, currently suffer from, in the context of the protracted debate regarding the forthcoming constitution, and it is the same cognitive illusion that continues to steam the extreme and opposite views in discussions revolving around this much awaited organic document.

Almost all players, each public event, and most thematic talk programs contribute to the illusion. Whether the limitless promises that are being articulated to the citizenry, the divergent interests of parties and political actors resulting in the lack of prioritization of issues, the inherent if not calculated ambiguity resulting from the messages emanating from the civil society, the unfathomable expectations of the people at large, the excessive intellectualization of theoretical issues by some actors blurring the debate, or the clash between those who see the Nation State as only a tool or those who see it as an arena for the dramas of distributional politics aimed at providing the greatest good for the greatest number; all are, to some degree, contributing. The Nation has, at this time, become a class organization in waiting. And in the midst, the real issue, having causal relation with our behavior, is being totally misunderstood, if not blatantly ignored. Certainly, the issue of real concern in the Nepalese governance -and that too since the very first era of the country's constitutional history- has not been that of a constitution, but more specifically of constitutionalism, which frequently appears to have been in breach. Not one single constituent instrument can take pride in having recorded complete obedience and full implementation. Each one of them, on more than one occasion, has been violated, ill-interpreted, misinterpreted, or suspended to serve some specific interest of governance of the time, although sporadically, the Supreme Court has shown audacity -often quite justly- in its limitless prowess to judicial activism in trying to bring it back on track.

No doubt, our constitutional history speaks volume about our constitutional behaviorism in the system of governance. There may, thus, not be valid enough reasons to be irked when a few commas and semicolons are added, periods and dashes are deleted, paragraphs are shifted, or annexes are reformulated, often by invoking the doctrine of necessity in service of a Nation, howsoever useful the outcome may be for a particular ideology. Let us admit that the task of constitution-making is an exercise, too crucial to be deterred by the triviality of individual concerns. Its logical conclusion should lead to

rebuilding trust, honoring the sacrifices of the numerous known and unknown martyrs and creating harmony amongst all. The exercise needs to be carried out more adroitly than any other mundane legislative and executive duty, and quick-fixes should be avoided, as they can be more destructive and lacking in forethought. Moreover, the exercise requires ensuring the creation, in a dicey setting, of a functional equilibrium acceptable to all (citizens, civil society, institutions, and various claimant groups inside and outside the country), in particular, in a context where demands are imbued with hidden meanings, and where challenges remain aplenty as to what need to be included and what need not.

Opinion varies in what constitutional experts think a constitution should necessarily contain. The principal line of division, as quite clearly highlighted by K.C. Wheare (*Modern Constitutions, Oxford University Press*), for instance, is found between those who regard a constitution as primarily, and almost exclusively, a legal document in which space is only granted for the rule of law, and those who think of a constitution as a

sort of manifesto of a faith, a statement of ideas, or a charter, granting them opportunity to include a broad range of political, economic and socio-religious issues. Also, as noted by Laurence H. Tribe

This internal dynamics of all constituent instruments, coupled with the above philosophical division, further enhances our illusionism in optics, the contour of success as well as the risks of failure being omnipresent.

(*American Constitutional Law, Foundation Press*), a constitution is an historically discontinuous composition, the product, over time, of a series of not altogether coherent compromises, mirroring no single vision or philosophy but reflecting, instead, a set of sometimes reinforcing and sometimes conflicting ideals and notions. This internal dynamics of all constituent instruments, coupled with the above philosophical division, further enhances our illusionism in optics, the contour of success as well as the risks of failure being omnipresent.

Indeed, it may not be inappropriate to remind ourselves that countries with supposedly great constitutions in paper can also totally fail in their nationhood, and countries without a properly written constitution (as one single document) can also actually evolve unhindered. It is, as such, not the size, the length or the inconsequential detail, but the substance of, and behavior towards, a constitution that actually matter. The renowned French thinker, Georges Bidault, was absolutely right while commenting that "the good or bad fortune of a nation depends on three factors: its Constitution, the way the Constitution is made to work and the respect it inspires." Certainly, the Nation -our nation- which is also an arena, needs to be transformed according to the context of the moment and drawing lessons for the above. Thus, the form of the end-product itself and the timing of its promulgation will, in our case, depend on how fast the compromise will be secured on all challenging and pending issues, and how obviously the premonition will be visible for the document to command the respect it ought to deserve. Until then, all will continue to have their own optical illusion: i.e. expecting for the best and preparing for the unknown, in whatever form, substance or mindset that may be!

The author can be reached at "kshitiz@juno.com"

Political Islam And Democracy

By GUIDO WESTERWELLE



The Arab Spring faces three dangers. The first of these is restoration – that is, a resurgence of the forces of the old autocratic regimes. Secondly, economic failure could stoke social tensions and spark new unrest. Thirdly, democratic change could be undermined by radical, fundamentalist Islamist movements.

We need to support processes of transition in North Africa and the Arab world – politically and economically. Through investment, educational partnerships and more open markets, we can do a great deal to improve people's economic prospects and give them more opportunities in life.

Politically, we should push to anchor democratic institutions and processes in these societies and to increase participation and plurality. In doing so, how are we to approach political groups whose political agenda is based on the values and morals of Islam? In places where elections have been or will be held, the majority of voters favour parties with Islamic leanings. How are we to greet the presence of Islam in politics?

It is important for us to take a sober and unbiased view. Political Islam is not the same thing as radical Islamism. An Islamic orientation does not in itself mean

that a group has retrograde, antimodern, antidemocratic or antifreedom views.

We need to learn to look carefully and to differentiate. Of course, there are also some fundamentalist, truly "Islamist" groups which have entered the political fray, and we have no prospect of successful dialogue with these groups. But what we have tended to see so far in Tunisia and Morocco, for example, are victories for more moderate Islamic parties.

We especially need to seek dialogue with these moderate forces about the relationships between state and society, politics and religion. After all, parties inspired by Islamic values and national traditions currently stand the best chance for long-term development into parties with a broad electoral base in the region. We must respect the wish of parties in North African countries to shape their politics with Islamic values, just as it is self-evident in Europe that many parties feel a commitment to Christian values and base their political beliefs on them.

The decisive issue for us has to be the attitude of Islamic political parties towards democracy. Are these Islamic democratic parties, in the sense in which the European political spectrum naturally includes Christian democratic parties? I am confident that an Islamic orientation can be

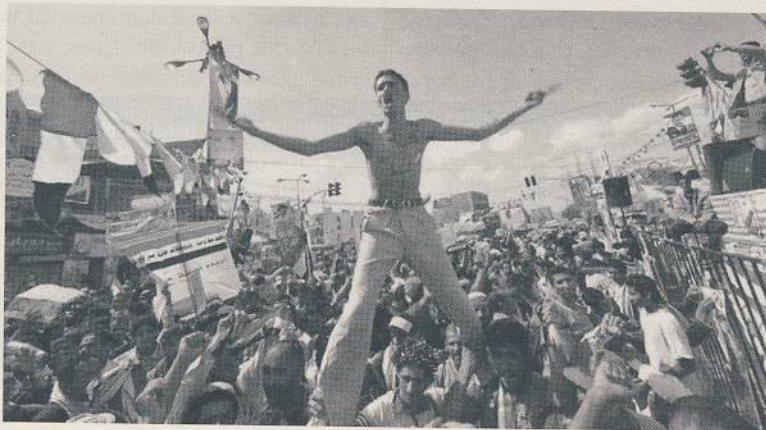
linked with democratic convictions, that Islam can be compatible with democracy.

The transition countries of North Africa can offer concrete evidence of this. Many representatives of moderate Islamic groups in North Africa are already looking to developments in Turkey, where the JDP – despite all the criticisms that could be made of it – offers an example of a party bound to both Islamic roots and democratic principles which is currently the country's leading political force.

We need to take a closer look at the platforms of the Islamic parties, and above all we need to measure them by their actions. The key thing is a commitment to democracy and the rule of law, to a pluralistic society and religious tolerance as well as to the preservation of both domestic and external peace. These are the six criteria that we are applying, the six commitments

we are calling for. Whoever adheres to them can count on our support.

In Tunisia, the Ennahda Party won a majority in the recent Constituent Assembly elections. Representatives of Ennahda describe the party as seeking to reconcile tradition and Islamic identity with the challenges of modern



The Arab Spring

societies; they also, however, invoke democracy and plurality as the political framework for their actions. After the elections, Ennahda entered into a coalition with secular parties. These are encouraging signs along the path towards a political landscape with a prominent place for Islamic democratic parties. We should do our part to encourage positive developments by offering dialogue and support for a sustainable transformation to a plural and democratic society.

One thing is clear: the break with the autocratic past cannot be completed overnight. It demands patience and stamina on both sides of the Mediterranean. The Arab Spring has set in motion fundamental political changes and profound societal shifts. The toppling of autocrats and dictators in Tunisia, Libya and Egypt has completed the initial phase of revolutionary change. But the far longer phase of political, societal and economic reconstruction has only just begun.

There is an opportunity for moderate Islamic forces to permanently establish themselves in the form of Islamic democratic parties. It is very much in our interest for Islamic democratic parties to become established as a role model. That is why we should do everything we can to support this approach.

Guido Westerwelle is a Minister for Foreign Affairs, Federal Republic of Germany

“Slight Change In Maoists Will Help Much”

By SUSHIL KOIRALA



Violence is not a solution to any political problem. We have already seen that violence invites more violence. This is one of the reasons we are trying to follow a peaceful method to end violence in the country. I don't think any new agreement is required with the Maoists now. What we have signed in the past are more than adequate to complete the peace process. Once the peace process is complete, we can settle the constitution writing process overnight. I still believe that a slight change in the Maoist behavior can help make a major progress in the peace process and constitution writing. I would like to request the Maoist chairman to abide by the peace process. Due to Maoist behavior, the environment for consensus is gradually weakening. Peace can be made just by giving something to the Maoists. If Maoists continue to stall the peace process and don't withdraw the decision to legitimize the illegal property confiscated during the insurgency period, Maoists can go to jungle and that will not make any difference to us.

Everything has its limits and Maoists are no exception. If they violate the agreements one after another, we cannot always comply with them. Due to non-committal attitude of the UCPN-Maoist, Nepali Congress is losing its patience. After signing the 12-point agreement, we have signed several agreements with Maoists. It is unfortunate that they didn't abide by any.

The recent decision of Maoists to legitimize the confiscated property by Maoists is highly objectionable and a breach of political trust. I would like to warn UCPN-Maoist not to dream the false dream of legitimizing the illegal work they committed during the violent period of insurgency. The decision to legitimize the illegal action of the Maoist is unacceptable to us. Maoists are not sensible towards the peace and constitution writing processes.

Nepal's peace process and constitution writing process is under a threat. It is not other political parties but Maoists are responsible for the present crisis. In the last six years, UCPN-Maoist leaders have signed several agreements but they have never fulfilled them. Nepali Congress, CPN-UML and UCPN-Maoist also signed the seven-point agreement. They expressed the commitment that they will honestly work to complete the peace process. However, they have not shown inner commitments towards integration process which is one of the keys to the peace process. Had Maoists implemented the seven-point agreement honestly, Nepal's peace process would have completed by now and the constitution writing process would also have chances to come to a logical end. Recent activities and actions of Maoist party have shown that they are not sincere towards the peace process and constitution writing process. Despite signing the agreement, Maoists have rejected the agreement signed to complete the integration process pushing several demands one after another.

I don't think, if Maoists are not sincere enough to earlier agreements, there is any reason to sign another agreement. After joining the peace process, Maoist leaders have been making every effort to fool the leaders of other political parties. It is unfortunate that they are not trustworthy as political party. UCPN-Maoist doesn't mind violating the agreement one after another even when Maoist leader Prachanda has led a committee to propose the deals.

Koirala is President of Nepali Congress. As told to New Spotlight



“Parliamentary Parties Posing Hurdles To Peace”

By KHADGA BAHADUR BISHOWKARMA

There is no reason to reverse the cabinet decision to legitimize the settlement made by defunct Maoist Local People's Government. During the period of conflict, people's government settled many land related disputes. During the height of the conflict, local people could not go from one place to another and there was a threat to go to the district headquarters. People had no choice other than to go to Local People's government for settlement of various petty issues. Realizing the importance of People's Government, even Comprehensive Peace Agreement and Interim Constitution recognized it. During the peace process, parliamentary parties also accepted this fact. Actually, the cabinet decision paves the way to formalize the only petty family disputes on confiscated property of landlords and feudals. One of the aims of People's War was to establish a classless society to wipe out



Maoists Grabbing Private Land

the feudal system. However, the recent cabinet decision has not allowed all land related issues, but just a minor issue. The people had confiscated the property of landlords and oppressors. The lands which were held by workers and farmers are those of the absentee landlords. During ten years long conflict, Local People's Government took many progressive decisions. Handing over the lands to tillers was one of them. Our party believes that the ownership of the land should go to tillers, not absentee landlords. There are large numbers of landless people, but few landlords and feudals are holding big chunks of land. Even during the constitution writing process, these groups of people are opposing revolutionary and scientific land reform projects. We still believe on that. This is also one of the major achievements of the peace process.

Although parliamentary political parties are holding us as responsible for delaying the peace process and constitution writing, it is completely false. Our party's internal problems have nothing to do with the delay in the constitution writing and peace processes. However, it is the parliamentary political parties which are creating hurdles after hurdles. They are trying to reverse the change brought by the People's War and People's Movement II. Our party cannot compromise on certain core and fundamental issues. It does not mean that we are opposing and creating the hurdles on the constitution writing. The recent decision of parliamentary parties to gang up against us is an example. So far as our party's internal differences are concerned, this is no more than an internal democratic exercise. We have never opposed what our leaders agreed upon. This is time to institutionalize the achievements of People's War and Janandolan II. UCPN-Maoist also has decided to support strengthening and institutionalizing People's rights through constitution writing and peace process. Our party has one voice so far as the issue related to constitution writing and peace process. If parliamentary parties conspire and create hurdles, we will call for rebellion from streets. This is open for us. As the wound of conflict has already healed, we don't want to open the past cases.

Bishowkarma is UCPN-Maoist Politburo Member. As told to Media

HRW's Concerns



By YUBARAJ GHIMIRE

Pro-human rights organizations and their natural and unnatural allies in Nepal are neither more respected than, nor much different from the discredited political parties in the country. Their reports and the advocacy they carried out had a lot of meaning at least until the 2005 political change. The government used to fear them. But during and after the 2005 change, the civil society, human rights groups and most NGOs working for those causes are seen as either adopting dual standards, or behaving purely like anti-state actors. In the process, they have clearly sided with the political parties and actors out to demolish and destroy the authority of the state.

Now, the Human Rights Watch (HRW) has come out with a damning report showing how impunity has spread in Nepal. Almost coinciding with the release of the annual report -2012, Prime Minister Baburam Bhattarai responded to a show-cause notice issued by the Supreme Court on his decision to grant amnesty to his party colleague and legislator Balakrishna Dhungel, a convict in a murder case.

"It is up to the government to decide who to grant amnesty," was Bhattarai's terse response. Unfortunately, he is 100 per cent wrong. In a democracy, the principle of equality before law is non-negotiable, and the government or the Prime Minister cannot award anyone the above-the-law status. Not only that, Bhattarai has been making sweeping announcements that general amnesty will be granted to all those involved in human rights violation cases of the years of conflict. That clearly violates the Comprehensive Peace Accord, the basis of moving the peace and the constitution making process forward. A fair encouragement by the international community to the parties in the peace process including the Maoists, and uniform approach towards investigating the human rights violation by the state as well as the rebels during the conflict era would have helped enormously to get on towards the completion of peace process and constitution making.

But beginning with the United Nations Mission to Nepal led by Ian Martin— someone with a glorious past of having held important position on HR bodies—it began behaving like a partisan body, forgetting that its role demanded impartiality and neutrality towards parties. Maina Sunuwar's case was taken up as emblematic, but Muktinath Adhikari's was forgotten. Even Madi massacre was not talked about for quite some time, although some groups have taken these two cases as undeclared emblematic cases now. Such attitude on the part of the civil society and human rights groups in Nepal created a situation in which their international patrons and supporters would not get a fair picture of the situation back home. What HRW says in its 2012 report in Nepal is not a situation that has emerged suddenly, but is the outcome of a process moving slow or fast in that direction. Whether Prime Minister Baburam Bhattarai is a traitor or a patriot (He has said Nepal may face a situation of merger either with India or

China) may not be an issue for the international human rights groups—as it is purely for the Nepalese to assess and challenge him—but beginning with the systematic method of distorting Nepal's history right from its unification, to confiscating 'property of Gyanendra' without proper investigation, or curtailing his right to free movement and the right to religion, the Maoists have clearly demonstrated that it's for them to grant who should be (or should not be) enjoying certain kind of freedom. None of the local civil rights groups or the constitutional institutions including the National Human Rights Commission said anything on this objectionable curtailment on the right of an individual simply because he happens to be a former King. Any double standard on the exercise of the fundamental rights (except during the state of emergency declared in the country which was not the case in Nepal) will lead to the erosion of credibility of the human rights organizations inside and outside the country. It is perhaps time for the organizations like the HRW to assess this fact.

HRW cannot be held accountable for the double standard exhibited by the governments on human rights issues and their violation. But it can always issue guidelines to its partner organizations not to adopt double standards while reporting the violations. Human rights do not work without democracy, and democracy demands adherence to the principle of equality before law by the state, by the civil rights groups as well as a large section of the diplomatic community, mainly the European and the Western World. Why does it not matter to

them as intensely as it did before when Bhattarai extends the policy applied in the case of Gyanendra and now regularizes 'land-transactions'—some of them carried under gun points—during the years of conflict?

Bhattarai systematically moves towards having total control over the state, its machinery and the means of production. Those belonging to his party are 'more equal than others'. Maoists have never been in favor of the independence of judiciary. Neither democracy, nor human rights will survive without a free, competent and independent judiciary. A captive judiciary will lead to unfair trial, and denial of justice. From Maoists, to the Nepali Congress, Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) and the Madhesi Morcha, they are moving towards appointing judges in the highest and lower courts on the basis of the party affiliation.

Justice will be denied, and there will be many more miscarriages of justice if the independence of judiciary is throttled by the executive in the days to come. There will be more human rights violations. HRW may have come out with its routine reports, but nothing better can be expected with a Prime Minister advocating unchallenged right to grant amnesty to a murder convict. It's time for introspection by the Nepalese civil society and human rights organizations. ■



Ian Martin (File Photo)

Constituent Assembly Futile Exercise

With or without a constitution, Nepal will pass through many political tremors in the coming decades. If the recent statements and demands of political leaders and various ethnic and religious groups are any indications, no constitution will guarantee peace and political stability in the foreseeable future. The tenure of the Constituent Assembly is less than four months before it ends, but the political leaders are losing hope that it will bring a constitution acceptable to all. The lessons from the Nepalese history is that the constitution was neither a part of the internal problems and nor will it give any solution to ongoing political crisis

By KESHAB POUDEL

“Bring any constitution or any political system, it is doomed to fail in Nepal. Constitution and political system has nothing to do with Nepal’s internal political crisis,” said eminent constitutional lawyer Ganesh Raj Sharma, who was part of all leading political and constitutional debates over the past three decades.

Sharma defended in the court as a lawyer on behalf of leaders from B.P. Koirala to G.P. Koirala and from former prime minister K.I. Singh to other leading political figures, bureaucrats, businessmen and several other prominent figures. He retired from active profession three years ago before which he used to argue that constitution and political system had nothing to do with Nepal’s political instability and crisis.

“Situating in a very sensitive geo-

political location, Nepal has certain inherent defensive shield and continuous crisis. Its defensive shield is guaranteed by its own time tested space from the east to west border. However, geo-political contact between two big powers generates complications resulting in frequent political instability and crisis. As Prithivi Narayan Shah the great identified Nepal as a jam between two boulders, it is relevant forever,” Sharma wrote in his last article in Himal Khabar Patrika in 2008.

Experience in CA

As fewer than four months are left for the extended tenure of the Constituent Assembly to end, there is no sign that the CA will promulgate the new constitution. More than 72 disputed issues, including form of government, structure of state, preamble and

fundamental rights, remain to be settled. There are bundles of differences making it almost sure that the new constitution will not be accepted by all.

“Our party’s central committee has already draw the conclusion that this Constituent Assembly cannot write the constitution as per the wishes of the people. This Constituent Assembly has no utility for us. After seriously analyzing the situation, we will promulgate People’s Constitution from outside the Constituent Assembly,” said Ram Bahadur Thapa Badal, general secretary of Maoist, addressing a closed session of party workers. “Since there require two third majority to pass the new constitution and no single political party has such majority, it is impossible to bring the constitution. We cannot accept NC and UML stand and they will

Political Leaders *File Photo*

oppose our stand. This will create the stalemate. We have just 40 percent of votes. Supreme Court's decision was also a part of a design to prevent writing a constitution as Maoist wish. If other parties make efforts to deny our wish, we will go for rebellion.

Even if the new constitution is promulgated, various parties will burn it if it does not endorse their own demands.

"If the new constitution does not recognize one Madhesh and one Pradesh as an autonomous state, it is unacceptable for Madhesh and Madheshi people. It will compel us to take unpleasant steps to the extent of demanding secession. We are demanding five villages as Pandab (main actors of Mahabharata). If our demand is not fulfilled, the new constitution will not be acceptable for us," thundered Jaya Prakash Ananda Gupta, leader of Madheshi Janadhikar Forum (Republican).

Tharus and other ethnic groups have their own demands. "If the new constitution does not agree on Tharuhat Autonomous state in terai for indigenous community of Terai, we will go for a rebellion. We don't want to be a part of Madhesh," said Laxman Singh Tharu, leader of Tharuhat. "The new constitution needs to protect and guarantee the rights of indigenous population like Tharus."

Six years have already passed since the Jananodlan II, five years after the Comprehensive Peace Agreement and

four years after the elections of Constituent Assembly, but Nepal is yet to complete the much needed constitution writing and peace process – two fundamental slogans of current political change.

There are differences over the agenda for Truth and Reconciliation Commission and Disappearance Commission. Maoists are insisting on blanket amnesty. Two prominent members of Transitional Justice committee have already disassociated from the committee. Not only is there a looming danger for the integration process to derail, the disagreement over the transitional justice system is now heading to collapse.

Nepal's political forces – which led the present political transformations – are in the blame game. "UCPN-Maoist needs to clarify its stand—as to whether it wants democratic constitution or communist constitution," asked leader of United People's Forum Chitra Bahadur K.C.

"Maoists alone cannot surrender the political stand. We have made it clear that the constitution needs to address our demand for elected president," said UCPN-Maoist Dev Gurung.

Frustrated by the failure of political parties to find a sure way to peace and constitution, civil society leaders are calling for an uprising too.

"As they could not complete the peace process in five years and constitution

writing in four years, I cannot believe that they will complete both processes now. Political leaders are betraying us," said prominent civil society leader and former speaker Daman Nath Dhungana. "Given the political situation, I don't think they will complete the constitution writing and peace process. If they don't complete the political process, I will call another uprising against them."

The present political impasse was not a sudden political development. However, it was predicted by political observers when political parties scrapped the functional constitution without any agreement on any fundamental questions on basic features of the new constitution.

Dispute on fundamental of constitution

The election was held for Constituent Assembly without any understanding and agreement on what should be the basic feature of the new constitution. From forms of the government to structure of the state and already settled constitutional rights like human rights and fundamental rights, political parties are quarreling over so many issues. "Time is running out and the time has come to determine on which theoretical basis we want to formulate the constitution," said NC leader Ramesh Lekhak.

"Our bottom-line is a directly elected executive president and federal structures based on ethnicity. This is the mandate of the people's war," said UCPN-Maoist leader Pushpa Kamal Dahal Prachanda. "Had we have faith on parliamentary system, we would not have to wage the People's War."

Nepali Congress has backed the parliamentary form of government. "The directly-elected presidential system will produce tyranny in the country. Parliamentary system is the best system which has adequate check and balance. This is our final stand," said Nepali Congress president Sushil Koirala. "We cannot compromise with parliamentary forms."

CPN-UML has its own choice for the form of government and structure of the state. "Sharing the executive power between directly elected president and prime minister elected by the legislature

will be the best solution," said Jhalanath Khanal.

When they started the course of writing the new constitution through the elected Constituent Assembly, political parties did not have any agreement from top to bottom for the new constitution. Even after four years of elections of Constituent Assembly and six years after scrapping functional constitution, the debates of political parties center around the basic questions of the constitution.

"Power oriented political leaders and political powers do not have any clear approach on the new constitution. As each political group and faction has its own approach and abstract views, there is a high possibility that the role of Nepalese leadership will not be to determine the form of government and state but just endorsing the document finalized somewhere else," Sharma writes in his last article published in Himal Khabar Patrika in April 13-28, 2009.

Political Course

Political parties scrapped the functional constitution six years ago by promulgating the new Interim Constitution followed by comprehensive peace agreement and then the elections of Constituent Assembly with a hope to bring political stability and long lasting peace.

No draft of the new constitution, nor peace is in sight. Political leaders and civil society members are not expressing words of disappointment. Constitution or no constitution, monarchy or republic, Nepal remains on the same path of prolonged and intense political instability.

Many claimed in the past that monarchy and constitution of Kingdom

of Nepal were the reason behind all political instability. "Maoists are not sincere to the constitution and peace process. Their actions showed that they are not sincere towards both the processes," said Gagan Thapa, member of Constituent Assembly and young leader of Nepali Congress.

Nepal has changed six constitutions and four different political systems in the last sixty years to bring political stability. However, system and institutions have gone one after another but political stability and prosperity are elusive. Political stability, democracy and prosperity are still a far cry.

In the continuing political impasse, six years of political and constitutional experiment is now virtually turning into a futile exercise. Had Nepal's political leadership understood the reason behind all the upsurge of the past and acted accordingly, Nepal would not have to go through the current phase of instability, in which there is no hope for peace and new constitution.

Nepal's political leaders promulgated the new interim constitution, held the elections to the Constituent Assembly and abolished monarchy by declaring Nepal as a secular, federal republican state. But, a long term peace and constitutional stability is in no sight.

Given the experiences of 1990, political leaders and populist forces, which scrapped the constitution of Nepal and abolished Panchayat system, promulgated the Constitution of Kingdom of Nepal 1990 as the best constitution in the world.

However, Nepalese lost the faith on best constitution of the world in just a matter of decade.



Constituent Assembly

They declared that the elections of the Constituent Assembly and the constitution promulgated by it would be a panacea to all the ills.

"Had not Nepalese political leaders committed the constitutional mistakes one after another, Nepal would have made more gains from political stability and peace. Nepal's future constitutional faces will determine how Nepalese leaders who are in decisive political positions learn serious and suicidal mistakes of the past," said Sharma.

Given Nepal's geo-strategic location, Prithvi Narayan Shah the great, founder of Nepal's modern Nepal, termed it as a yam between two boulders. Nepal's political troubles have nothing to do with constitutional or political systems.

Nepal got only a few leaders who understood this reality and acted accordingly. The rest of the leaders failed to grasp the real threat. Had Nepal's political leadership grasped the situation, Nepal would have minimized crisis and the country would have gone through economic prosperity with relative stability.

Nepal's inherent geo-strategic location, the yam between two boulders, is the cause of all crises as well as guaranteeing factors of Nepal's existence.

As Maoist combatants integration process is in limbo and the constitution writing process is stalled due to differences over several fundamental constitutional questions, Nepal seems to be heading towards more uncertainty and an unstable course on which the country has been passing through all the time. ■



Political Leaders Signing Agreement File Photo

Maoists Engage In High Drama Once Again – Analysis

By S. CHANDRASEKHARAN

It looked that Nepal was almost reaching the end game with most of the issues relating to the peace process and the new constitution completed within the final dead line of end May given by the Supreme Court while allowing the extension last time.

Despite an extreme position taken in the Palungtar plenum to go for a People's revolt, it looked that Chairman of the UCPN (Maoist) had realised particularly after his resignation in 2009 that a moderate position rather than an extreme one would make him a "national leader" acceptable to all.

Thus, he had steadily moved to complete the peace process and constitution making without creating any major hurdle as it was well known that without the cooperation of the Maoists, the peace process and the draft of a new constitution cannot be completed.

The ideal situation would have been for a "consensus government" and since this was not feasible- given the lack of trust among the political parties, the next best thing was that a Maoist led government would prove successful. This was the expectation of the people.

Dahal had also led the 'Dispute resolution Sub Committee' to resolve almost all of the outstanding disputes – 198 out of 200 with only two major disputes on State Structure and form of Governance remaining to be solved.

Now all of a sudden, what we now see is a stalled peace process and a resumption of the "Blame game."

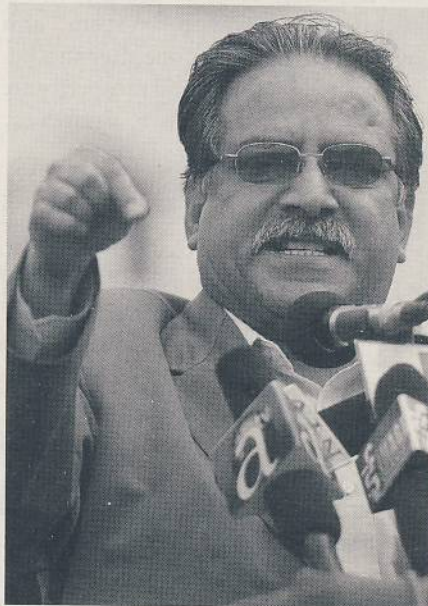
As before, at the time when the crucial decisions are to be taken to meet the dead line, the Maoists had a prolonged Central Committee meeting to sort out their internal disputes over the very same issues which had already been decided earlier.

In this cc meeting which ended on 15th Jan, as usual two reports were placed (not three this time as Bhattarai, now Prime Minister- did not produce one), one taking a moderate line by Chairman Dahal and another by the so called hard line group led by Mohan Baidya.

Dahal is said to have given in to the Baidya group and agreed to form a

'respectable army integration' and a people oriented, anti imperialistic and anti feudal constitution. He had also agreed to discuss the group entry into the Nepalese Army once again (he had earlier accepted individual entries after prolonged discussion), an armed role for the combatants so integrated and creating positions in proportion of their numbers in the security bodies so created. There is a contradiction here, as an armed role or positions in the security setup will not arise if the "bulk entry" is to be accepted.

There is no way other parties would agree to go back on the decision taken on the mode of integration into the



Maoist Leader Prachanda

Nepal Army, though there could be adjustments on the positions for the PLA combatants.

Worse still, Dahal agreed in the central committee to withdraw his decisions in the sub committee of the Constitutional Assembly which he headed on the ground that his party did not approve of his decisions. Surely this position will again be not acceptable to other parties who had argued and reasoned in many meetings to come to such decisions!

It looks that the Maoists are orchestrating "very deep differences" to bring other parties to their line of

thinking both in the peace process and in constitution making! There is thus the High Drama again!

Not to be outdone, the Nepali Congress has gone back on its approval in principle of a directly elected President as the chief executive. Instead they are now insisting on a directly elected presidential system, but with a prime minister elected by and accountable to the parliament. Thus, the executive powers are to be shared between the prime minister and the president.

What they are insisting is a hybrid model, with the president elected, a cabinet named by the president but responsible to the Parliament and not to the President.

Why has the Nepali Congress suddenly realised that an executive president with all powers is not good for the stability of the country and why did they not raise this issue much earlier? It is not clear.

What is said in the Nepalese media is that if the Maoists win the elections with Prachanda leading as President, this will lead to instability in the country and the Maoists will succeed in their agenda for a complete restructuring of the country and the society!

This shows that the Nepali Congress does not seem to have confidence in themselves in winning the elections and are giving up the fight even before it has started.

Time is running out. The Supreme Court had rejected the petitions filed by the Special Committee of the Constituent Assembly and the Government seeking a revision of its earlier ruling against the extension of the assembly.

The CA has the option of completing at least a skeleton of the constitution before the dead line or allow itself to be dissolved by end May to a political vacuum and uncertain political future.

The choice is theirs and people in Nepal will not forgive them if they do not put their act together.

Chandrasekharan is a former intelligence officer at Indian intelligence agency. He was also posted in Nepal. <http://www.eurasiareview.com>



CA Does Need- Time To Write Constitution

By ABHISHEKH ADHIKARI

The controversy over the Supreme Court decision in the case of *Bharat Mani Jungam vs Prime Minister et al* (November 25, 2011) has not died down. The Constituent Assembly (CA) and the Office of the Prime Minister can still appeal against the rejection of the review petition by the Supreme Court. The Supreme Court, in its verdict, had forbidden the Constituent Assembly from further extending its tenure. It also showed light as to what could be done to defuse the crisis, to maintain the rule of law, people's faith on judiciary and to produce a constitution. Rather than extending the CA tenure through repeated amendments of the constitution, the Supreme Court directed the CA to either complete the constitution drafting process and produce a constitution within the last extended period of six months or regain legitimacy for the Constituent Assembly through a referendum or go for a fresh election for the Constituent Assembly or follow any of the constitutional alternatives. It suggested the CA should proceed through any other constitutional means in line with the letter and spirit of the Interim Constitution. The issue drew everyone's attention. The case has a serious implication for the constitutional law of Nepal.

More attention was drawn by the fact that the CA and the Office of the Prime Minister contemplated for a review of the decision of the Supreme Court. The CA members felt that the Supreme Court, through its decision, placed a hook on the unlimited powers thought to be enjoyed by the Constituent Assembly. The CA felt fettered and wanted to explore its own possible avenues. This shows that the CA cannot produce the constitution even though there has been extension of the tenure for the fourth time. But this does not need to be a reason to panic. Like a constitutional expert, Louis Aucoin, put it, "building constitution through Constituent Assembly takes time."

There is no need to race against time and feel defeated. As it stands today, the

review petition filed by the Constituent Assembly and the Office of the Prime Minister has been rejected by the Supreme Court. There are chances that the Constituent Assembly might appeal against the *dirpit* (rejection of the review petition by the court registrar).

Losses and gains: Implications of Review

The Constituent Assembly is composed of diverse parties representing Nepali people. It's so diverse that it is not able to move forward in the constitution drafting process. There is little chance that it might turn authoritarian. However, extending its own life again and again sets a bad precedent. The path it shows for the future will be dreary and could lead to tyranny. Thus it is of concern for everyone.



CA Meeting

The Constituent Assembly has also irritated the Supreme Court's authority and Supreme Court exercised its power checking the authority of the Assembly. It is an unusual circumstance but has been envisioned in checks and balances of doctrine of separation of powers. Leaving aside the legal implications, the monetary expenses and exhaustion of other resources in going to a referendum or electing a new Constituent Assembly must always be taken into consideration. **Is it a fight for already lost battle?**

Though the Supreme Court, respecting its decorum, did not equate the competence of Constituent Assembly members with extension of time repeatedly, the big question is whether the Constituent Assembly is competent to draft the constitution or not? Should it be considered by the

Supreme Court if there is faith on the Constituent Assembly members that they can produce a constitution? If the Supreme Court considers that the Constituent Assembly members incompetent to draft the constitution then it might be wise to go for fresh elections. But if the competency of the Constituent Assembly members is not questioned and it is just a time factor, then probably the Supreme Court could review the decision. People at large ought to know that drafting the constitution through constituent assembly takes time and the time ought to be given to the Constituent Assembly. If it is felt by the people that the Constituent Assembly members are incompetent to draft the constitution then we are fighting an already lost battle. It's just that we are yet to realize it. Hope is the only thing that we have and the flame of hope should not die out.

To Conclude

It will be wise to disseminate the idea that drafting constitution through Constituent Assembly takes time. Experts in the field who know it have the duty to make people aware of this fact. They have to speak rationally when their voices are being heard. This might help public come to realize the situation. A no constitution now means a tremendous loss to the nation in terms of trust, money and energy and to tag 601 creamy layer Constituent Assembly members incompetent is a loss unimaginable to Nepali society. Can Nepal live up to this? Will it not give space to undemocratic forces to spread their wings? Should Nepalese be not cautioned that foreign influences will be even more in Nepal? It's time for everyone to think rationally in their capacity and avoid petty interest and rise up to the national interest. Generations of Nepalese still have future to live and the future they envisioned must be guided by democratic principles, which tells us the story and makes us realize the value of individual liberty, rule of law and a competitive society. ■

Looking East

By ABIJIT SHARMA



Delhi laid out red carpet for deputy prime minister Bijaya Kumar Gachchhdar within days of Chinese premier Wen Jiabao's visit to Kathmandu and arranged high-profile meetings including with the prime minister Manmohan Singh at a very short notice.

Alarmed by the "guerilla" style four-hour sojourn of one of the most powerful figures of its communist neighbour, Delhi wanted to get the first-hand account of what actually transpired between the Dragon state and the nascent Himalayan republic.

India's China concern is not limited to its northern neighbour, though. Eastern neighbour Myanmar is of no less concern to it. As the 'nominally' civilian ruled Myanmar opens up to reforms, India, one of its most significant strategic neighbors has lauded the step along with other western democracies.

India, in the recent past had faced criticism for remaining silent on human rights issue and supporting the military government in the country. It had to with the growing Chinese influence there. Changing its tack, India began to 'engage' the iron-fist Myanmar regime. With the Than Sein led government releasing political prisoners including pro-democracy leader Aang Sang Syu Ki and announcing civil rights to the people, the country, now, looks all set to take a new path. This has resulted in a change in the Indian perspective as well. The ties between the two countries are expected to grow even stronger.

The relation between the two countries has witnessed major changes since both the countries achieved independence. Formerly a British colony, Myanmar became independent in 1948; a year after India got its own. A democratic government came into power, with which the government of India shared cordial relation. However, in 1962, a coup d'état led to a direct army rule in the country causing a strain in the bilateral ties. India condemned the developments and Myanmar was quick

to reiterate by ordering the expulsion of the Burmese Indian community, many Indians who had migrated to the country during the British rule. India was also very vocal on the brutal suppression of the 1988 uprising. But later on, following a 'Look East' policy and realizing the growing influence of China on the region, India took a complete turn in its stance. It lent its hand of friendship towards the junta. But its current backing for the democratic developments is clearly aimed at gaining upper hand over China in the region.

New Delhi now believes that a democratic institution in the county will help to keep the Chinese influence at bay. Last year during a visit by the reformist President Than Sein, Manmohan Singh congratulated him for the transition towards a democratic government and offered all necessary assistance in further strengthening the transition in an inclusive and broad-based manner. India has also announced a \$500 million line-of-credit to Myanmar bringing the soft loan assistance to a whopping \$800 million. It has pledged to help the poverty



Indian Prime Minister Dr. Manmohan Singh with Nepalese DPM Bijaya Kumar Gachhadar
Photo Rishi Dhamala

stricken country in fields of health, science and technology and agreed on enhancing effective cooperation and coordination between the security forces of the two countries in tackling insurgency and terrorism. Myanmar also invited further investment from Indian state-run and private sector companies in off-shore and on-shore blocks and construction of natural

gas pipelines. Interestingly energy is one sector where China overtakes India in the county. Officials from the two countries have also been asked to look at expanding air links, railway, and ferry and bus services.

A democratic Myanmar would also mean lesser pressure on India from western democracies, who earlier criticized India over the issue. Last year, have stronger ties with China would also help India gain advantage in buying natural gas from the gas rich east Asian country. It is no secret that how vital it is

for India to win the race against China in its relation with its important strategic neighbour which shares its border the vulnerable north east part India, where India suspects that the Chinese are funding the insurgents.

As China cozies up to its neighbours in a bid to bolster its super power status on the global stage, India's concerns are only certain to grow by leaps and bounds in the days to come. ■

Global Coverage

Air Express/Courier Service

Air/Sea Cargo

Commercial Shipment



"THE GLOBE IS IN OUR HAND"



1469, Ramshahpath (Infront of Laxmi Plaza)
Putalisadak, Kathmandu, Nepal.
Tel : 997-01-4212122 / 977-01-4263155
E-mail : info@awecourier.com
Website : www.awecourier.com

APEX
WORLDWIDE EXPRESS

Global Coverage
AWE
COURIER & CARGO

“Danish Development Assistance Is Based On Nepal’s Own Priorities”

- MORETN JESPERSEN

DENMARK, one of the leading development partners of Nepal, has taken charge of the EU presidency since 1 January 2012. In that context, Danish ambassador to Nepal MORETN JESPERSEN spoke to NEW SPOTLIGHT on various issues, including Denmark-Nepal relations and development cooperation. Excerpts:

How do you see Nepal-Denmark relations at present?

Nepal has been a partner country to Denmark since 1989 where a long-term partnership was established. Denmark seeks to assist Nepal in this important time and our relationship is based on mutual respect, close cooperation and dialogue. Denmark provides bilateral development assistance to Nepal, we have visa- and consular services for Nepali citizens going to Denmark and for the first half of 2012 we continue to be responsible for the local EU Presidency in Nepal on behalf of the EU-delegation and the present EU-missions.

Since Denmark is one of the largest development partners of Nepal, what are the areas Denmark has been providing assistance to Nepal?

The Danish development assistance in Nepal is based on Nepal's own priorities and development strategies. In 2012, Denmark expects to grant app. USD 35 million in development assistance to Nepal through which the objectives of poverty reduction, political stability and economic growth are pursued. The main focus areas in Denmark's engagement are education, renewable energy, human rights and good governance, the peace process, and growth and employment. We also promote partnerships between Nepalese and Danish companies and support culture initiatives in Nepal.

As Nepal has been passing through a crucial phase of constitution writing and peacemaking, how do you observe it?

Denmark welcomes the progress made so far in the peace process on the categorisation of the former Maoist combatants. We trust that all parties will now show commitment to complete the integration and rehabilitation process. We also continue to encourage the Government and the opposition parties to give high priority to issuing a draft of a new Constitution – a Constitution which commits Nepal to democracy and upholding its citizens' fundamental rights

and freedoms in line with Nepal's international obligations.

As Nepal is facing a severe power crisis, how do you see the alternative energy program supported by DANIDA?

Despite Nepal's great potential of hydro-power, the country is facing a severe power crisis. The electricity generated so far meets less than 40% of its demand and the electricity networks are mostly located in the major urban areas. Nepal has many remote areas with low density of households and difficult terrain to extend the grid system. Therefore an exploration of renewable, sustainable, alternative energy sources, which can be operated at a decentralized level and affordable to meet the demands of the poor and deprived people, is urgently needed. For more than 20 years, Denmark has supported Government efforts to provide electricity and sustainable, renewable energy solutions to millions of the rural poor. Denmark's current programme aims at improving rural access to renewable energy in the form of improved cooking stoves, solar panels to households and micro-hydro installations in areas where there is no access to the national electric power network.

What will be the focus areas for Denmark during its local EU presidency in Nepal the coming sixth months?

EU's main objective in Nepal is to support Nepal's own, positive development. During the Danish Presidency, the EU-missions will continue to focus its efforts on a range of political- and development-oriented areas: We will continue to encourage progress on issues related to the peace- and constitution drafting process; we will continue to maintain dialogue with the Government, civil society and national human rights institutions on human rights, impunity and transitional justice; and we will continue to contribute to a sustainable social and economic development in Nepal.

There is debate going on recently in Nepal regarding to give blanket amnesty to those involved in heinous crime during the conflict by bringing the Truth and Reconciliation Bill and Disappearance Bill. How does EU look at it?

The bills on the Truth and Reconciliation- and Disappearance Commissions are still being discussed in Parliament. Denmark continuously stresses the need for Nepal to live up to fundamental human rights, and the need for the two commissions to meet the standards of international law. Should the bills enable blanket amnesty, it would risk putting Nepal in breach of its obligations under the international human rights treaties it has signed. There is not one model of transitional justice but there are minimum standards. The provisions for broad amnesties for serious crimes will frustrate Nepal's efforts to end impunity and heal the Nepali society.



Government Must Reverse Price Hike

By PRADEEP POUDEL



It is the duty of student unions to protest against any decision that is against the wishes of the people. As a force of change, students are always alert to sanctions by the government. The recent decision of the government to hike the price of petroleum products is against the wishes of the people. We will continue our agitation as long as the government does not reverse its decision. Although the government claims to be a messiah of the poor people, the price hike in the petroleum products has exposed its face. The price hike decision is unacceptable to Nepal Students Union and all the student fronts of the country. The indiscriminate increase of price has already added burden to the poor population of Nepal and the students have had to suffer a lot.

In the last one year, successive governments have hiked the price several times showing international situation as the reason. There is no valid reason and argument to increase the price of petroleum products indiscriminately. There are other several alternatives before the government to avoid the price increase but the government chose it because there is a lot of corruption involved in the scandal. The present price increase in all the petroleum products will affect daily wage workers and poor people. The hike in diesel and LPG will have direct impact on the population living below the poverty line. The students will have also to bear the difficulties. This is the reason all the students unions are now joining hands to oppose the move.

Students are powerful force for change. Students know how to bring down the authoritarian and anti-people regimes. If the present government does not revoke its decision to hike the price of petroleum products, it will face the same fate as the past rulers. We are organizing demonstrations in a peaceful manner against the price hike, but the government is using all kinds of brutal methods to oppress the student agitation. The government is coming with violent means to oppress the students and we are showing restraints against the government moves.

There is no question to start negotiations with the government as long as the government continues to impose new prices to the consumers. We will withdraw agitation and demonstration once the government withdraws the price hike. Although the government is showing international price as the reason behind the present price hike, this is not the only reason. Had the government checked the rampant corruption and misuse of resources within Nepal Oil Corporation, the price increase would have been avoided. Instead of checking corruption within NOC, the government chose the easy way out hiking the price of petroleum products. This is unacceptable for us. This is not an agenda of a single student union. All the students are behind our agitation. Along with the student unions, there are consumers, common people and civil society organizations.

Poudel is Former President of All Nepal Free Students Union



"We Are Working On Long Term Relief"

By LEKHARAJ BHATTA

We have raised the price of petroleum products following our inability to subsidize the Petroleum Products. As the prices of petroleum products are much higher in the international market, it is impossible for Nepal Oil Corporation to sell the petroleum products at the previous prices with huge losses in all the products. Despite the increase, Nepal Oil Corporation is still losing over Rs. 870 million per month. In case of any dispute in Iran, we don't know the coming crisis of petroleum products. Nobody wants to take such a decision to add burden to the common people. I am no exception. But, one needs to take harsh decisions when there is a situation where no other option is left. The present price increase is an example.

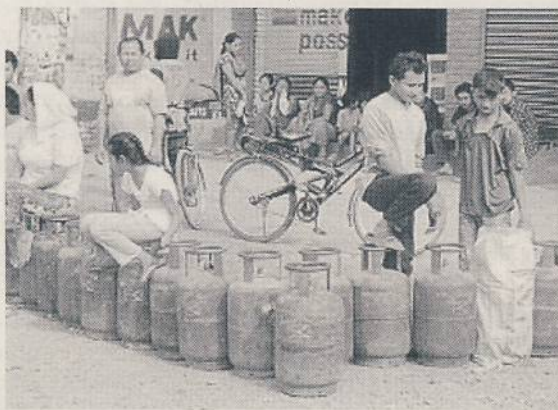
I don't understand the reason behind launching the agitation. I know the pain of the poor and common people.

Since we launched the people's war to provide the relief to the poor and oppressed people, we know the real situation of the poor better than those political parties or groups which are launching the agitation to discredit the image of revolutionary Maoist party. The present price rise has nothing to do with putting pressure on the common people. This is a just price adjustment. How long can a state provide relief to the people by ignoring 85 percent of the people living in rural and remote parts of Nepal. If we provide the subsidy, we have to cut budget allocated to primary education, health and other services given to the poor people of Nepal. There are several reasons under which we are compelled to increase the price.

Personally, I can challenge everybody that I will quit politics if someone proves my involvement in corruption or any other scandal related to the increase in the prices of petroleum products. As a politician, I look at the interest of the poor and common people. My whole philosophy is to provide the relief to the poor and oppressed people. I want to challenge other political parties who are instigating students against us why they did similar things in the past.

We know the current prices hike will affect the people living below the poverty line, middle class, students and employees. We are considering to give some sort of relief to them by fixing double pricing for household use and other purposes, including industrialization and others. We have already directed NOC to introduce two types of cylinders, including one for households and other for commercial use. There will be 19 KG cylinder for commercial use and the price of this cylinder will be higher than the normal cylinder for household use. We have also made provisions to allow business houses to import the petroleum products from Indian Oil Corporation's depot in Raxual by paying the market prices. If a corporate house or industry wants to import petrol or diesel over 10,000 litres, they will be granted to get it from IOC depot in Raxual. This will also help to ease the loss of NOC. We will announce the reform and relief package to the people. The prices of petroleum products are not in our hands. They are not our own productions.

Bhatta is Minister of commerce and Supply



LPG Cylinder

NTY 2011

End Or Beginning?

Nepal Tourism Year 2011 concludes with major achievements

By DEBESH ADHIKARI

Nepal tourism year 2011 has come to an end. Around 7 and a half lakh tourists, a little short from the goal to land a million tourists, actually visited the country.

Now all eyes are set on Lumbini as Nepal is preparing for another landmark year in Nepalese tourism history. Lumbini, the birthplace of Lord Buddha, offers high tourism value and has the potential to carry forward the momentum gained in the year 2011.

Hundreds of millions of tourists go for religious tourism around the globe in a single year. If Nepal can lure in only a small fraction of these pilgrims, then Visit Lumbini campaign can easily be a turning point in Nepalese tourism, say tourism experts.

Along with the Visit Lumbini campaign, the Great Himalaya Trail-Climate Smart Celebrity Trek (GHT-CSCT) is also being organized from 15th January to 13th May, 2012, beginning in Ghunsa, Taplejung, in the Eastern Nepal and ending at Darchula in the Far-western Nepal.

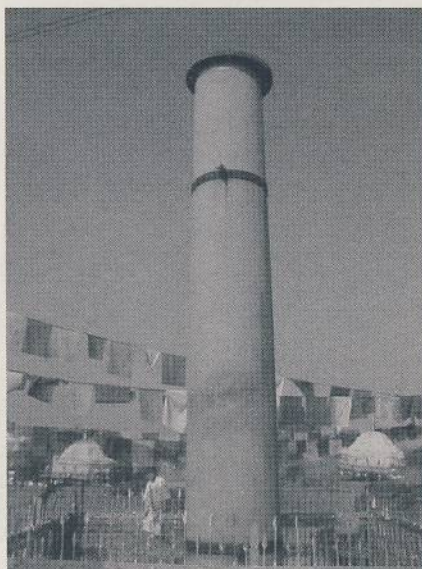
According to organizers, GHT-CSCT will promote Great Himalaya Trail as a great tourism product and will also highlight the impacts of Climate Change in the Himalayas, and showcase how sustainable tourism can be used as a tool for poverty reduction and to build climate-resilience among impoverished mountain communities in Nepal.

It is led by Ministry of Tourism and Civil Aviation and supported by many of the development partners of Government of Nepal. Apa Sherpa (21 times Mt. Everest Summiteer) and Dawa Steven Sherpa (2 times Mt. Everest Summiteer) will lead this climate friendly trek.

So, Nepal is all ready to embark on another busy year in terms of tourism.

Final Look

Tourism target of Tourism year 2011 was missed by nearly a quarter. According to Tribhuvan International Airport (TIA) Immigration Office, Nepal observed an aggregate growth rate of 21.4 percent in total tourist arrivals by air in 2011 and the overall growth in tourist arrival aggregate up to around 20 percent.



Lumbini

Some 544,985 tourists entered the country via air in 2011.

"Although we missed out on the goal, this year has most importantly repaired the image of Nepal in the international market and has sent a message that Nepal is a safe place to visit," said Yogendra Shakya, coordinator of NTY 2011 campaign.

The growth rate achieved by Nepal in a single year is very encouraging, especially when we keep in mind the hurdles that were hindering the tourist arrivals.

Tourist arrivals from both our neighboring nations dominated the numbers. Around 145,000 Indian tourists and around 45,400 Chinese tourists visited Nepal during the year. But the numbers were still below the expectations of Nepal Tourism Board (NTB).

"When the whole world is looking at India and China, we should not miss out the opportunity to catch the tourists from these countries and they were our main priorities," said Shakya. "Had we been able to buy two aircrafts, the tourist arrivals would have been up by 1 lakh and 20 thousand and if the budget was released on time, the goal could have been surpassed."

The frequent turnaround and uncertainty in the Nepalese politics sent an all-round negative message. Likewise, the publicity of Nepal tourism year was also very ineffective and started only during the twilight of the year which hugely played a part in achieving the tourism year goal.

Amidst everything, other major drawback of this tourism year was that no new major tourist destinations were established and Nepal had to rely on the old tourist destinations to lure in tourists.

The great Himalayan Trail might be the answer to Nepal's need of another major tourist destination. GHT has the potential of not only attracting tourists but also holding them for a long time.

On the flip side, since last year even the common people have started to invest in the tourism sector. In this year alone, more than 165 people have registered for homestays. This year has started the new trend like homestays from which the common people directly benefitted along with the tourism industrialists and hoteliers, said a Nepal Tourism Board (NTB) official.

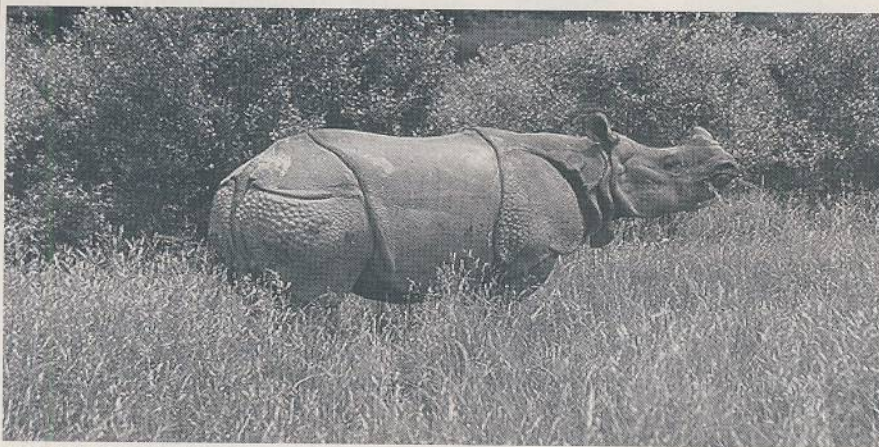
However, the people who benefitted from the tourism were mainly the people from already established tourist destinations.

If peace and stability prolong, infrastructures are built to attract the tourists and, importantly, if the government is able to buy aircrafts, then Nepal tourism year 2011 might be just the beginning of the era where tourism can be the mainstay of the Nepalese economy.

The parliamentary committee on human rights and international relations of constitutional assembly has also directed Tourism ministry to buy aircrafts for Nepal Airlines to increase the number of tourists. "We have directed authorities to buy aircrafts to make Visit Lumbini year and tourism decade more effective," said Padma Lal Biswokarma, Chairperson of the committee.

The committee has also directed to make another international airport in Bara to manage the international air routes.

"This year has left a message that if we make proper plans for the upcoming year, we can make Visit Lumbini 2012 a major success and achieve what we were not able to achieve during this year," said Yogendra Shakya. ■



RHINO PROTECTION

Security Success

Nepal's security forces have shown that they are capable to contain poaching. Thanks to their efforts, Nepal was able to maintain a zero poaching in the year 2011

By A CORRESPONDENT

Following several years of rise in rhino poaching, Nepal maintained a zero level of poaching in the year 2011. This is for the first time security forces guarding National Parks achieved this success. In the year 2007 and 2008, there were widespread killings of one-horned rhinos, raising alarms in the conservation circles.

Security forces at Chitwan National Park; Bardia National Park; Nanda Box Battalion, Chitwan; Ranadal Company, Nawalparasi; Narsinghdal Battalion, Bardiya; Chandiprasad Battalion, Kanchanpur and Shuklaphanta Wildlife Reserve made individual and collective efforts which proved instrumental in protecting tigers in Nepal.

The Enforcement Awards established by WWF's Tigers Alive Initiative recognized six different institutions for the best site-based intelligence work. For the first time in the last decade, Nepal's conservationists have a good reason to rejoice: year 2011 as a zero poaching year.

In Nepal, the greater one-horned rhinoceros is starting to recover from poaching. A census conducted in April 2011 found 534 rhinos (Rhinoceros unicornis), 99 more than were found in 2008.

Chitwan National Park is home to 503 rhinos, an increase of 95 from 2008 data. The number of rhinos in Bardiya

National Park is up by two from the 22 found in 2008. Seven of the rhinos were found in Shuklaphanta Wildlife Reserve, up by two since 2008 as well.

The new figures show the one-horned rhino population is recovering after a dramatic plunge in numbers during the 1996-2006 civil war, when soldiers deployed to prevent poaching left to fight a guerrilla insurgency.

"The year 2011 was a landmark year for conservation in Nepal as not a single rhino was killed in the country across the year," said officials at the Ministry of Forest and Soil Conservation.

To mark this achievement, the Government of Nepal, WWF and various conservation organizations celebrated Zero Poaching Year amidst a special program organized on 7 January 2012 at Chitwan National Park in Nepal's Terai Arc Landscape. According to WWF, the program was organized to felicitate the key institutions whose unrelenting efforts in conservation helped bring about this success.

"This success is attributed to the coordination among the Government of Nepal, conservation partners, local communities and most importantly security forces," said Krishna Acharya, Director General of the Department of National Parks and Wildlife Conservation (DNPWC).

"To combat poaching more effectively

a separate body has been formed under DNPWC to deal specifically with wildlife and security inside the parks has been stepped up with the number of range posts going up from 7 to 51," Acharya added.

In October, Nepal arrested a complete chain of criminals involved in poaching and trading of the one-horned rhinoceros. In that case alone, 17 people were held on the charge of poaching the endangered species and smuggling their derivatives.

The arrests were a significant achievement leading to the complete breakdown of a network of poachers and smugglers right from the grassroots to the international level.

"The achievement of zero poaching status of rhinos will need to be further complemented by zero poaching of tigers as well," stated Mr. Anil Manandhar, Country Representative of WWF-Nepal. "If we can lift the scale, intensity and professionalism of the effort against poaching, we will be able to take sure steps to achieve the goal of doubling the number of wild tigers by 2022."

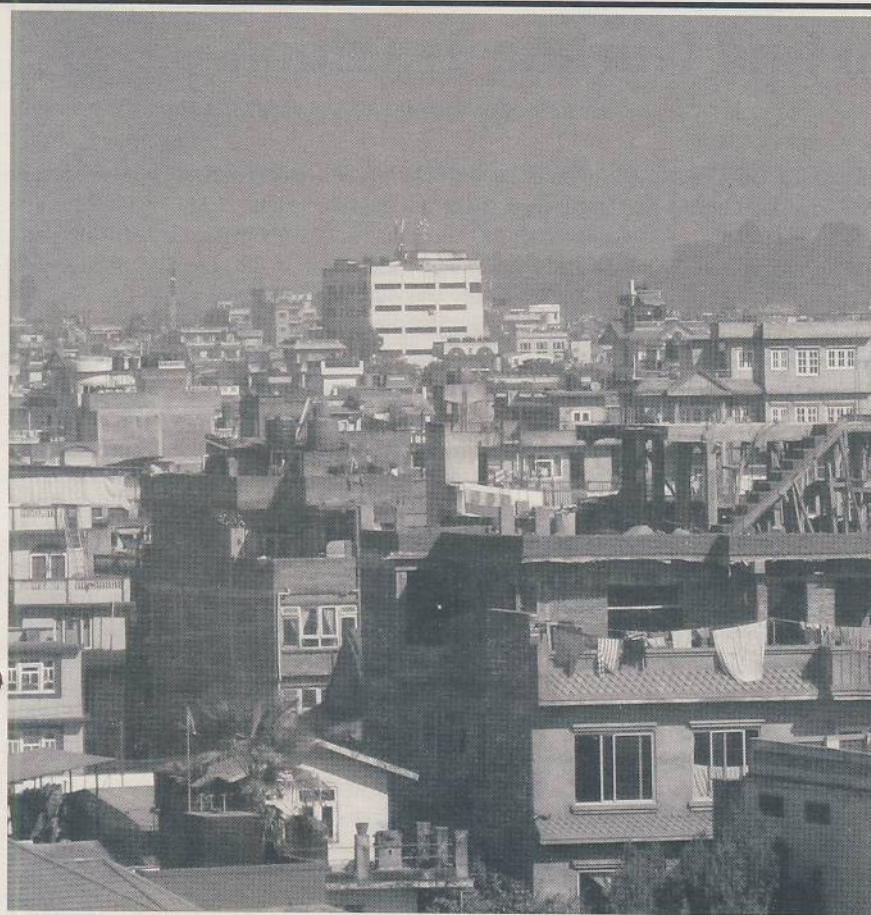
In order to combat poaching and illegal wildlife trade effectively and to bring culprits to book, WWF also made a formal announcement at the event to support the establishment of an interrogation centre in Chitwan National Park Headquarters through the Tigers Alive Initiative.

According to government officials, the rhino population's recovery was due to improvements in law enforcement and in local awareness of the importance of conservation.

"The government is encouraged by this positive result, although challenges remain in curbing poaching and protecting rhino habitat," said Acharya.

The animals are poached for their horns, which are prized for their reputed medicinal qualities in China and southeast Asia.

As Nepal is able to maintain its target, it remains to be seen how it will continue to retain the success. A single horn can sell for thousands of dollars. Another threat to rhino populations is the loss of habitat as human populations expand into the lands where rhinos roam.



EARTHQUAKE

The Danger Below

A major earthquake may be looming over Kathmandu valley

By DEBESH ADHIKARI

The quake which shook eastern Nepal last year has renewed fears in the people's hearts. The loss and the lack of prompt relief and rescue after the quake highlighted the low level of our preparedness and awareness.

Tremors of that quake are still felt in the minds of people of our country. It has exposed Nepal's vulnerability to earthquake and has left a strong message.

Nepal is located on between two huge plates. Geologists warn there will be a big quake (around magnitude of 8 in the Richter scale) in Nepal every 75 years. Some 78 years have passed since a major earthquake hit the country. So, the possibility of a major earthquake might become real any time as we are already late according to the clock.

Is Nepal really prepared for a big quake?

If an earthquake like that of 1990 hits Nepal now, then the casualties and economic loss will be unimaginable. Kathmandu is believed to be at risk of more severe losses, than other cities of the country.

According to National Society for Earthquake Technology (NSET), 200,000 people will die and around 60 percent of the houses of the valley will collapse in case an earthquake like that of 1934 hits the valley.

Within the 65674 hectares of the valley, more than 2.8 million people reside. So, the crowded population of the valley is under a huge threat from future earthquakes.

The reason for that is haphazard

construction of high buildings. Kathmandu is geographically located in such a place where liquefaction process is high and high rise buildings aren't safe, say experts. The buildings that are built without following any building codes are the biggest threat to the people of the valley.

"Buildings should be constructed looking at their locations; you cannot construct a 15-storey building near areas adjoining the banks of major rivers. Buildings should only be built around the areas where the liquefaction process is slow," said Amod Mani Dixit, executive director of NSET.

However, many high rise buildings of the valley are found within the banks of rivers. The buildings of housings, malls and other businesses have not followed the building codes due to lack of inspection by the government.

Various houses of the valley are constructed only on the instructions of the contractors and engineers are not even consulted. This shows awareness is still low in people and they are not aware of the potential danger, said an official at the Kathmandu Municipality.

For how long will we keep our heads in the sands and forget there might a major earthquake any time? If we don't take our heads out of the sands now and start preparing for the danger from underneath, it will take lives of thousands of people and destroy properties worth trillions of rupees. ■

NEW SPOTLIGHT NEWSMAGAZINE

Available at the following stands

1. Bhatbhateni Supermarket: Bhatbhateni
2. Bhatbhateni Store: Maharajgunj
3. Mandala Book Point: Kantipath, Ph: 4227711
4. Vajra Book Store, Jyatha Ph.:4220562
6. Book Paradise, Jamal
7. Namaste Supermarket, Narayani Complex Pulchowk
8. Namaste Supermarket, Maharajgunj (Opposite to American Embassy.
9. Himalayan Book, Bagbazar.
10. Bhaktapur Stationery, Nyatapaul
11. Utsav Books and Stationers, Putalisada Telephone:4220882



Maoist Nepal To End Gurkha Tradition

By *DHRUBA ADHIKARY*

People who want to quickly write an epitaph of the Gurkha legacy contend that it's a scar on the country's sovereign and independent status.

To them, the tradition that began in 1815 is an example of a great anomaly, and must be put to an end in the "new", post-monarchy Nepal.

Their views are reflected in a report adopted - unanimously - recently by an all-party parliamentary committee that is dominated by Maoist legislators.

This has attracted considerable media attention, with many newspaper articles and radio/television talk shows concluding that Nepal should cease to be seen as a country that exports "mercenaries".

"Gurkha recruitment gave the youth a small opportunity for employment ... but has not always allowed the country to hold its head high," said the committee report. It also referred to the "losses" Nepal endures when these young men are encouraged to become citizens of other countries.

The allusion primarily is to Britain, which maintains a brigade of Gurkhas, and India, which has a far bigger contingent of Gorkhas - as called in that country - in its national army.

Coincidentally, the parliamentary report became public at a time when the chief of the British Defense Staff, General David Richards, was on a visit to Nepal. His official itinerary included a trip to the tourist town of Pokhara, where he participated, on January 4, in the "attestation parade" that marked the formal induction of 176 male recruits into the British army.

"This allegiance ceremony, incidentally, is conducted with full acknowledgment of the fact that those who have decided to join the British army are citizens of Nepal," said Colonel Andrew Mills, defense attache at the British Embassy, in an interview with Asia Times Online. He concurrently holds the post of the head of the British Gurkhas Nepal.

Currently, the strength of Gurkhas in the British army is about 3,800. However, Britain announced on Wednesday that it would axe 400 of these jobs as part of defense cuts.

This number is to diminish further in coming years in view of the reductions proposed for the United Kingdom's army. India, whose yearly recruitment ranges between 2,500 and 3,000 men, presently maintains 39 battalions in seven Gorkha regiments numbering more than 30,000 men - in their prime of youth. (Neither the UK nor India has yet begun recruiting women at soldier's level.)

The first recruitment of Nepalis as Gurkhas started in 1815, immediately after Nepal's war with British India in which Nepal lost one-third of its territory. A peace treaty ended the war, and the British made arrangements with the rulers of Nepal

under which they could recruit offspring of those whose bravery had impressed them on the battlefield.

About 200,000 Gurkhas fought for Britain in World War I and World War II and more than 45,000 have died in British uniform. "They have a reputation for ferocity and bravery and are known for their distinctive curved Kukri knives," Agence France-Presse reported.

At the time of India's independence in 1947, Nepal, the UK and India entered into a tripartite agreement allowing India and the UK to "maintain the Gurkha connection" with soldiers recruited from Nepal.

Even if Nepal was under autocratic rule, the prime minister of the day, Padma Shumsher Rana, approved the proposal only if his young subjects would not be "looked upon as distinctly mercenary".

The United Kingdom, which has over 25,000 Gurkha pensioners, spends 87 million sterling pounds (US\$134 million) every year to pay for pensions and gratuities.

This figure alone works out to be 4% of Nepal's gross domestic product. In addition to this, there are other welfare activities funded by the British government money.

India annually remits 12 billion Indian rupees (US\$238.8 million) for pensioners and war widows domiciled in Nepal. "Yes, it is a staggering task to look after people numbering over 124,000," explained Colonel Ajay Pasbola, defense attache at the Embassy of India in Kathmandu.

In an interview given to Asia Times Online, he said he had to regularly visit districts where welfare works were carried out, and which were areas for future recruits. "But sentiments are far more important than numbers," he said, alluding to the unique relationship that exists between India and Nepal.

Some of the Gurkhas in the UK have risen to the post of colonel. In India, promotion prospects for Gorkhas are even wider, one of them has already become a three-star general (lieutenant general). And the Indian army maintains a close, professional relationship with the Nepal army that regularly receives training and tertiary facilities.

They even have the reciprocal custom of giving honorary general's rank to army chiefs of the two countries.

The Gurkhas are deployable in any part of the world where the UK has military assignments. Afghanistan is one of them. That the Gurkhas enjoy an enviable level of trust and respect in Britain is demonstrated by the responsibility they recently were given to protect Prince Harry, third in line to the British throne. English football star Wayne Rooney is also reported to have hired a Gurkha to guard his mansion near Manchester, where he plays for Manchester United.

Similarly, the Gorkhas in India have been sent to places



like Sri Lanka and Kashmir, where they confront Pakistanis. In 1962, Gorkhas were the part of the Indian army that fought a battle with China. This has often been a cause of embarrassment to Nepal, as China and Pakistan are not Nepal's enemies.

A similar situation arose when the Gurkhas had to face Argentina over the Falklands crisis in the 1980s.

The tripartite agreement of 1947 and a 1962 memorandum of understanding between Nepal and the UK restrains Nepal from taking any decision unilaterally. But Nepal's revolutionary leaders might ignore the provision and "take a bold step to halt foreign militaries from recruiting Nepali men", as suggested by a columnist in The Kathmandu Post newspaper.

What happens if that indeed turns out to be Nepal's official position? Both India and the UK have ready-made alternatives: New Delhi will find recruits from the Gorkhas already domiciled in India, and the British too have already a small community of ex-Gurkhas settled in the UK whose sons could provide replenishments.

"Economic benefits far outweigh the political considerations being mooted, especially in a country in transition," said Professor Lokraj Baral, a seasoned scholar who runs a privately-run think-tank named Nepal Center for Contemporary Studies.

This is just not the right time to raise this kind of issue, nor is the present legislature competent to develop such a position, he argued. (The present legislature is primarily a constituent

assembly, elected in 2008 for two years and tasked to write a new constitution for post-monarchy Nepal; its extended tenure goes until the end of May this year.)

Most of the committee members are aware of the resentment of the people who have seen such recruitment as a source of employment. "Since this issue is related to the country's sovereignty, we need to be very sensitive," Suresh Ale Magar, a Maoist member in the committee, told this correspondent.

"All we want is that the halt should not be a sudden one; it should be done gradually and after we have developed alternatives."

How soon can such alternatives be available to the growing number of young men and women who are compelled to look for low-paying menial jobs in countries in the Gulf region and in Malaysia?

In the opinion of Gore Bahadur Khapangi, 68, who once served as a minister in the erstwhile regime of king Gyandra, Nepal is far from reaching a phase of reasonable prosperity.

"Presently, the Gurkhas are like a grafted plant in the British and Indian armies," he said, "which cannot be easily separated without inflicting damage to the seasoned plant."

Khapangi's father was a British Gurkha soldier before the political map of South Asia changed in 1947.

British ambassador John Tucknott finds Maoist leader Ale Magar's assessment realistic as it said "after" alternatives were provided. "Whether this happens in our lifetime is another matter."

Courtesy <http://www.atimes.com>

NEPAL'S NATIONAL INTERESTS

FOREIGN POLICY, INTERNAL SECURITY,
FEDERALISM, ENERGY-ECONOMY

EDITORS

Tomislav Delinic
Nishchal N. Pandey



"Nepal's National Interests: Foreign Policy, Internal Security, Federalism and Energy-Economy"

Êco-edited by Tomislav Delinic and Nishchal

N. Pandey. Papers by Bam Dev Gautam, Dr. Sambhu Ram Simkhada, Prof. Mohan Lohani, Purusattam Ojha, Ranadhoj Limbu, Upendra Yadav, Ramesh Nath Pandey, Shailendra Kumar Upadhaya, Sadip Shah, Balananda Sharma, Prof. Madhava Menon, Prof. Nisha Taneja, Manohar Prasad Bhattarai, Dipak Gyawali, Madhukar Rana, Suman Neupane, Prof. Riddhi Bir Singh, Dr. Rita Thapa, Prakash A, Raj, Dr. Bishnu Raj Upreti, Rabi Raj Thapa, Dr. Chuda Bahadur Shrestha, Dr. Jan Sharma.

Available at:

Mandala Books, Jamal, Kathmandu
Book Paradise, Jamal, Kathmandu

Political Party Finance: A Source Of Corruption

-By TANKA RAJ NIRLA



The political parties are the most corrupt institutions in Nepal, says a new survey carried out by an international anti-corruption watchdog. The Transparency International (TI)'s report states people in South Asia: Nepal, Bangladesh, India, Maldives, Pakistan and Sri Lanka regularly have to pay bribes when dealing with their public institutions, be it to speed up paper works, avoid problems with authorities such as the police, or simply access basic services. In Nepal, the governments formed after the Constituent Assembly elections failed to control corruption. People perceived that major reason for paying bribe were to speed things up to receive a service entitled and avoid a problem.

Nepalese political contexts

One of the main features of political parties in Nepal is their relatively short history. Only Nepali Congress and Nepal Communist Party were founded before the revolution of 1950s. Nepal modern political history begins after 1951 when the *Ranas* were overthrown and

Maoist collected fund through looting of banks and financial institutions, forced donation drives and various means during the period of conflict. The Nepali congress is managing its financial constraint through the donation from its political followers and various interest groups having political and economic clout. Similarly, CPN(UML) collects its fund as a levy from its cadres. In 2003, the Nepalese government even proposed to provide financial support from the state coffers to the political parties according to the strength of the vote received in the elections. But this initiative, in order to create transparency, has not been realised in practice so far. It will be pragmatic here not to mention about various factions of *Madhesh* based parties and Rastriya Prajantra Party (RPP). Since, arguably, *Madhesh* based parties look like that they are established and function only to fulfil the political and financial interest of their so called messiahs that is their leaders similarly RPP, a social club of former *panchas* having

aristocratic background, had worked for thirty years under the shadow of active monarchy and party less Panchayat system. So, these are still in the process of

party building. Ironically, it is understood that the Maoist, which is the party of proletariat is the richest and its expenses are huge and RPP is very weak in terms of mobilising the financial resources!

Why Money matters in Politics?

There is old French saying that money has no smell, but it is becoming increasingly clear that in politics money does, and, it smells bad. The role of money in politics, especially in funding parties, has attracted much adverse attention now days. Many new democracies carry with them the baggage or legacy of authoritarian or autocratic rule, with their important influences on political attitudes and relationships, and political parties are challenged by and compete with other social forces.

What are the Solutions?

Democracy makes sense only when its relevant institutions are autonomous and independent of individual or state control; it prospers when the interest of the electorate is safeguarded on matters of public good and policy concerns, as well as socio-economic and political development. A realistic limit on

political party spending needs to be set and effectively enforced in order to prevent the influx of illegal sources to the account of political parties. Adequate tracking measures need to be devised and well enforced by the Commission for Investigation of Abuse of Authority (CIAA). Thus, there is the need for the commission to enforce the enabling laws empowering it to regulate political party finances. Although one of the major causes of corruption in Nepal is poverty and unemployment, in political parties the phenomenon has been sustained as a result of bad use of money in politics and the failure, largely due to politicization of institutions set up to enforce discipline and fight corruption in the public sphere. For corruption in political parties to be eradicated, the strict rule of law is needed and institutions like the CIAA must be allowed to work independent of any meddling by the executive arm of government. In addition, the Electoral Act should be reviewed and become part of it a clause that will empower the Election Commission (EC) to take corrupt politicians to court.

Conclusion

Party politics in Nepal have for long been bounded by intense competition for power. Politics of ideology is over shadowed by politics of materialism; when the means of getting power is devoid of the conventional tenets of democracy, and the end of politics is seen as perpetual acquisition and retention of power for the benefit of the few individuals. Nevertheless political parties form the cornerstone of a democratic society, aggregating and representing the interests of citizens to create public policy. Leaders of Nepal's political parties must find solutions, not only to the economic and social problems facing their nation, but to the negative influences of money, which affect key aspects of their organizational purpose. Although there is growing awareness about the problems of party finance in Nepal, solutions have not fully emerged. Approaches taken in more developed democracies—including legal restrictions, reporting requirements, and public financing of parties—have not proven a panacea; rather, they are tools that can be used should political will and civic pressure make party finance practices to a transparent phenomenon.

Nirala is a PH.D. Candidate at Department of Economics and Finance School of Social Sciences Brunel University, West London U.K.

Party politics in Nepal have for long been bounded by intense competition for power.

democratic set up was established. But the democracy is still in the nascent phase due to subsequent coup- d'états by the monarchy and over extended transitional period. The spring uprising of 2006, by the coordination of seven political parties and Nepal Communist Party (Maoist) abolished monarchy. After the election of Constitutional Assembly in 2008, there are three major parties in the political spectrum of Nepal; the Nepal Congress, Nepal Communist Party (Unified Marxist and Leninist) and Unified Nepal Communist Party (Maoist).

Nepal's major political parties had organised many mass movements and struggle for the sake of democracy in the past *inter alia* participated in numerous general elections and elections for the local bodies. For political parties to exist and perform satisfactorily they must have income and resources. Therefore, unless the party can generate sufficient income from membership dues and trading or investments there must be alternative sources of income. The Nepalese system of party finance is severely unregulated. Unofficially, it is believed that the



Dignity & Discipline For MPs

By JEEVA RAJ BUDHATHOKI

Our Constituent Assembly is playing two roles. It is writing a constitution and performing legislative, budgetary and other tasks of a Legislature-Parliament. The 601-member parliament is now based on a single House. The position of a parliamentarian is considered very responsible. MPs are addressed as honorable because they are the reflection of the people who elected them as their representatives to put their aspirations and views in the parliament.

In this context, this write-up mainly touches on problems of disorder, parliament's glory, privilege and parliamentarian's responsibility and accountability. It will also seek to refer to code of conduct and discipline to be obeyed by the parliamentarians and some examples of the sanctions followed by some countries before drawing a conclusion.

Some weeks ago, a parliamentarian wanted to speak in the House about the assassination of a *dalit* in Kalikot district. As a parliamentary practice, the MP would need an approval from the related parliamentary party. For not following such a process, he could not get the permission to speak. Enraged, he smashed some mikes, just after the House closed. After verifying the incident and calculating the loss of property, the Speaker suspended him for 10 days and ordered that he compensate for the loss.

Similarly, some months ago, a parliamentarian threw a chair from the fourth story of Parliament Building, where the Constitutional Committee's meeting was taking place.

At the same time, four parliamentarians representing of indigenous and *dalits* created obstacles to the parliamentary business for many days and finally they were suspended for 7 days. Similar cases had occurred last year when the budget speech was going to be presented. The briefcase containing the budget statement was snatched and smashed by the main opposition but no action was taken against the members. Lately, the House is facing the problem of not reaching the quorum. These types of incidents are

occurring in our parliament from time to time.

Parliament's glory, privilege and parliamentarian's responsibilities and accountabilities are closely associated. Parliament has the glory because it is the symbol of representation of the people. In ancient Greece, there used to be very small counties based on the population of 5 to 10 thousands. While a state needed to take any decision, formulating policies or laws, people used to gather and put their opinions



Constituent Assembly

directly. When the big states replaced the small ones; it was not possible to collect people's opinions directly. Then the theory of representatives came into practice and recognized from the very beginning by the eminent figures like Aristotle, Jean Jack Rousseau, and James Madison.

Another side of privilege is the responsibility and accountability of parliamentarians. The responsibilities pointed out by the House Rules are to obey the House Rules, to behave according to social norms and values, to regularly participate in parliamentary business and voting, to stand always for public issues and not to take part in the issues of their vested interests, not to disclose and misuse the secrecy associated with their position. To disobey these provisions, norms and values is to escape from their responsibilities. It is against the glory of the House and they must be accountable to the people.

To maintain order and discipline in the House, all countries of the world have arranged the provisions of sanctions in their Parliamentary Rules. For example, the Speaker of the Lower House (Lok Sabha) of India warns an undisciplined member for the first time; a member defying the warning can be expelled

from the House. He can also be suspended from the remaining part of the session of the House.

In Nepal, the Speaker initially warns an undisciplined member and then he can expel the member from the House for 3 days and, for repeated behavior of that type, for 15 days by passing a motion. Besides this, if someone shows an act of vandalism, the Speaker can suspend him or her directly for 10 days under his special authority. These provisions look very simple to regulate the House and control the wrong doers' behaviors and can't be actually compared with the sanctions followed by other countries.

Behind this scheme of loose sanctions, our Interim Constitution has pointed out certain qualifications to be elected as a parliamentarian. After being elected and after taking oath as a member of such a glorious position, the House presumes him/her as a patient, sober and highly moral personality. There is security arrangement in the House, but without Speaker's order, no security personnel can apply any defensive measure. So, our system seems very liberal.

In conclusion, undisciplined parliamentarians must be accountable to their indiscipline. The fact is that based on our recent population data, each of the 601 members of the parliament represents about 42 thousand people. To put such large number of people's voice in the House, parliamentarians must follow various legal measures as pointed out by the Parliamentary Rules instead of violating them. Such provisions are Zero Hour, Questions, Special Time, Motion of Public Importance, Motion of Resolution, Motion to Draw Attention and the potentiality of forming Parliamentary Committees as required. Parliamentarians must keep in their minds that people who elected them are deprived of their representations due to their undisciplined behaviors or irresponsibility. To be absent or suspended is unsuitable for their position. The Parliamentary Authorities also must think about devising more effective measures to maintain order in the House if the existing ones are insufficient.

Budhathoki is Under Secretary at Constituent Assembly Secretariat

As Free As We Fight To Be

By SHRADHA GYAWALI



It's the beginning of the end, or it could be.

Americans take pride in themselves for being "free." But when jaw dropping legislations like Utah's HB 477 and the U.S Congress' lovely SOPA (Stop Online Piracy Act), also known as House Bill 3261, a bill that was introduced in the US House of Representatives on October 26, 2011 by House Judiciary Committee Chair Representative Lamar S. Smith, and PIPA (Protect Intellectual Property Act) come along, I am reminded that we can only be as free as we fight to be. SOPA is an anti-piracy bill working its way through Congress.

Last year when Utah's legislature passed a law (HB 477) that restricted public access to government records, intense public outcry caused Utah lawmakers to repeal the bill. I am drawing parallels between HB 477 and SOPA and PIPA because I have to believe the same thing will happen. I have to believe that the people of this country will cry out, rise up and push back at governments and corporations that attempt to restrict the rights of individuals.

To put it simply, SOPA and PIPA are overly broad bills that would change the infrastructure of the internet, putting corporations over individuals in the name of copyright protection.

These bills severely inhibit our right to free speech, and they could effectively shut down many of our favorite and most-used websites, including You Tube and Facebook.

I, with a few of my friends, wrote a letter to the Utah's senators about these bills using prpvox.com, a website that helps constituents communicate easily with their representatives in the congress. I have to quote one of the many concerned letter writing citizens from that site who wrote so eloquently about the damaging effects these bills could have: "the internet is the most shining example of free speech the human race has ever achieved. Its ability to connect anyone in the world without limit is unprecedented. This is only possible because the internet is open, neutral and uncensored. Any attempt to limit or control this freedom by any government, let alone a government founded on the principles of freedom and independence, is nothing short of a travesty." Thank you, Anonymous 183255 from New Jersey. I could not have put it better myself.

To me, these bills look like the beginning of the end of our free and unrestricted Internet. We cannot let this happen.

This is why, on January 18th, the internet was going on a strike. Hundreds of sites including big guns Wikipedia, Wordpress and Mozilla were shutting down their sites to show congress that we are not willing to give up our rights. January 18th is an inspiring day. It's a day to fight for what all of us believe in- Freedom.

So, those who didn't hesitate, joined! They went to AmericanCensorship.org and/ or publicknowledge.org to learn more about SOPA and PIPA and to learn how you can fight.

Freedom wasn't just given to the founders of the country, and it just hasn't been given to anyone since then. We have to fight to maintain our rights and freedoms, because if we don't, they won't be there any longer. ■

(Gyawali is at the Westminster College, Salt Lake City, Utah majoring in Economics. She is a Sophomore, 2nd year.)

The Modern Woman Dilemma

By ADITIARYAL



I knew her as a modern urban woman, for everything that the phrase refers to today. Highly successful career wise, she was an inspiration to all the younger people who knew her. A defiantly married lady, she was known to have a very happy marital life, balancing family and work wisely.

When I met her this time, my memory started to seem fallacious. What I had known and heard of her seemed to be deceiving me. After a long talk with her, I found her to be exactly the opposite. She was confused, indecisive, struggling to keep up with her job, and almost on the verge of a family breakdown.

Thinking about it, this is not a new story. People do get into ups and downs in life. People are forced to live up to the social expectations or alternatively put up with stigma. This is when a support becomes important, and lack of that distorts everything else including a person's self esteem, morale and confidence.

For some reasons, social stigma and pressure are more often related to women than men. We are not just talking about disrespectful labels but also about the tittle-tattle, here and there. Family breakdowns are usually seen to be a result of 'her' career obligations or high ambitions. To add, it is she who needs to compromise everything. Also in our society, it is a known fact that usually working women are next to multitasking robots. Like all people, even they cannot balance things sometimes. Unwanted situations in the workplace could harm the harmony at home or vice versa. If the family members do not understand and support, there could be a bitter end.

For women to be successful, I assume that healthy relationship with spouse in addition to freedom to choose, express and do what they want is very much important. Encouragement, mutual trust, respect and own spaces could make things better. There, however, exist situations where women do neglect their household responsibilities due to high career aims. This is still accepted if there is an alternative.

Women today are much more educated, forward and are in line with men. Many aspire to become as successful as their fathers or husbands. Compelling such women to stay at home and take care of the family could be a real bad disaster. Though we might have been almost out of the dowry system or similar unethical practices, this would be the modern version of what happened then.

Women are much more empowered as compared to the past. We still have a long way to go in order to grow. Following history, all successful countries today had women working towards it and contributing a lot. Had they been forced to stay at home and cook, they would probably not be where they are today. If we consider the work of the housewives in GDP, they alone would make up about 7-10% of it.

Most women have separated from their partners mainly because they were forced not to succeed. We know cases where competent wives are harassed by the husbands. The family responsibilities become so high that women simply cannot give what they can to work. This is one reason why women can never be as successful as men, and are always looked as subordinates.

Women are capable of holding positions just like men. They just need the opportunity to grow, the thing that lacks in the society. Emotional downturns occur usually because of a non understanding partner, who does not let them grab the opportunities they gain with difficulty. Therefore we are left with a dilemma. If the partner is not supportive, should women always lose their positions, or in other case face the everyday taut? ■



Shyam Kumari Sah (Right)

SHYAM KUMARI SAH

The Right Fight

Shyam Kumari Sah is the first woman from Nepal's plain terai to receive the international human rights award

By JEANNE MARTIN

Despite living under severe human rights violation, the cause of women of Madheshi community rarely received global attention. However, Shyam Kumari Sah received a "Human Rights Defender Award" from the French government. It was handed out on Mission to Nepal of Francois Zimeray, Ambassador for Human Rights.

At the request of Alain Juppé, Minister of State, Minister of Foreign and European Affairs, Ambassador for Human Rights, Zimeray handed over the award.

At the award distribution ceremony, Zimeray insisted on the government's obligation to protect the human rights of its citizens and to implement an effective judiciary system.

"I dedicate this prize to all the rural women and to my illiterate parents who sent me to school," said Sah. She felt really proud that her work was being recognized publicly.

Sah is a human rights defender, treating all human-related issues and especially violence against women and witch-hunting. She collaborates with WOREC (Women Rehabilitation Center) and is the founder of the ONG Mukti Nepal. She mainly works in the Terai Region, adjacent to Indian borders, where most women are subjected to domestic violence or at times persecuted as witches.

Witch-hunting is still a reality and innocent women are held responsible for natural life events such as illnesses or death. "It is a useful system if you want to blame someone else for your own problems or acquire their property. Their punishment varies from being beaten - which is often lethal -, being forced to eat excreta or being paraded naked. Some women commit suicide in order to avoid this public humiliation and torture. But you don't "need" to be a witch to experience domestic violence. In fact, gender inequality is higher in these regions than in the capital and women get beaten mostly because of dowry or polygamy," said Sah.

Most of the victims perceive the way they are treated as their fate and do not even consider talking about it because of the prevailing culture of silence. Besides, women fear that talking could lead to being tortured again. They often lack education and resources. This makes them dependent on their family to survive. But the problem also originates from the judiciary system.

According to Sah, no specific law exists for witch hunting and marital rape is considered a husband's right. Furthermore, the worst punishment - if the case is not miraculously stopped before it happens - would be a heavy fine or short-term imprisonment. Such

charges are not sufficient to prevent the continuing of this gender-based violence. So, how can greater respect for human rights be promoted without damaging the social and cultural coherence of local communities? In this patriarchal system, women are often treated as simple possessions. Villagers too often tend to rely blindly on spiritual healers. The latter make women responsible for facts completely beyond their control. How could the empowerment of women have a positive influence in the townships rather than a negative one? What could be the role of education in this process?

In Western countries, hundreds of thousands of people were killed because of witch hunts. But this came to an end with the end of the religious wars and the centralization of power and stability that followed, the modernization of cities and therefore the increase in school of thoughts that condemned this phenomenon of violence and the implementation of new legislations forbidding witch hunts. Moreover Education and sensibilization helped reduce the arbitrariness of accusations against women and the resulting violence.

Sah goes from village to village to inform women about their rights. She brings cases to public and verifies that the correct procedure is followed. But this does not go without harm. She often gets threats from perpetrators of violence against women, family members or even the local bureaucrats. Once she risked her life because she dared raising the question about dowry. She was encircled by 50 villagers who were ready to kill her. Fortunately this incident was averted by the arrival of a Human Rights Defender.

Addressing the program, French Ambassador to Nepal Jean-Charles Demarquis said it is a great privilege for them to recognize right activist Sah who really has shown courage to work in interior villages.

The award given to Shyam Kumari Sah is a way to raise people's awareness and sensitivity to the problem. It empowers the victims of any type of violence with the legitimacy to assert their rights. Furthermore, it acts as an encouragement for other right activities and promotes the protection of human rights. By sensitising people and protest united, we can end this type of violence. So what are you waiting for? ■

Jeanne Martin is an intern from Belgium

Chinese PM In Nepal: A short Visit But A Long Trail?

- By Nihar Nayak

Prime Minister Wen Jiabao of China paid a short visit to Nepal (lasting four and a half hours) on January 14, 2012, stopping over on his way to the Persian Gulf. During the visit China announced an RMB 750 million (US \$ 120 million or Nepalese Rs 9.7 billion) grant to Nepal. The amount will be spent on mutually identified projects under a new bilateral Agreement on Economic and Technical Cooperation. China also announced a one-time grant of \$20 million, to be spent on the rehabilitation of former Maoist combatants. It also increased its annual assistance to Nepal from RMB 150 million to RMB 200 million. An eight-point joint statement was also issued during the visit.



Chinese PM Wen Jiabao

The statement notes that the two countries agreed to "further promote Nepal-China friendly relations of comprehensive partnership of cooperation featuring everlasting friendship on the basis of the five principles of peaceful Coexistence".

The visit came about at a time when China is concerned about the ongoing political instability in Nepal and is looking for new political partners after the fall of the monarchy. The last Chinese Premier to visit Nepal was Zhu Rongji in May 2001, while Nepal was witnessing an armed struggle by the Maoists and the King was ruling the state. China is apprehensive that the Tibetan refugees may take advantage of Nepal's instability and strengthen their position within the country. Moreover, the Chinese are not comfortable with the multiparty system of Nepal, with the parties numbering around 32, and would like to have an abiding relationship with any force eager to work with them. India's successful engagement with the latest Maoist-led government has added to Chinese concerns leading it to cultivate Nepal even more proactively.

This has also led China to realign its foreign policy towards Nepal. It has increased the number of its political, economic, military and academic delegations to Nepal since 2008, posted one of its better diplomats as Ambassador to Kathmandu, increased people-to-people contacts, opened more customs posts at the borders, increased annual grant assistance and, most importantly, strengthened its engagements at the institutional level leading to greater interaction with the Nepalese army, bureaucracy, police and armed police (mostly deployed along the borders). During Wen Jiabao's visit, the Chinese side pledged RMB 10 million for strengthening the Nepal Police and RMB four million for an Armed Police Force college. According to Xinhua, in 2010, the number of bilateral personnel exchanges with Nepal

reached 74,000.

Nepal occupies a special position in Chinese foreign policy, even if it is depicted as a country of 'peripheral' concern by Chinese sources. First, because, among the South Asian states, Nepal shares the longest border with China after India and a large part of this border is inadequately guarded due to the nature of the terrain (mountainous). Not surprisingly, the joint statement re-emphasizes strengthening 'border area management'. Second, geographically, Nepal has remained the southern gateway for Tibet. Since time immemorial, Nepal has been maintaining closer economic and cultural linkages with Tibet than China. Third, India has maintained a strong historical, geographic, cultural and economic relationship with Nepal and both countries share an open and peaceful border.

Therefore, China's policy towards Nepal has been different from its policies towards the rest of the South Asian countries. China also has three major strategic interests in Nepal: firstly, containing Tibetan refugees south of the Himalayas and stopping their anti-China activities; second, neutralising India's influence in Nepal and setting up a pro-China regime in Kathmandu, for which China has scaled up its policy of engagement in recent years and adopted even soft diplomatic measures, i.e., people-to-people contacts, cultural relations, scholarships to students, economic aid and spreading of Chinese Buddhism in Nepal; and third, investing in strategically important infrastructure like airports and important highways. Chinese investments in Lumbini, and Pokhara airports are a point of reference in this regard. The Chinese must be happy that they have finally got the Government of Nepal to agree to Chinese investment in the Pokhara airport during Wen Jiabao's visit.

Strangely, the visit by the Chinese Prime Minister was shrouded in secrecy. The visit was not mentioned by China's Ministry of Foreign Affairs till the evening of January 15, 2012, while his five-day visit to three Gulf countries - Qatar, Saudi Arabia and United Arab Emirates - was announced earlier. The Foreign Ministry did not also mention the eight-point joint statement even two days after the agreement was signed. The Embassy of China in Kathmandu also chose not to post anything about the visit or this agreement on its website even 48 hours after the visit; it only cited a news report by Xinhua.

Perhaps, the Chinese establishment was apprehensive of protests/demonstrations by Tibetan refugees in Nepal during the Premier's visit. An earlier scheduled visit, which was to

take place on December 20, 2011, was reportedly cancelled because China was not impressed with the security arrangements in Nepal. Chinese intelligence reportedly came up with information that there could be some demonstrations with black flags and attempts at self-immolation by some Tibetan refugees.

Following the cancellation of the earlier visit, the Deputy Prime Minister and Home Minister of Nepal, Bijaya Gachhadar, had visited China to reassure the Chinese establishment that there would be no disturbance by Tibetan refugees during the Chinese Premier's visit. Special instructions were given by China to the Prime Minister's Office and the Foreign Ministry of Nepal not to disclose news of the intended visit. China

also asked Nepal to allow only a limited numbers of journalists to cover the visit once the visit was announced.

Strangely, the visit by the Chinese Prime Minister was shrouded in secrecy.

Surprisingly, no media house in Nepal reacted to the decision. There were instructions from the Chinese embassy not to discuss the visit in the media in advance. There was no mention even about the financial and development aid that China was going to give to Nepal. Since the Nepalese government had sent in a request for a credit line of \$5 billion (over Rs. 400 billion) from China prior to the scheduled visit in December, China did not perhaps want much discussion on this subject, lest it aroused public expectations and forced China to commit more than it decided to offer. This, in a way, indicates the indifferent and condescending manner in which China wants to behave with its small neighbours like Nepal. All the arrangements for the visit were dictated by China.

Historically, China has behaved as a bully in its dealings with its neighbours, especially when it felt that it cannot actively control developments in its periphery and that this could lead to an eventual reduction of its sphere of influence in the neighbourhood. At present, apart from the election of a pro-China leader in Taiwan, China is not quite comfortable with the developments in its immediate periphery. It is not very happy about political developments in Myanmar. Its assertive policy vis-à-vis India has also not been effective. Moreover, Tibet remains China's soft underbelly, and of late, it has been feeling insecure due to the absence of a credible political partner in Nepal. To add to the Chinese worries, the Tibetan refugees have taken advantage of the situation in Nepal and have undertaken several protests against China in recent years. If the Nepalese political instability prolongs, Chinese micromanagement and intervention in Nepal will increase in future.

(Courtesy IDSA)

China And Nepal Should Develop Bilateral Relations From An Overall Strategic Perspective : Chinese Foreign Minister

Chinese Premier Wen Jiabao's just-concluded visit has promoted friendly cooperation with Nepal, Saudi Arabia, the United Arab Emirates (UAE) and Qatar, Chinese Foreign Minister Yang Jiechi said Thursday.

During his four-nation tour in the past six days, Wen attended more than 40 bilateral and multilateral activities and delivered important speeches at the opening of the Fifth World Future Energy Summit in Abu Dhabi and the Fourth China-Arab Business Conference, Yang said.

Wen's activities have demonstrated China's sincere wish and firm resolve to enhance political trust and strategic cooperation with Arab nations and highlighted China's notion and policy measures to follow a path of green and sustainable development, he said.

And the Chinese premier's active engagement with people from various circles of the countries that he has visited has been warmly and greatly appreciated, Yang said.

Despite its tight schedule, the visit has produced fruitful results and is thus a complete success, he said.

Wen's visit to Nepal, the first by a Chinese premier to the south Asian nation over the past 10 years, is aimed at further consolidating China-Nepal friendship, boosting mutual support, promoting cooperation in economy and trade, and expanding people-to-people exchanges, Yang said.

During his talks with Nepalese President Ram Baran Yadav, Prime Minister Baburam Bhattarai and leaders of major Nepalese political parties, Wen noted that China and Nepal should handle and develop bilateral relations from an overall strategic perspective.

The two sides need to expand practical cooperation on an equal and mutually beneficial basis and to steadily advance the implementation of related cooperative projects, the Chinese

premier said.

And China supports Nepal in seeking reconciliation, stability and development and establishing friendly relations with neighboring countries, Wen said.

It is the common aspiration of all South Asian nations to seek peace,



Chinese and Nepalese Minister Signing Agreement

stability and development, said Wen, pledging that China is committed to developing friendly cooperative relations with all the South Asian nations on the basis of the Five Principles of Peaceful Coexistence.

Wen's remarks were widely echoed by Nepalese leaders, who lauded his visit as a milestone one bearing vital significance.

Voicing their thanks to China's long-term firm support and generous aid, they stressed that Nepal attaches great importance to China's core interests, firmly adheres to the one-China policy and deems Taiwan and Tibet as an integral part of China.

They vowed that the Nepalese government will never allow any anti-China activities on its territory.

The two sides signed eight cooperative documents and issued a joint statement.

The international community has paid close attention to Wen's visit to Nepal and hailed it as an enormous support for Nepal given by a friendly neighbor through concrete actions, which is of great importance to Nepal's drive for economic development and the improvement of people's livelihood.

The Nepalese government, political parties and all social sectors have demonstrated a strong consensus on the China-Nepal ties and offered unflinching support for China's core concerns, said Yang, predicting a new leap forward in the development of the bilateral relations.

Xinhua

दैनिक मौज्दातमा

१२% ब्याज

प्रिमियर
+
प्लस
सेभिङ्ग

PREMIER
निःशुल्क
SCT CARD

प्रिमियर फिनान्स कम्पनी लि.

बुधकापट्टी, बसिनापुर, काठमाडौं, नेपाल
फोन नं. ४४२२२२, ४४२११०५
फ्याक्स नं. ४४२१-४४२०६९९
URL: www.premierfinance.com.np

ISO 9001:2008

Guillain-Barre Syndrome



-By BUDDHA BASNYAT, MD

In Nepal many neurological diseases go undiagnosed. This is because the field of neurology is complicated and difficult to comprehend. Furthermore we do not have enough neurologists to make a proper diagnosis. Many people get neurologists and neurosurgeons mixed up. The neurologist unlike the surgeon is not involved in operating on the patient. What he does is takes a careful history and examines the patient and after a good bit of thinking and diagnostic tests arrives at a conclusion about what is ailing the patient. If there is surgery needed then the patient is referred to the neurosurgeon. Most epilepsy, parkinsonism, and migraine headaches are some of the most common problem that a neurologist will encounter in his or her daily practice that usually does not require the help of a neurosurgeon. Another relatively common neurological problem is Guillain Barre (GB) syndrome that a competent general internist or a neurologist can effectively deal with.

In June 2011 there were reports of patients from Yuma County, Arizona, USA with GB Syndrome. This syndrome is very well known to Nepali doctors, partly because of its close association with gastroenteritis (diarrhea), a common problem in Nepal. In the neighborhood of Yuma County there had been an outbreak of diarrhea caused by a bacteria called Campylobacter Jejuni, the commonly implicated bacteria in immunologically triggering GB syndrome after a few days to weeks.

Campylobacter bacteria is one of the well-known causes of diarrhea in Nepal, and so it is not surprising that GB syndrome which presents with weakness of the legs (picture) is seen in Nepal. It is important to emphasize that only a small minority of patients with Campylobacter gastroenteritis suffer from GB syndrome. Obviously if we kept meticulous notes and had proper disease surveillance in place, we would indeed be able to pick up GB syndrome cases and possibly trace them to gastroenteritis outbreaks.

The weakness in both the legs can slowly creep up to the chest and face. In the chest the weakness may interfere with breathing, and hence GB syndrome patients need close monitoring. Most patients make a good recovery, but this may take months. Steroids are often prescribed, but they are useless. There are two modes of treatment: Plasmapheresis entails removal of the troublesome antibodies in the plasma by means of an especial machine. Intravenous immunoglobulin administration is the other therapeutic modality. Both are very effective, expensive, and seldom available here. However the main thing regardless of the availability of these therapies is to make sure that the patient has ventilator support if the need should arise as just competently dealing with the symptoms is often good enough. However,

ventilators are not available in many areas of Nepal.

So prevention of GB syndrome becomes paramount which means avoiding diarrhea even though not all GB syndrome needs a trigger like campylobacter-induced diarrhea. (Indeed GB syndrome can happen spontaneously, but there are reports that patients with the GB syndrome associated with campylobacter have a worse prognosis). Washing hands with soap and water, drinking boiled water, treating salad with chlorine or iodine tablets dissolved in water before consumption, and avoiding restaurant food cooked the previous day and kept without refrigeration (what with power cuts!) become crucial in the context of Nepal to try to try to avoid even that small chance of acquiring the GB Syndrome.

एककाइसौं शताब्दीमा नेपाल र
नेपालीको समुन्नत भविष्य
निर्माणको जिम्मा हामी नेपालीकै
हातमा छ । त्यसैले हामीमा
भएको अपार क्षमतालाई
खेर नफालौं ।



नेपाल सरकार
सूचना तथा सञ्चार मन्त्रालय
सूचना विभाग

Have a taste of Opportunity !



Royal.
Alina's Bakery Cafe

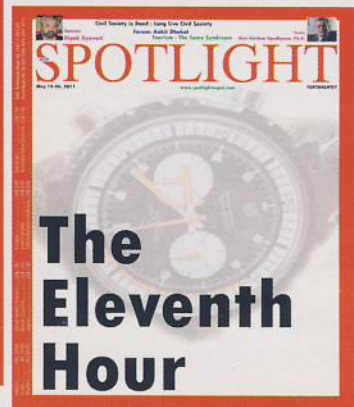
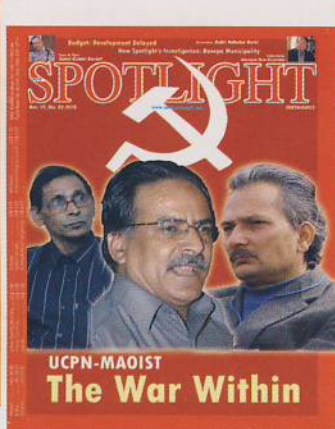
New Baneshwor
 Tel.: 4782946

New Road
 Tel.: 4253023

Jawalakhel
 Tel.: 5520544
 P.O.Box: 8975 EPC: 494

Read

NEW SPOTLIGHT



News Magazine Packaged with Up-to-Date News, Views and Analyses
Log on for news update : www.spotlightnepal.com

For Subscription and Advertisement :
 Tel: 977-1-4430250, Email: spotlightnepal@gmail.com



म आत्मविश्वासका साथ मन्छु म आत्मनिर्भर छु ।
अनि गर्वका साथ मन्छु म हिमालयन बैंकको ग्राहक हूँ ।

प्रमोद दाहाल (खुद्रा व्यापारी, लता कपडा)



SME Loan

व्यवसायको थालनी गर्न पुँजीको आवश्यकता पर्छ जसका लागि या त आफैसँग पर्याप्त रकम हुनुपर्छो या कर्जा चाहियो । कर्जाका लागि थुप्रै विकल्पहरु छन् -

- साना फाईनान्स वा वित्तीय संस्था: चर्को व्याज,
- ठूला बैंकहरु: ऋणभटिला कागजी प्रक्रिया ।

तर हिमालयन बैंक पनि त छ, जुन ठूलो बैंक भएर पनि हामीजस्ता साना व्यवसायीहरुको साथ दिन्छ । जस्तै, यसको SME Loan सुलभ ब्याजदरमा बिनाऋणभट उपलब्ध हुन्छ । मैले पनि यही अवसरको फाइदा उठाएँ... आज म आत्मविश्वासका साथ मन्छु, म आत्मनिर्भर छु । अनि गर्वका साथ मन्छु, म हिमालयन बैंकको ग्राहक हूँ ।

यो कर्जा हिमालयन बैंकका कुनैपनि शाखाबाट लिन सकिन्छ ।

ठमेल, न्यू रोड, टेकु, पाटन, भक्तपुर, महाराजगंज, चाबहिल, नयाँ बानेश्वर, नारायणगढ, स्वयम्भु, सोह्रखुटे, डिल्लिबजार, धनगढि, कलंकी, सातदोबाटो, बत्तिसपुतलि, हेटीडा, विराटनगर, धरान, वीरगंज, टौंडी, भैरहवा, बनेपा, पोखरा, बुटवल, नेपालगंज, इटहरी, पाल्पा, घोराही, त्रिशुली, दमक, बागलुङ, पर्सा, गोरखा, बाह्रबिसे, कावासोति

मुख्य विशेषताहरु

वार्षिक ब्याजदर	१३% - १५%
कर्जा रकम	रु. ५ लाख देखि
कर्जा अवधि	९० दिन - ६ वर्ष



हिमालयन बैंक लिमिटेड
Himalayan Bank Limited
(A Joint Venture with Habib Bank Limited - Pakistan)

The Power to Lead

Corporate Building
Shanti Marga, Kamaladi
Phone No. 4246218, 4246219
Fax. No. 4222800
E-mail: hbl@himalayanbank.com
Website: www.himalayanbank.com