



**Opinion:**  
Dipak Gyawali



**Face to Face:**  
Shoko Noda



**Viewpoint:**  
Dr. Tilak Rawal

# New SPOTLIGHT

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## Editorial

Following the handing over of former Maoist combatants and cantonment to Nepal Army, Nepal's peace process has come closer to its logical end and the country has certainly made a major progress in the peace process. Despite this, the country is yet to see any real breakthrough in the constitution writing process. It seems that it will take a long time for country's major political parties to find consensus over the fundamental questions of the constitution. One of the positive sides is that a phase of deadly violence, that erupted mysteriously in Nepal, seems to have ended mysteriously again. At the time of writing this piece, the number of combatants to be actually integrated in the army will be less than 3,000. As the deadline for the promulgation of the new constitution is coming closer, we have decided to look at the constitution writing process in this issue. As in the past, our aim is to explain the story with another angle. Given Nepal's ongoing political process, what we can say now is that Nepal still needs to go a long way before finding a political stability that is so much needed for the overall development of the country. We have looked at the various forces and their roles in the constitution writing process.

Along with the cover story on constitution writing, this issue includes various articles related to Nepal's development process as well as interviews that shed light on current issues. We wish our readers and patrons Happy New Year 2069.



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## India Gifts 12 Bolero Vehicles

India gifted 12 Bolero 4-wheel drive vehicles to Nepal for expeditious implementation of Indian assisted large projects in Nepal, namely, construction of roads in the Terai area of Nepal, construction of integrated check posts and construction of cross border rail links and for monitoring it. The vehicles were handed over by Ambassador Jayant Prasad to Hridayesh Tripathi, Minister for Physical Planning and Works, at a ceremony held in the Ministry premises at Singha Durbar in Kathmandu.

Speaking on the occasion, Hridayesh Tripathi, Minister of Physical Planning and Works, thanked the government of India for accorded highest priority to the expeditious completion of ongoing



connectivity projects in Nepal which would accelerate the economic development of the country.

Ambassador Jayant Prasad expressed the hope that these vehicles would enable government of Nepal project officials to effectively discharge their responsibilities for the expeditious completion of these projects which would lead to greater economic prosperity in the region.

## Joanna Lumley Visits

Vice-patron of the Gurkha Welfare Trust Miss Joanna Lumley OBE is visiting Kathmandu to open a school, built under the Trust's supervision in the Western hills, to the memory of Captain Michael Allmand VC, Honorary Lieutenant Tulbahadur Pun VC and her father Major James Lumley,

The Gurkha Welfare Trust, a charity funded largely by public subscription in the UK, spends some NRs 10 billion per annum in Nepal. Its work, which encompasses individual aid, community aid and medical support, helps retired British Gurkhas, their families and communities.

## India, U.S., Japan Welcome Progress In Peace

India, US and Japan have welcomed the agreement reached on 10 April 2012 on Army integration. The Indian government said it welcomed the constitutionally mandated Army Integration Special Committee (AISC) on taking forward the process of integration and rehabilitation of the former Maoist combatants in consonance with the past agreements. India also expressed the hope the Nepali-led and Nepali-driven political processes would be taken to their logical end within the time-frame agreed by the political parties, ushering Nepal into a new era of peace and democracy.

Similarly, the Embassy of the United States commended the people of Nepal on recent significant advances toward

concluding the peace process. "The handover of the Maoist cantonments and weapons marks a milestone in this process, and we applaud the national political leadership for their determination and statesmanship at this crucial juncture," it stated.

"As a long-term friend and partner, the United States strongly supports Nepal's commitment to peace, democracy, and stability for all its citizens," said the press release of US Embassy.

Similarly, the Embassy of Japan in Nepal welcomed the latest political development on the peace process in which the major political parties reached a seven-point agreement to resolve, once and for all, the disputed issues on the integration of former Maoist combatants into the Nepal Army. The Embassy commended the strong commitment displayed by the leaders of the political parties to achieve this breakthrough, which has given a powerful momentum to complete the peace and constitution legislation process within the stipulated time.

## Millennium Challenge Team In Nepal

A delegation from the Millennium Challenge Corporation (MCC) arrived in Kathmandu for a series of meetings with the U.S. Embassy, Government of Nepal officials, and civil society leaders. The delegation is led by James Parks, who served as a Peace Corps volunteer in Nepal from 1982 to 1984.

This marks the MCC's first visit to Nepal since the announcement in December that Nepal was selected as

eligible to develop a Threshold Program. **Climate Change Support Launched**

The Ministry of Environment launched the Nepal Climate Change Support Program at the International Conference of Mountain Countries on Climate Change in Kathmandu. The first phase of this Euro 16.5 m (NRs 1,800,000,000) program aims to reduce the vulnerability of 2 million women and men in the Mid and Far West of Nepal where the impacts of climate change are already being felt.

The program, with funding provided by the European Union (Euro 8.6m) and the UK DFID (Euro 7.9m) and technical support from UNDP, will be the first initiative to put the Government's National Adaptation Programme of Action (NAPA) into practice. The EU is providing this financial assistance from the Global Climate Change Alliance (GCCA), which was formed in 2007 to help Least Developed Countries (LDCs) and Small Island Development States (SIDS) to integrate climate change into their development planning. As reflected in the May 2010 Joint EU - Asian LDC Declaration on climate change, the EU including the UK is committed to working together with the most vulnerable countries to mobilise political support for stronger action on climate change.

The first phase of the programme will focus on 14 districts in the Mid and Far West of Nepal which the NAPA identified as the most climate vulnerable and in urgent support need of assistance. ■

## NEW SPOTLIGHT

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## "Prime Minister Is Kept In Dark And Is Receiving Wrong Advices"

BAL BAHADUR TAMANG

Chairman of Nepal Association of Foreign Employment Agencies (NAFEA)

You have been elected as the chief of Nepal Association of Foreign Employment Agencies. What will be your first priority?

All my friends have given me the responsibility by electing me at the helm of the NAFEA. First of all, various problems are seen in the work done by the foreign employment department. There are problems with pre-work and final work permits.

Even after the department gave final work permits, there have been cases where workers have been sent back from the Tribhuvan International Airport. Government organizations have crossed the limits of giving troubles to businessmen. My first task will be addressing this issue. For the long term, we will organize a one-week program for all the things that need change and we will bring all the 'mission vision' within that time. That program will come with plans of works which can be done in 1, 2 and several years.



Preceding persons at the helm of this association had also made similar commitments but they never came into effect!

I have seventeen years of experience in this sector. I know this sector should be managed and disciplined. All the troubles I have encountered during my career are the common problems of all the businessmen. I will not only make commitments but will also prove by my work.

You have been working as the crucial medium to bring in huge amount of remittances. Has the government given respect that you deserve according to your role?

No, our contribution to GDP is around 23.6 percent. 56 percent of households are seeking direct benefits due to this sector. We have not got the respect from the state that we deserve. There have been no investments from the government as required for foreign employment like technical schools, colleges, and training centers. There is a need of investment in this sector.

Prime Minister Dr. Baburam Bhattarai is showing a lot of interest in this sector!

Yes, his interest is appreciable. But it makes me sad as the prime minister has not been able to understand the actual reality. He is showing interest as he saw bad condition of a few Nepalese at transit at Qatar while returning from America. More than 6 lakh Nepalis work there and he believed what Nepalese Ambassador at Qatar told him. He should have gone to departmental stores and development sectors there to know the real situation.

It is not possible for an architecture engineer like him to understand foreign employment by himself and the people who are giving him advices are giving him all the wrong advices. People who are working with him and giving him advices have no real knowledge of the reality in foreign employment. ■

(Karobar)

## PRACTICAL ACTION

# The Rojgari Answer

Practical Action, with financial support from the European Union and in partnership with merojob.com, recently launched 'Rojgari', a web portal (www.rojgari.com) amidst a ceremony. The web portal under the ROJGARI project is aimed at decreasing the unemployment rate in the country by helping people search jobs matching their skills in Nepal and abroad.

The portal is similar to other existing job sites in which both the job seekers and employers can create their accounts highlighting necessary details and requirements. It is a free service and is a labor market information system which is mainly targeted for the poor and the people in need.

"The web portal is immensely useful to both job seekers and employers as it will both parties to connect, know each other and share information that promotes transparency, healthy competition and information sharing," said Achyut Luitel, Country Director, Practical Action.

According to the portal developers, Rojgari aims to address a diverse workforce, especially people with vocational and technical training certificates and entry level experiences. It brings them together under a single hub and helps organizations that are in need of workers and employees. The employers can contact the people they like directly and save time as well as cost.

The portal aims to help not only local employers but also foreign employers who want employees making effective use of online sites.

"Rojgari.com is an answer to the need of people who are skilled but have problems finding jobs. The main challenge is linking jobs to correct people. It will also help employers find the right persons at the right time. I hope it will help decrease unemployment rate in Nepal," said Shailendra Raj Giri, Managing Director at merojob.com.

As the portal is targeted at the people who are poor and people at the rural places, various plans have been made to reach the concerned people, said an employee at Practical Action. However, it is not restricted only to them. The city people can also make use of the portal.

"According to data released by research companies, some 4 and a half lakh people enter markets every month seeking jobs but only 50,000 jobs are created. There are some gaps in the employment process between the employers and unemployed people," said Dr. Man Bahadur Biswokarma, Director General at the Department of Labor, who launched the web portal. "Two-thirds of the people have to go abroad for employment," he added.

Unemployment has been a major hindrance in the economic growth of the nation. People having skills and willingness to work have also been deprived of work due to lack of contacts and effective job opportunities, especially in the rural areas. Employers have also been facing difficulties in finding skilled people. Hence, Rojgari web portal might act as the bridge and help ease the nation's employment problem for the good. ■

By Debesh Adhikari



# The Abyss Stares Back



By DIPAK GYAWALI

A famous aphorism of Nietzsche advises: *Battle not with monsters, lest ye become a monster, and if you gaze into the abyss, the abyss gazes also into you.* The much-hyped Hattiban retreat earlier this week failed to produce, leave alone an elephant, even a measly mouse of a direction ahead. Now Nepal's ruling oligarchy must be finding the abyss staring back into the emptiness of their leadership bereft souls. The abyss is also staring into the hearts and minds of their EuroAmerican and Mughlani underwriters, leaving the former to pull back on their fund disbursing largesse and the latter to engage in more headless adventurism through disreputable interlocutors.

The political adventurism of 2005/2006 has produced the sad finale of keeping this venial Baburam-Madheshi warlord dispensation barely alive in a political ICU. It cannot be allowed a dignified death since it is too late, with barely over a month left for the self-extended CA term to end, to go for fruitless rounds of elections for a new prime minister. The Kangress and the EhMaLeys thus find themselves in a "no options trap" as rubber-stamp bystanders. A new peoples' constitution cannot be drafted under existing constitutional provisions without mangling them and essentially bypassing the Nepali people. The hairy issues of federalism, power balance therein, and the overall governance framework have become even more hairy and intractable. The devious manner in which secularism and republicanism were foisted

into the innards. The so-called political mainstream is not in a healthy state, and the failure at Hattiban is only one more symptom that it is visionless and bereft of any moral high ground. Indeed Prachanda, Sushil Koirala and Madhav Nepal, judging from their recent ranting about the alliance of royalists and Maoist hardliners, seem to be troubled by nightmares of a crab-like pincer of nationalists and those seeking social justice emerging from the abyss.

Even the president of this "republic-in-making" had to step in, as he has in the past in the Army chief's unwarranted dismissal case, to warn that he will not put his signature on a constitution that will lead to the country's disintegration or balkanization. Criticism against him for this statement, which Loktantrick hardliners see as "anti-federalist", has been rather mute compared to the previous instance with Gen. Katuwal because it reflects a majority sentiment against half-baked federalism. And there is no intellectual fire, or the time

anymore, to bake anything rock solid on federalism, because no party has any idea what it really means for Nepal's governance. Furthermore, this admonishing is merely the carrying out of normal head-of-state duties, by president or king, no matter how ceremonial. The bigger irony is that the neo-feudal heads of big political parties could not stand a constitutional king exercising Article 127 that the parties themselves had asked him to exercise when they themselves failed to go for



Political Leaders

on the country is seeing the emergence of new resentments, their frightening implications for Nepali politics in the days ahead being among the trolls emerging from the abyss. A new mandate is required from the people as the one given in 2008 ran out two years ago, but no leader left or right has any idea how to bring about new elections, for what and under what arrangements (barring those who argue for going back to the 1990 constitution to at least hold legitimate elections for a democratic dispensation).

A professor of mine used to admonish students about badly designed scientific experiments by saying: *if you don't know where you are going, any road will take you there.* It applies sadly even more aptly to the Loktantrick experiment carried out on Nepal, which has seen a series of ad hoc improvisations, agreements and betrayals since the 12-point Delhi compromise in November 2005. The first to be betrayed was the king and now it has been the turn of the Maoist guerillas in the cantonments. One hears of rationalizations that it is only appropriate to marginalize these two extreme fringes; but that argument would hold only if the so-called center was sound and the fringes not eating

elections, and decided to replace him with a ceremonial president and a CA fully empowered to exercise full sovereignty. Ironically, what the people find they now have instead is a CA that merely rubber-stamps decisions of three or at best half a dozen party oligarchs and a president that the parliamentary parties themselves need to have step forward to maintain order if the political world as we know it should end on May 28<sup>th</sup>. It is another instance of the abyss staring back, an abysmal situation brought about by betrayal of agreements, gentlemanly as well as multi-pointed, and the lack of political foresight.

The 10<sup>th</sup> April betrayal of the Maoist fighters by their own leadership that ordered the sudden army capture of Maoist cantonments will have more serious consequences in the days ahead. It lifts the lid off a can of worms of half-truths, propaganda and outright falsehoods that has been the mainstay of Loktantra. And how the angry Maoist fighters as well as the parliamentary parties that had been porters to the Maoist agenda so far deal with them will determine the course of the political circus in the pre- and post May 28 deadline.

Stepping back to list some of them (with help from what has appeared in the political weeklies) may give a feel for the terrain, and the manner in which the Maoist establishment will seek to counter the parliamentary parties as well as its own hardliners.

As the Shaktikhor tape indicated, there never were nineteen thousand fighters but only about five thousand. The number was inflated by Prachanda on advice from Girija Koirala who needed to scare the RNA into docility, and UNMIN's Ian Martin obliged. About two-thirds of the real Maoist fighters became YCL storm troopers, extorting and arm twisting so that the Maoists emerged as the largest party in the CA. The remaining fifteen or so thousand in the camps were new recruits and part-timers who received full ideological and military training in the camps these half-dozen years at state expense. More than eighty to ninety percent of them, including the most hard-core fighters, will remain outside of sequestration in the newly-created (and disarmed) "forest and factory guards' directorate". They will be, as security analyst Rajendra Thapa Bhuimanchhe writes, match-sticks scattered over 4000 VDCs, ready recruits for new political violence. Furthermore, with the best arms not in UNMIN containers but "swept away by rivers" to quote Prachanda – again, as reported, on advice of Girija Koirala – and subsequently partly sold to armed Tarai groups and also Indian Maoists, they have the potential to fuel new violence. A frightening abyss stares back.

Why did Prachanda and Baburam conduct such a coup against their own? Some inkling can be had if one reads Trotsky's *Russian Revolution*: as doctrinaire Leninists, they need to hang on to power post-May, and only an alliance with the Nepal Army will help in that, even if it means sacrificing their own. In the disorder that will ensue with a constitution disliked and burned by many or without one, it will be the "soviets of workers and soldiers' deputies" backing Baburam's provisional government that will call the shots. Unless, of course, the abyss stares back and frightens the rest into sense.



NEPAL-INDIA RELATIONS

## Beyond Treaties

*Scholars and experts discuss Nepal-India relations in the changed context*

By A CORRESPONDENT

Nepal's foreign relations expert Dr. Lok Raj Baral considers that whether there is any treaty or not, Nepal-India relations will remain the same provided there is a continuation of their existing systems. Professor Baral's argument is that Nepal and India are so close that they cannot just rely on the treaty relations only.

At a program organized by the Central Department of Political Science with the support from B.P. Koirala India-Nepal Foundation, scholars and academicians from various walks of life expressed their views regarding dimensions of Nepal-India relations.

From border to culture, religion to language, Nepal and India have so many commonalities. This is the reason the treaty relations alone cannot accurately reflect the situation of bilateral relations. Treaty only defines the state to state relations but Nepal-India relations have much wider scope.

"Nepal-India relations are very much complex and they require extensive exercise," said Dr. Bhekh Bahadur Thapa, former foreign minister and former Nepalese ambassador to India.

Attended by academicians and experts from various walks of life, the two-day seminar focused its attention on the theme of Nepal-India relations in broader contours. "India always gives high priority to its relations with Nepal. At a time when India's economic growth is getting higher, Nepal has a lot of potential to make benefits from it," said Indian ambassador to Nepal Jayanta

Prasad. "India always wants to see Nepal as a economically strong and prosperous state."

Presenting his paper, professor Ram Kumar Dahal said Nepal's relations with India are a question of survival or a question of life and death in the present context. "Nepal's relations with India are not a simple but very complex," said Dahal.

Nepali Congress leader Amrishi Kumar Singh, however, had his own views. "Whenever Nepal and India's scholars talk on Nepal-India relations, they often ignore the stakeholders who live in the border points. They will be the people of Madhesh, who will face all kinds of problems, when there is a change in the relations between the two countries.

Although many raised the questions on various issues including the treaty relations, the discussions were modest and realistic, devoid of too much rhetoric. "Treaty is never going to treat one party's interest only. It is like a marriage when there is always give and take," said JNU's Professor SD Muni. "India-Nepal relations have passed through various stages, yet they have constantly remained stable. India's concern in Nepal always is driven by her own security and that is her natural concern."

The discussions focused more on various complexities of Nepal-India relations, rather than focusing on a single agenda. This is a good beginning and more realistic approach to take stock of where the two countries on several issues of their bilateral interests. ■

# Due Credit Distribution

By DR. TILAK RAWAL



The much appreciated rigid stance of the Supreme Court on the Constituent Assembly tenure extension, ordering the concerned that it cannot go beyond 27th of May, has left major political parties with no option but to expedite the peace process and come up with some kind of a constitution, probably not a complete one, by that time. With the Special Committee's decision of May 10<sup>th</sup>, former Maoist combatants, their weapons and the cantonments have come under the control of Nepal Army. The encouraging factor here is that the decision has been executed without much resistance. Let us hope that no Maoist combatant remains uncared for in a couple of weeks' time, if not in days. Another positive development that has ended the five-year-long debate amongst political parties is their decision to form the much talked about two commissions on truth and reconciliation and on inquiry into disappearances. Major political parties look serious at last and peace and constitution preparation work will soon see a positive conclusion provided the factionalism within UCPN-Maoist does not stand as an impediment. With two camps within the party organizing separate gatherings and the leaders (this time Prachanda and Baburam on one side and Kiran on the other as usual) trading accusations in an unprecedented manner, the current intra-party feud looks to be really serious. It may be mentioned that Kiran's faction has condemned the Special Committee's decision in strong words, despite warm reception of NA teams by Maoist combatants in different cantonments. Hope Prachanda succeeds in resolving the crisis in his party without letting it jeopardize peace and constitution, for which he has publicly vowed several times to make any kind of sacrifice. Deservedly, major chunk of the credit for the good work should go to him. There will be several claimants but the Supreme Court, expected to remain silent, should not be forgotten followed by top leaders of NC and UML. Prime Minister Bhattarai should also be given credit for showing interest and taking initiative under the guidance of top leaders, more specifically that of Prachanda on peace related matters. Hope staging chakkajam, organizing torch rally and burning effigies of Dahal and Bhattarai, accusing them of betraying the revolution, by the hardliners does not last long. People do not want leaders to backtrack on the peace process, which many of us think has reached an irreversible point. The two-day sojourn of top leaders in Hattiban where they are said to have made a good progress on the contentious issues related to the constitution, has provided people with a welcome breath of fresh air in the dust-filled Valley. Kiran's presence at Hattiban and decisions by a large number of combatants to opt for retirement could also be taken as a positive development.

Another positive development people have begun to appreciate relates to the expansion of roads led by the Kathmandu Valley Town Development Center (KUTDC) in cooperation with traffic police and the Department of Roads. The work done so far is a glaring example of the fact that if local bodies and concerned departments proceed with sincerity, things can move ahead irrespective of which party or individual is leading the government. Looking at the highly satisfactory work accomplished so far, one finds no reason not to believe KUTDC's plan of broadening 440 kilometers of valley roads in two years. Those rendered homeless in the process, however, will have to be looked at

with special sympathy. Of late, Prime Minister Bhattarai is reported to be apprising himself of the progress achieved and issuing instructions to the concerned at regular intervals. Hope his new-found love for the project is not just an effort to earn some credit from the good work conceived much before he headed the current government some seven months ago. The desire to win some credit from the rare good work could be found in some other ministers who may have something to do with the project even in a remote way. Hope Bhattarai's support and encouragement in this case will encourage others also to go for exemplary works of this kind.

Whatever little credit the Prime Minister earns from the above is likely to be more than neutralized by his failure to stir the stagnating economy, and provide relief to the needy, despite his repeated commitments. Repeated hike in prices of petroleum products have not led to any mention worthy improvement in the supply of the same: people still have to wait for weeks to get a cylinder of cooking gas. Hope the distribution of LPG consumer cards to people eases the problem. Likewise, export/import ratio has deteriorated, trade deficit is increasing at an alarming rate and total merchandise exports can

**Action taken by the Prime Minister are few and far away and the general impression amongst the people is that a few lightweight petty thieves have been punished but the heavyweight dacoits robbing this poorest South Asian country are left untouched, creating doubts in people's minds about his commitment and integrity.**

fund only 85.6 percent of the import of petroleum products. More disappointing is the performance of government in relation to expenditure management. It may be noted that capital expenditure accounts for only

8.8 percent of the combined total of recurrent and capital expenditure. By Finance Ministry's own admission, by the end of the ninth month of the current fiscal year, capital expenditure accounted for only 31 percent of the budgeted amount of Rs.73 billion under this head. Huge cash surplus amounting to around Rs 31 billion is lying with Nepal Rastra Bank. Similarly, the rate of increase in total credit disbursement has gone down and so has flow of credit to the private sector. Financial institutions are reported to have parked with the central bank around Rs. 33 billion more than what is required by the monetary authority as cash reserve ratio. Credit deposit ratio (CD ratio) of the banking system currently is below the recently lowered ratio of 80 percent. Both fiscal and monetary policies do not seem to be contributing towards galvanizing the ailing economy. Capital market is showing encouraging symptoms of late, probably buoyed by news of positive development on the political front, after remaining sluggish for a prolonged period of time. A consistent upward trend in the capital market, however, will need further work on the peace and stability front. Rampant corruption in the country has discredited the government, more specifically its leader who has failed to initiate any substantial action, despite his repeated utterances over time to do so. Action taken by the Prime Minister are few and far away and the general impression amongst the people is that a few lightweight petty thieves have been punished but the heavyweight dacoits robbing this poorest South Asian country are left untouched, creating doubts in people's minds about his commitment and integrity. What should not be forgotten is the fact that agencies studying and examining the extent of corruption have found Nepal as one of the most corrupt nations and there are no signs of it going down as it remains unabated in this country.

Dr. Rawal is CA Member and Former Governor of NRB



## CONSTITUTION PROMULGATION

# No Panacea

With or without the new constitution, Nepal's present political instability is likely to continue for a long time to come. Given the present political scenario, it is almost certain that no constitution will bring a long lasting political stability, which is a prerequisite for Nepal's overall development. After surprising the people with a decision on the integration process, leaders of four major political parties have failed to find consensus on the form of government, state restructuring, judiciary and fundamental rights and number of provinces. Differences among Nepal's major political parties are so intense that they cannot alone bring any consensus law of the land

By KESHAB POUDEL

Nepal's eminent constitutional lawyer Ganesh Raj Sharma (retired) wrote in his last article in Himal Magazine (May 2008) that given no agreement on a single fundamental of the new constitution, there are rare chances of a new constitution being drafted by Nepalese political forces. So, will Nepalese get the new constitution only through the backdoor and one that is drafted elsewhere?

As predicted by Sharma four years ago, there is a rare chance of any agreement on some of the core issues of the constitution among Nepal's political forces and the possibility of its promulgation remains far away.

Nepal's 601-member strong Constituent Assembly has spent almost four years since its elections, extending its own life two years beyond the original mandate to make the constitution. There are still 107 issues, including the fundamental issues of the form of government, state restructuring and judiciary and elections process.

Although the thematic committees of the CA handed their reports nearly two

and a half years ago to the Constitution Committee, the change of four governments in four years, put the task of constitution drafting in a limbo. Two major political parties Nepali Congress and CPN-UML were insisting all along for completion of the integration process before getting down to completing the constitution making process.

After long debates and disputes, the integration process has come closer to an end following an agreement between Maoist leader Pushpa Kamal Dahal Prachanda and other political parties to hand over the Maoist former combatants and cantonments to Nepal Army.

After the efforts of Mohan Baidhya's supporters to snatch arms and ammunitions from cantonment and manhandle commanders and sympathizers loyal to Maoist leader Prachadna, Prime Minister Baburam Bhattarai and Maoist leader Prachanda suddenly moved a proposal to call Nepal Army to control cantonment. Following entry of Nepal Army into the camp, the number of Maoist combatants to go for voluntary retirement suddenly swelled

and more than 6000 combatants have already chosen retirement.

## Hattiban Meet

Hoping to see a breakthrough following the agreement on integration, political parties rushed to Hattiban to find some consensus on constitutional matters. However, they are unable to make any headway. Nepali Congress and CPN-UML, which were saying that they will produce the constitution in a few days once agreement on integration was over, are yet to budge on the fundamental issues of constitution.

Nepali Congress is reportedly flexible on citizenship and election process but it has its own stand on governance, judiciary and state restructuring. Similarly, CPN-UML is flexible on electoral process, citizenship and form of government but has its own stand on state restructuring. Maoists and Madhesis have their own interests and stands.

At the meeting of half a dozen leaders of four political parties, some CA members have already questioned their legitimacy and right to strike deals on

the constitution inside a room. Leaders of four political parties, they said, looked like reducing the size of CA from 601 to four leaders.

"The constitution promulgated by consensus of four leaders is unacceptable to us," said UCPN-Maoist leader Pampha Bhushal. "There is the need to debate the constitutional issues in open parliament."

Similarly, Nepal Federation of Indigenous Nationalities has also opposed the move of some leaders of political parties. "The constitution promulgated outside the CA is not acceptable to us. Federalism should be based on ethnicity and identity," said leader of NFIN.

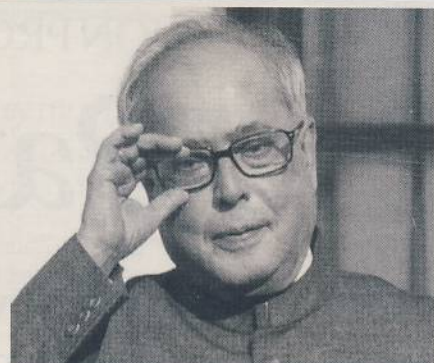
As such, the issue of independent judiciary, accountable government, election process, power to the people and fundamental rights were settled a long time before, some sixty years ago, when Padma Sumsher promulgated the first constitution of Nepal. All other constitutions after that have also settled these issues and Nepal has held several elections too.

However, all these issues including, who is going to exercise the executive power, how power shall be shared between the center and the grass root level, independent judiciary as well as the fundamental rights and questions of accountability are rocking the process. There are differences among major political parties over all these issues.

"We have made a major progress in citizenship issue and there is also certain progress in forms of government, judiciary and state restructuring," said CPN-UML leader Jhalanath Khanal. "I am confident that we can settle the major



Maoist Leader Prachanda



Indian Finance Minister Pranab Mukharjee

disputes of the constitution."

Along with CPN-UML leader Jhalnath Khanal, Nepali Congress leaders too have their own stands. "There is no question to support an executive president who is going to be another autocrat. We want to continue the present form of parliamentary system," said NC leader Ram Chandra Poudel. "We are committed to independent judiciary and provinces based on economic capability," said Poudel.

However, Maoist leaders have outrightly rejected proposals by Nepali Congress and CPN-UML. "We have already sacrificed everything before Nepali Congress and CPN-UML and we cannot do that any more. Our bottom line is executive president and provinces based on ethnicity," said Dev Gurung.

Two days of exercise in Hattiban Resort, 10 kilometers south-west of the capital, failed to produce any consensus on disputed issues of the constitution. Whether one likes it or not it seems that political parties have to go a long way before agreeing on the fundamental issues to be incorporated in the new constitution.

#### Role of India

At a time when political leaders are engaged with these exercises at home, UCPN-Maoist leader Prachanda has made it clear that Nepal needs Indian support to bring the new constitution. In his interview to Indian daily Hindu, Prachanda admitted that India played a

key role in Nepal's political development. "The 12-point understanding was signed in Delhi, which had the tacit Indian support, otherwise it was not possible. CA elections would not have been possible. There could have been problems with the declaration of a republic. Now also, to take peace and constitution processes to their logical conclusion, without the Indian support, it will be very complex and difficult," said Prachanda.

Indian minister Pranab Mukharjee was the first person to reveal that the Maoist in Nepal agreed to listen India's advise. Pranab Mukharjee, India's foreign minister, tells Al Jazeera's Riz Khan about India's support to Maoist in January 27, 2009.

"In fact, in our modest efforts we try to maintain peace, tranquillity in our immediate neighbourhood but also in the extended neighbourhood. I am just giving you an example when there was trouble in one of our Himalayan countries, our neighbor Nepal, we persuaded the political parties which resorted to guns and violence, the Maoists in Nepal, that they give up violence [and] participate in the mainstream national political activities. They agreed, listened to our advice and now in collaboration with other democratic parties they formed the government, they are leading the government," said Mukharjee.

As there are growing differences among country's political forces over the fundamentals of the constitution, Prachanda's remarks are meaningful. As Nepal's imminent constitutional lawyer predicted, there is the possibility to have a constitution formulated outside. In the context, Nepal's present stalemate will continue whether there is a new constitution or no constitution. ■



CA Meet



# Man Of Many Seasons

By YUBARAJ GHIMIRE

For Maoist chairman Prachanda, managing personal threats— both physical and political— has emerged as the biggest challenge. The threat meted out to his loyal commanders in Shaktikhor and Butwal by ‘renegade’ combatants was not a threat to them alone. Prachanda, using his clout over the Prime Minister, got Nepal Army deployed illegally in the cantonments to save his party cadres. Deployment of the National Army without the National Security Council recommendation and without the President, the Supreme Commander of the Army, being informed, is constitutionally flawed, and politically dangerous. Maoists have once again got an opportunity to play politics with the National Army: ‘follow our command, or else you will be defying the principle of Civilian Supremacy’.

For Prachanda, it is a question of greater victory. A call from him to the Prime Minister has a much bigger power than that of the Constitution. Troops moved in on April 10 instantly, and disarmed the combatants who had ‘arms’ for personal security, and then controlled the weapon containers in the cantonments. But almost all the combatants now are a terrorized lot. Most of the 9,705 combatants, who had opted to join the Nepal Army earlier, have backed out. In the final count, only 3,500 plus may make the bee-line to offer their services to the Nepal Army provided they were found ‘qualified’ under the relaxed criteria. But the decline in the number speaks volumes about the state of mind, and psychology of the combatants. In a way, those who backed out have defied the party high command which, in a way, is also the expression of lack of faith in the party leadership.

Dahal tried to put up a brave front in Dhulikhel during a cadre training programme on Wednesday that the combatants were going to join the ‘transformed army’, and not the old army. Nothing could be farther from the truth. But he needs to conceal the fact from the cadres that the Maoist leadership felt defied and overruled by the combatants on the issue of joining the Nepal Army which he, and Bhattarai, dispatched to the cantonments on April 10 as protector of the ‘combatants’ loyal to the duo. There is no doubt, a natural fear among the potential recruits—both at officer and lower levels in the NA—that would be at the mercy of the force that was once the ‘deadly foe’ of the ‘Peoples Liberation Army’. Secondly, as the factional feud within the UCPN-M grows more intense, those joining the Nepal army would be seen more as ‘deserters’ by others, including the followers of Mohan Baidhya Kiran. Third, for many, it was much wiser to accept the financial package under the voluntary retirement package, instead of queuing up for a job where training will be far more rigorous.

Nothing would be bigger defeat for Prachanda, a former supreme commander, than being defied and overruled by the ‘combatants’. And nothing could be bigger for Prime Minister Baburam Bhattarai than to see Prachanda in that state. No doubt, Prachanda and Bhattarai appear as strongly cemented personalities in the current polarization within the UCPN-M, but their friendly bond is deceptive. That is why Prachanda took Bhattarai’s real rival in the party, Mohan Baidhya Kiran,

along with Ram Bahadur Thapa Badal and Dev Gurung, to Hattiban resort, apparently as a message to Bhattarai that ‘I am still stronger than you’. Prachanda’s many maneuvers post-army deployment days are aimed at telling the world that ‘I am the leader’ and not Bhattarai. Similarly, Prime Minister Bhattarai knows that once Baidhya is out, Prachanda will lose the power of playing Baidhya against Bhattarai or the other way round.

In the post NA-deployment days, Prachanda has also doubled his efforts to appease India—once the much derided ‘foreign lord’—and tell its leaders that he no longer harbours anti-India feelings and that he could be trusted as much as India trusts Bhattarai. Major political parties, on the other hand, have been treating the people this time like they treated king Gyanendra after April, 2006. G P Koirala took the oath of office from the king soon after the mass movement was called off following political settlement and reinstatement of the House of Representative. The House announced Monarchy will continue. Later, they said the monarchy’s fate will be determined by the first meeting of the constituent assembly. All these exercises, encouraged by major external player (s), were being carried



Maoist Leaders

by the political parties in Nepal.

Height of institutional dishonesty was demonstrated when the ‘sovereign parliament’ met on May 28, 2008, and allowed K P Sitaula—a tress-passer—to present a resolution for the exit of the monarchy in the dead of the night, and endorsed it. Once a parliament is constituted, only a newly formed government after that duly takes oath of office can push the business of the House ahead. No one who is a non-member entering the House is penalised as a tress-passer. K P Sitaula was just that on that day. The CA tolerated the insult of being dictated by a tress passer.

That’s how Monarchy’s fate was decided. And that is exactly what these parties are doing to the Nepali people now. The interim constitution and the time-table published (and revised) from time to time have always defined the time-frame for gathering people’s response to the draft they have prepared. Each time, they miss the deadline, and extend it, they reduce the time-frame allotted to solicit public opinion. Now with less than 40 days left, the Speaker, all party Business Advisory Committee and Constitutional Committee are going to endorse the new proposal to deny people any role or opportunity to express their recommendation.

Prachanda has now openly invited India’s cooperation, but is least regretful over people being denied any role in the constitution making process. He has become a slave of his megalomania, and in the name of ‘displaying courage’, is undermining the role and right of the people in the constitution making process. Bhattarai is doing exactly the same thing, and indulging in credit-hogging exercise. But in the final count—when they will make all undemocratic and anti-constitutional exercises to meet the deadline ‘through any type of constitution’, there is every chance of their being established as ‘anti-people’, not only ‘anti-combatants’. ■

# “The Nepalese Based In Russia Have Contributed Immensely”

DR.SERGEY VELICHKIN

Having came here about two years ago, Russian Ambassador to Nepal DR.SERGEY VELICHKIN has been working to further strengthen Nepal-Russia relations. A well known expert on South Asia, ambassador Dr. Velichkin responded to a written interview for NEW SPOTLIGHT on various issues. Excerpts:

**How do you see Nepal-Russia relations at present?**

The relations between our two countries at present I would define as passing through a period of promising reinvigoration and search for new opportunities after several years of visible slowdown due to an understandable preoccupation with numerous domestic problems of scopeful historic transition in both countries. Last year - to be precise, on July 20 - we celebrated the 55<sup>th</sup> anniversary of the establishment of the diplomatic relations between the two states. In the congratulatory messages exchanged between the foreign ministers a remarkable similarity of approaches towards the development of traditional friendly relations of respectful and mutually advantageous cooperation in various fields and active interaction on a wide range of global and regional issues of common interest was visible with both dignitaries, while recalling with warmth and pride milestones of our past achievements, emphasizing their intent to further enrich and broaden the Russian-Nepalese agenda in consonance with contemporary challenges and opportunities.

**How do you see the relations?**

As an example of the reinvigoration mentioned above I would like to refer to the renewal of the practice of regular consultations between the foreign ministries of the two countries, which were held at the joint secretaries' level for the first time after an interval of 8 years in Moscow last summer, and the working visit of the then Deputy Prime Minister and Minister for Foreign Affairs Upendra Yadav after a gap of 6 years. The exchanges in Moscow confirmed commonality of views of Russia and Nepal on the priorities and values of their foreign policy agenda aimed at promoting cooperative multipolarity and inviolability of international law.

Several agreements on exchanging views and experiences as well as visits of delegations, including for the purposes of identifying concrete fields and projects of cooperation relevant to needs of the two countries, have been initiated between some ministries and other state as well as non-governmental institutions of Russia and

Nepal.

**What are there in agreement?**

Just one but a valuable instance of above is provided by the Agreement on Cooperation signed between the Federation of Nepalese Chambers of Commerce and Industry and the Chamber of Commerce and Industry of the Russian Federation in Moscow on July 25, 2011. As Ambassador of Russia, I am full of hope that with the implementation of historic tasks of concluding the peace process and promulgating the new constitution in Nepal we will definitely see further expansion of the range of institutional links and project-specific joint ventures in our relationship.

**As Russia has supported Nepal in the past providing scholarship to Nepalese in engineering, medical and other areas, what is the state of such program now?**

Our cooperation in the field of education continues, including through providing scholarships of the Russian Government to those willing to receive higher education in a number of professional fields of relevance to development of Nepalese society and economy. At present more than 25 such scholarships are provided to Nepal annually. However currently many institutions of higher learning in Russia have arrangements for accepting foreign students on commercial basis as well. I know about young Nepalese availing of the opportunities of either kind with pleasure and success for the benefit of themselves and their country.

**How many Nepalese went to Russian Universities and colleges in the past?**

While I am not in a position to provide precise statistics, the estimate is more than 6000. May I add, that what is most important is the calibre of those graduates as highly qualified specialists and, from my personal experience of interacting with them, without visible exceptions - as superb human beings, both of which having enabled most of them to advance into the top leadership in their chosen fields to emerge as distinguished and towering figures of intellectual, academic and political life of their country.

**Recently Nepal's finance minister has said that they are going to request the Russian Federation to provide some support to start Janakpur Cigarette factory, which was constructed during the Soviet era. How do you look at it?**

The said factory belongs to those milestones of our cooperation in the past,

which were recognized as instrumental in laying down the foundations of emerging Nepalese industrial sector in the now seemingly so distant 60's of the last century. I am quite sympathetic to the Nepalese government's endeavors to revive it. It needs to be seen what are the feasible modalities of support in this case under the new realities of predominantly market oriented economic dynamics of the two countries. Some ongoing intergovernmental structural adjustments are also relevant in this regard.

**There are large number of Nepalese living and working in Russia. How do you see their contribution in enhancing the relations between the two countries?**

As per my knowledge there are between 200-250 Nepalese living and working in Russia, mostly in Moscow and St.Petersburg. Almost to a man they have graduated at one time or another from our Universities or other institutes of high learning. I must say that it is the non-resident Nepalese of Russia who initiated the establishment of the NRN World Association and have been in its leadership ever since. In fact on the 15 October 2011 Mr.Jiba Lamichanne, one of the leaders of Russia-based Nepalese Community was elected the President of the Association. The Nepalese based in Russia have contributed immensely to promoting the knowledge and acceptance of Nepal's Culture and Civilization, its attraction as a superb tourist destination and its image as a genuine and trusted friend of Russia through organizing cultural programs and exhibitions and supporting such ventures as, for example, the publication of books on those subjects. I would single out the contribution of prominent scholar Dr.Krishna Prakash Shrestha, who has been living in Moscow for the last half a century and has authored numerous books, articles, translations and poetry dedicated to the course of promoting friendship between Nepal and Russia.

**How Nepalese are contributing?**

A truly unique example of such a contribution is the Russia-based Nepalese co-sponsorship with an inspired Russian industrialist and philanthropist Ruslan Bayramov of the construction of "The Nepal House" - a Cultural Center of your country fully equipped to disseminate information and knowledge of every kind about the Himalayan Republic - an original architectural ensemble artistically built in traditional Nepalese style within the framework of "Etnomir" project in Kaluzhskaya region of

the Russian heartland 200 km to the south from Moscow. It was inaugurated in July last year by the visiting Foreign Minister of this country in the presence of Russian and Nepalese dignitaries, including delegates from over 30 countries to the Regional NRN Conference held in Moscow at that time. It may surely serve an example to all other Nepalese Communities overseas of how to promote their country abroad.

#### **How Nepalese community have been contributing in Russia?**

In addition to what I have already said members of the Nepalese Community are engaged in running their own private enterprises of productive and commercial nature. Some of them have established themselves as reputed and well known locally members of Russian business community enjoying respect and sympathy for their skill and talent as well as for their law-abiding and cooperative ways. I personally heard a highly favourable assessment of their contribution publicly made in his speech at the inauguration of the already mentioned by me Regional NRN Conference in Moscow by the Chairman of the Moscow City Duma ("City Parliament") Mr. U. Platonov.

#### **What is the current trade volume between Nepal and Russia?**

The current trade volume between Nepal and Russia is more an illustration of the constraints experienced by our commercial exchanges as a result of the previously mentioned general slowdown in our relations due to our countries' preoccupations with challenges of domestic transition, rather than a reflection on the potential of our trade. In the year of 2010 it amounted to just \$ 2.8 mln with the Russian exports (some machines and equipment, metals like copperware, newsprints) equaling \$ 2.0 mln while the Nepalese import (mostly textiles and footwear, as well as some handicrafts and jewelry) not even reaching a million in total! Even as recently as in fiscal year 2008/2009 we had a trade volume of \$ 15.6 mln. To my mind the Nepalese business community should avail with more vigour of the opportunities offered by enormous and expanding Russian market through the newly established link between the FNCCI and the Russian Chamber of Commerce and Industry. Of great and still not wholly used potential is the Nepal-Russia Chamber of Commerce and Industry.

#### **Do you think Nepal will make progress and peace and constitution?**

I am absolutely convinced that Nepal will very soon have a new constitution embodying longstanding aspirations of its people for democracy, justice and equitable dynamic socio-economic development. Despite far from

simple countenance of a highly diverse Nepali society ruling out easy immediate solutions we have every reason to expect with its adoption a prolonged period of peaceful firmament of democratic institutions, rule of law, economic up gradation and social upliftment, provided predominant political and community leaders act with a sense of responsibility and exhibit the vision expected of them. Given abundance of water recourses and other bounties of nature, largely unexplored even now, and above all the stamina and richness with talent of its hardworking people Nepal is guaranteed breathtaking progress in the future.

Nepal is sandwiched between two big countries India and China and Russia has good relations with both the neighbors. How can Russia support Nepal to become stable and prosperous?

Since you have mentioned the facts of geography, it would be appropriate to remind that Russia is a Eurasian country with its vast trans-Ural expanses making it the biggest country of Asian continent. It is quite natural that historically we are inseparably connected with many countries of the region. Our advanced strategic partnership with India and China is well known. It has been developing dynamically and successfully both bilaterally and within such multilateral associations as BRICS, the Shanghai Cooperation Organization and the RIC format.

While the BRICS, as witnessed by world reaction to its most recent Delhi Summit held on March 29 this year, has firmly established itself in the international arena emerging as a weighty factor in favour of much needed reform of global governance, prioritizing modernizing international currency and financial system, the Shanghai Cooperation organization proved itself a major bulwark of regional cooperation in Central and South Asia focusing on countering terrorism, narco traffic and other forms of organized trans-border crime.

#### **How do you see RIC?**

Less covered by the press here is the RIC (Russia, India and China) which I find highly relevant to promoting good neighbourly relations in this part of Asia. By the way foreign ministers of the RIC are holding their 11<sup>th</sup> regular meeting in Moscow on April 13 to discuss topics like Afghanistan, Middle East, and Iranian and Korean nuclear problems, trilateral cooperation within various regional interstate forums and exchange views on matters of developing practical trilateral interaction.

#### **How do you see stability in Nepal?**

I believe that the best way to support stability and prosperity of Nepal as well as other countries of the region is to implement



the joint initiative taken by Russian President Dmitry Medvedev and Chinese President Hu Jintao in September 2010, when they called on all nations of the Asia Pacific region to respect sovereignty, independence and territorial integrity, not to interfere in the internal affairs of each other; to reaffirm the commitment to the principle of equal and indivisible security as well as the defensive nature of their military policy; not to use or threaten to use military force; not to take or support any actions aimed at overthrowing governments or undermining the stability of other states; to settle differences by peaceful political and diplomatic means based on the principles of common understanding and readiness to seek compromise; to strengthen cooperation in counteracting unconventional security threats; to develop bilateral and multilateral cooperation in the military sphere not directed against third countries as well as develop cross-border cooperation and people-to-people contacts.

#### **What is Russia Position on Asia-Pacific?**

We believe that this initiative can become a uniting idea for the Asia-Pacific. Positive response from many major Asia-Pacific countries proves that these principles can become a solid basis for elaborating a legally binding «code of conduct» for the region. We believe that it is time to explore political and legal options for their implementation.

I would like to add that in their Joint Statement Furthering the Strategic Partnership to Meet the Challenges of a Changing World adopted during President Medvedev's Delhi visit in December last, the two sides also reiterated their support to the creation of a transparent, open, comprehensive

and balanced architecture of security and cooperation in the region based on the recognized principles of international law as well as respect for the legitimate interests of all states. They emphasized their commitment to the principle of indivisibility of security, unacceptability of attempts to enhance their own security to the detriment of other states' security, inadmissibility of preservation and creation of new dividing lines.

And of course we believe that our bilateral cooperation as well will continue in the future to contribute to Nepal's endeavors for strengthening stability and bringing prosperity to its people.

Your country recently held general elections for parliament (Duma) and presidential elections and there were reportedly some controversies? What is it all about?

It is only natural that elections in Russia have become a hot subject widely discussed all over the world considering the country's global weight and the need for other international players to take it into account in the pursuit of their own interests.

The sheer scope of problems the Russian society is faced with at the current stage of its historical transition, supplemented by the fallout of the global financial crisis, has generated a churning in the Russian society taking the shape of a vigorous debate on the substance of further economic reform and measures to modernize the country and fight corruption. To an insider it is quite clear that the Russian society has become better informed and more mature and consequently more demanding to its politicians. It is basically this trend, that has been reflected in the results of the December general elections to the State Duma (Parliament's Lower House), with the majority of the ruling United Russia party substantially decreasing and the three opposition (Communist, nationalist Liberal Democratic and social-democratic Fair Russia) parties represented in the parliament proportionally gaining in strength. However, it was the rightist parties, which altogether received less than 4 % of the national vote and did not therefore obtain any membership in the Duma (which requires at least 5 % of the national vote for a party), and above all political groups, unregistered as parties due to their failure to recruit the membership required by law for the purpose, which started a very vocal protest campaign in Moscow and, with a much less public response, some other Russian cities alleging violations of voting rules. Interestingly they were essentially alleging unfair treatment of the "parliamentary" opposition parties mentioned above, whose programmes are

diametrically opposed to the thrust of the platforms of these self-styled "Liberal", more often called "Pro-western", fringe parties and groups.

Is it not controversial?

The controversies you mentioned were mostly their sweeping allegations, which were raging in the social networks with progressively decreasing impact on the number of participants in increasingly infrequent meetings almost exclusively of the initiated, though generously covered in a truly bombastic style by the western media.

The President and the government responding to criticism initiated measures to make voting and counting procedures more transparent by installing video-observation cameras accessible to everybody willing via the Net and increasing possibility for opposition parties and independent observers to be present at the polling stations. Despite that even before the vote on March 4 from the trend of reporting in the Western press, based exclusively on their using the same set of "Liberal" sites and interviewing the same "committed" people, it was clear that presidential elections would be characterized as "unfair". That is what happened though the foreign observers present during the voting itself could not report scopeful violations. While leaving to the courts to establish the truth behind those of the allegations, which are substantiated enough, though even then mostly seem to be a product of local bureaucratic overzealousness, it is very difficult to challenge the validity of election, at which the winner Mr. Vladimir Putin has received over 63% of the national vote with the nearest challenger the communist leader Mr. Gennady Zyuganov capturing half of the rest.

How do you see the process of democratization in Russia in the context of recently held elections?

Indeed, this is one of the most important questions for the Russian society to deal with. Everybody, including the President-elect, shares the view that our democratization process should be further strengthened and deepened. In fact, literally on the heels of the recent elections some specific legislative measures have been introduced by the



President and already passed by the Duma in this regard – such as drastically bringing down the minimum membership needed for a political party to get registered and to make more competitive and election-based the process of appointment by the President of the governors (heads of the 83 existing subjects of the Russian Federation). Several high level officials accused of corruption and inefficiency have been removed and investigations started against some suggesting a prospect of court cases. Hotly debated are being various suggestions aimed at increasing transparency and accountability of government bodies, judicial system and law enforcement agencies. Russian society expects from its leaders, especially the freshly mandated President, who will be officially sworn in in the Kremlin on May 7, vigorous and substantive steps to deliver on numerous promises made in the course of his election campaign. While it is quite clear that all the day-dreaming of a "coloured revolution" in Russia is at best a futile and laughable exercise, the striving for the engraining of democratic institutions and practices, seen by most Russians precisely as the way to make our country stronger and therefore as a priority national interest in the challenging contemporary international environment, is an important and encouraging reality of my nation today. ■



# FDI Mobilization Strategy For Nepal

By MADHUKAR SJB RANA

It needs to be underlined, at the very beginning, that just having attractive foreign investment policies, priorities and strategies will not attract offshore investment as pre-conditions must be satisfied by all countries.

Just examine the Transparency International's (TI) corruption index for South Asia and there you have an illustration of one precondition. Also, we could look into the economic freedom index developed by the Heritage Foundation and there we have another precondition to meet.

In other words, mobilizing foreign investments, and for that matter domestic investments, necessitates the state creating an 'enabling environment'. This is more vital than paying attention to any other policy parameter. Without a climate of minimal uncertainties, businesses can hardly take calculated risks and make sound investment decisions. Least of all, make decisions that garner long-term profitable prospects. And long term decisions is the name of the sustainable development game. FDI will, naturally, be deterred by a climate of political graft and systemic corruption.

Political stability is an absolute must. But Parties are divided — not really by ideology but, by the erroneous perception that that is the 'right' thing to do as members of the opposition bench. Furthermore, they resort to the politics of violent protests to attain from outside parliament what they fail to achieve from inside. The rule of law is severely compromised.

Administrative stability is also necessary because in a regime of political instability, where democratic institutions function with little respect for the rule of law, or account for their performance habitually by taking decision in a transparent manner, the civil service — as a wing of the executive arm of government — can and do compensate for the lack of political stability — provided there is proper checks and balances between the executive, legislative, and judicial authorities.

Administrative stability is felt to exist when due recourse to administrative tribunals and courts can be had as quickly and as cost-effectively as possible to redress grievances and remove constraints beyond the business' control. Or, indeed, to obtain justice from acts of illegalities by the state. Administrative stability exists when policy regimes are stable despite changes in bureaucratic personnel.

Macro-economic stability in respect of variables such price level stability, foreign exchange rate stability, and budgetary-deficit

stability are well understood. Other stability factors are the degree of harmonization of FDI policies with overall development goals, coordination with short-term and mid-term fiscal, monetary, foreign exchange policies.

The above precondition analysis on enabling environment assumes that where such parameters are not in order then: (a) incentives need to be excessively liberal and therefore socially costly, or (b) regional countries compete unnecessarily with each other providing tax concessions to attract FDI and thereby weakening themselves jointly and severally to regulate TNCs, or (c) incentives attract the wrong kinds of FDI that are not given to long-term profits and corporate social responsibility or (d) all of the above scenario.

## Foreground: The Necessary Economic Conditions

Embracing economic globalization through a process of liberalization, privatization and accession to WTO seems to be a vitally necessary condition for attracting FDI.

Liberalization involves not just reduction of tariffs, removal of the permits and quota raj, promulgation of laws to safeguard competition for ease of entry, exit and expansion of businesses, promoting

**Embracing economic globalization through a process of liberalization, privatization and accession to WTO seems to be a vitally necessary condition for attracting FDI.**

institutions to regulate monopolies and protect consumer sovereignty but, indeed, also taking radical measures to reform the financial and banking sectors to rid the economic system from the unhealthy links between the political, business and banking sectors. Liberalization also requires radical changes to the labour laws that restrict effective operation of the labour market — eradicating the 'labour aristocracy' is crucial.

While Nepal has liberalized by getting rid of monopolies in civil aviation and hydropower generation, it is not complete yet. In telecommunication, monopoly exists completely with only mobile phone service being opened to duopolistic competition. Privatization of civil aviation and telecommunication sectors is yet not initiated in earnest

Additionally, exit for business is still not convenient in the absence of more liberal labour laws allowing for ease of labour retrenchment as well the enactment of a bankruptcy law to avoid litigation and allow businesses to exit

easily. It is of paramount importance that we have a new comprehensive Industrial Relations Act 2069 to usher in the new Nepal with rapid industrialization.

The other necessary condition is the achievement of moderate economic growth of around 4-6% per annum on a sustained basis. Coupled with a pro-poor social environment: gauged by the extent or lack of food security, universal primary education, basic primary health and sanitation, and provision of vocational and technical educational opportunities, including apprenticeship and entrepreneurship development programmes. It is sub mitted that these programmes will usher in inclusive development for the Dalit community with their rich traditional heritage.

Finally, in the unfolding era of globalization in the 21st century economic diplomacy must be made the centrepiece of Nepal's strategic foreign policy, which yet remains despite the Nepal's concept and approach has been well studied and articulated at the policy level. The lack of economic thinking amidst all the political parties in the root cause for its non execution. So too the unhealthy dependence on foreign aid to develop the development agenda for Nepal based on borrowed exogenous models from outside rather than fostering national and local leadership to create and innovate endogenous models in tune with their local culture, capacity and resources.

As Professor Ryokichi Hirono said so eloquently at a recent BOI-Japan Embassy Symposium on FDI, it is Nepal's human resources, especially its youth, who are the sustainable development strength of Nepal.

The People are the objects and subjects for sustainable inclusive development. Their diverse social and human capital must be nurtured and developed, through with integrated manpower and educational planning, done in full partnership with the private sector. So that they can dream for each individual can dream for himself or herself and be creative and innovative to realize their God given talents. The real drivers of competitive, inclusive and sustainable development of Nepal, is a development strategy framed wholly by Nepalese planners and thin tanks that garners its own Nepali culture as a unique contribution to the globalization process in the 21<sup>st</sup> century.

*Rana is a professor, South Asian Institute of Management and Former Finance Minister*

# Rio+20 Is Important For Nepal

By *DINESH CHANDRA DEVKOTA Ph.D*



Nepal has held the International Conference of Mountain Countries on Climate Change. Now it needs to move ahead with an aim to incorporate the agenda of Mountain Countries in UNFCCC negotiations. Although there is still a long way to go in forming a powerful alliance of mountain countries, the resolution adopted by them have provided some ways to go about it. In the context of the forthcoming international gathering in Rio, Brazil, it will be very significant for the country like Nepal to come up with a clear vision. Since the first United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro in 1992, the international community has made a number of commitments and created many institutions to govern the commitments made in international, regional, national and local levels. Most of these commitments were translated into the Millennium Development Goals (MDGs). Despite all these, Nepal has been unable to implement all of them. Along with other international communities, Nepal has also been facing problems like food security, energy crisis, climate change and threat to natural resources. Along with Nepal, the international community as a whole has been passing through a very critical time. In this context, the United Nations Conference on Sustainable Development (UNCSD) or the Rio+20 is going to be very significant. The agenda of the Rio+20 includes securing renewed global commitment for sustainable development, assess the programs and gaps in the implementation of major summit commitments on sustainable development and address new and emerging challenges.

Nepal, as an active member of the Rio Summit of 1992, needs to play a role and the country has comparative advantages in developing sustainable agriculture, tourism, renewable energy, on-timber forest products, community forestry and bio-diversity conservation. As Nepal does not have an adequate financing to launch such projects, Nepal needs additional international financing, technology transfer and capacity building. Nepal has made a preparation for Rio+20 during my tenure as the vice-chairman of the National Planning

Commission. A high level Rio committee was formed during my tenure. I also constituted a task force under the chairmanship of NPC vice-chairman. With support from UNDP, ICIMOD was supposed to provide technical data. It is a pride for all of us that Nepal has already prepared a National Status Paper to present at Rio+20.

Our National Status paper has already made it clear about Nepal's expectations from Rio+20. Nepal's expectations include renewed commitment of member states to preserving the Rio principles and fostering an implementable consensus for narrowing down the implementation gaps in the Rio declarations and other commitments, addressing new and emerging challenges fairly and equitably. Nepal has also made clear the



need to address all three pillars of sustainable development with poverty alleviation in the center

There is an immense potential for Nepal. Nepal's submission to Rio+20, this national paper, has highlighted Nepal's needs and priorities. Nepal's progress and achievements in the areas of natural resources, management, renewable energy, health and education and poverty reduction. Nepal has comparative advantages in many areas. There are three important issues for Nepal. The first and important issue for Nepal will be to know how to go to green economy. Our quest will be how to develop Nepal's existing economy into green economy. This needs a focus. We have decided to increase our forest coverage areas to 40 percent. This is good. However, for whom are we going to use these forest resources. If this forest is for the betterment of the people, we will need to encourage forest based enterprises. In this way people can maximize their benefits.

Nepal can benefit a lot from green economy as there will be less emission under the green economic development package. Nepal's choice must cause less harm to the atmosphere, pollute less and ensure sustainable development. For instance, Nepal needs to promote hydropower to run metro trains and other trains. We can use fossil fuels as well as hydro to run the metro and other railways. Hydro electricity can generate clean energy with zero emission. Similarly, Nepal needs to develop its plans based on green economy. Instead of going for traditional economic model, Nepal's concept paper is based on a new vision. At a time when there are lots of new green technologies available, the country's policymakers will need to consult with UNEP to know the funding access. There is also the possibility to get a carbon credit in case Nepal goes for a green economy as Nepal sequesters carbon from atmosphere due to our green based activities. For instance, an industrialized country requires a low carbon emission country to match. We need to get into the right economy. The sustainable development is another agenda for Rio+20. Nepal has focused on three points: the first is the environmental aspect which is related to climate change issue. We also focus on how to fulfill the commitments and submissions made by Nepal in the international conventions. The third issue is how to take the adaptation and mitigation ahead. On the social side, inclusion is another important area. Social inclusion includes the context of including women, indigenous as well as geographical regions. Our whole thrust is on the economic agenda as we want to be citizens of a prosperous country. Our thrust is now to increase our GDP through the cooperatives. In rural areas, we want to develop rural sector and we want to increase GDP in urban sector through the processing plants. If we establish the processing centers at Nepalgunj, we can develop herbal farming in Humla and Jumla. This way we can develop the economy. In the context of Nepal's overall development, Rio+20 is very important.

*Dr. Devkota is a former vice chairman of National Planning Commission. As told to New Spotlight*



## “The Budget To Have Medium Term Frame”

YUBARAJ BHUSHAL

YUBARAJ BHUSHAL, secretary of the National Planning Commission, joined civil service back in 1980 as a section officer. He was promoted as a secretary two and a half years ago. Bhushal, who completed Master's in political science from Tribhuvan University, also did a post graduate diploma from Gernal in 1995 and a Master's from Asian Institute of Technology, Bangkok. Bhushal spoke to **NEW SPOTLIGHT** on various issues. Excerpts:

**The National Planning Commission is in the budget preparation process. What are going to be the main priority sectors in the budget?**

We are in the final year of the ongoing Three Year National Plan. The MDGs are also going to be completed by 2015. So, our focus will be to on the priorities given by MDGs in the social sector. We will also focus our attention on sustainable energy, that is, hydropower. In technical infrastructure, we will include middle hills highway, storage power project and Hulaki road. We are also proposing to build 10 cities along the middle hills highway, construct international airports in Nijgadh, Pokhara and Bhairahawa. In the social sector, our priority is going to be in health and education. Our mission is to achieve education for all by 2015. One of the major challenges of the present day is unemployment. Nearly 3 million youths are out of the employment net now. Although ongoing Three Year Interim Plan aimed to bring employment oriented, inclusive, pro-poor projects, we have been unable to direct our economic growth toward those sectors. We are able to make our plans inclusive as we have already tabled an inclusive bill in the parliament. Our budget has remained pro-poor since the eighth national plan. Due to our focused program, we are able to bring down the level of poverty to 25.16 per cent. Our target is to bring it down to 21 percent. The coming budget will be based on a medium term framework. We are now concentrating on meeting the target set by the three-year plan.

**Prime minister Baburam Bhattarai has said that he will double the budget in the agriculture sector. How is NPC working in that direction?**

Of course, agriculture sector is yet to get its proper share in the national budget. As you know, 74 per cent of our population depends on agriculture and its related activities. However, its contribution to GDP is just over 35 percent. A large number of people are employed in the agriculture sector but it

is undermined at the policy level. Agriculture sector in Nepal is like something dangerous, dirty and difficult. Agriculture sector failed to lure our youths. They prefer to go Gulf countries for employment rather than to work in agriculture. This is because we are unable to change the pattern of working. We are unable to bring new technologies like power tillers. The government is now considering providing micro-power tillers to rural areas. We don't have marketing problems because of the extension of rural road networks. Agriculture sector is poorly managed and it is unable to provide rate of return. We need to improve the overall budget in marketing, research, extension, road and irrigation. There is a certain weakness in extension. In the coming budget, we are targeting to send technicians in the agriculture and veterinary sectors. This will increase employment opportunities. There are problems of marketing, research and crop failures due to low grade seeds. Even prime minister Dr. Baburam Bhattarai has already made it clear that there is the need to double the budget in the agriculture sector. Now, the annual budget allocation is just 3.5 percent. We are going to double the budget in agriculture sector, not the Ministry of Agriculture. If we mobilise volunteers, there will be the need of more money. Yes, we are working to increase the budget in agriculture sector.

**What is the state of MDGs?**

Our recent studies have shown that Nepal is in a position to meet many targets set by MDGs. There are few problems in poverty and hunger eradication, particularly as they relate to food security. Our problems related to supply of food in the districts have been creating troubles. We also need to change the food habits. We need to feed our population on the basis of nutrition values. We need to encourage the population to grow more nutritious foods. We need to change the food habits. We need to introduce better food technology. We need to protect and promote local production. We have to increase the calories in food. We have a little difficulty on the agenda of sustainable environment goal. Despite all these, we have been working in the Millennium Development Goals in an acceleration framework and turning to MAF. There are certain problems in sanitation, including the lack of gender friendly toilets. We are also suggesting the Ministry of Health to provide sanitary pads to girl children to encourage them to attend schools. This will decrease the drop out rate.



**At a time when we have been talking about sustainable development, we are also promoting roads which destroy the nature. How do you look at this?**

In the first earth summit held in Rio in 1992, Nepal took part under the leadership of then prime minister Girija Prasad Koirala. Now another earth summit is going to take place in June this year, which is known as Rio 20. The government has already decided to send a Nepalese delegation under the leadership of the prime minister. The Rio summit will decide the new development paradigms, like green economy, green enterprises, green growth, green GDP and green system. Food security will be one of the agenda for Rio 20. Disaster Risk Management and Disaster Risk Reduction will be the other agenda. These issues will also get a priority there. Nepal will need to apply them here. Nepal has already got the NAPA, LAPA and CAPA. We are giving a priority to road sector because people see it as a basic aspect of development. We are now planning to make IEA and EIA as mandatory to construct roads. We are working on this. Some of the weaknesses are that people are spending money in roads because they can spend it as per their needs. We want to increase the budget and encourage the private sector to invest more money in the agriculture sector. This will help to increase our economic sector. We need to control the scattered development budget.

**What about DRR and DRM?**

I am not satisfied with the present approach of DRR and DRM. There is a lack of coordination in the areas of disaster risk. The time has come to have a separate agency like an authority to maintain an inter-sectoral coordination. In the coming 13<sup>th</sup> national plan, we want to establish a unit in all the offices with certain budgets set aside for the. You see, DRM is a cross-cutting issue. ■

# For A President's Churiya Dream To Come True

BY UDAY R. SHARMA, PHD



Churiya is the outermost mountain range in the Himalayas spreading from east to west of Nepal with a span of 0.5 -50 km where peak reach between 1000-1500 m. Considered the youngest and fragile mountain in the Himalayas, it still has its about two thirds land under the forest cover. But deforestation in accelerating pace makes one wonder how much forests are actually left in Churiya now. The area until 1950s was sparsely populated and was with high erosion and low productivity of land, proving itself to be less attractive to the settlers. But with the increased pressure on the plains and better access, the land has opened new opportunities for poor settlers. The deforestation and over harvest of natural resources, unsustainable agriculture, and current increased tendency to excavate the riverbeds and hillsides for stones and boulders for building infrastructure to urban centres and across the border as essential construction materials have accelerated soil erosion and thus seriously affected the environmental conditions of the Churiya region.

Although Churiya conservation was given a high "importance" since the period as early as the Fourth Five Year Plan (1970-1975), very little could happen on the ground. On the contrary, migration to Churiya escalated with the highest migration movement taking place between mid-1960s and mid-1980s in districts like Sarlahi and Mahottari (CSRC 2005). On the positive side, some of the stretches of Churiya mountain ranges falling within the protected areas, including Parsa Wildlife Reserve, Chitwan National Park and Bardiya National Park, received adequate protection, and they continue to remain beautiful wilderness areas of the country. But, on the whole, the Churiya suffered over decades as Dinesh Bhuji would put it, "the neglect of the nation."

Feeble attempts by the government to translate President Dr. Ram Baran Yadav's dream through the formulation of the President Churiya Conservation Programme in its annual budget since the Fiscal Year 2067/068 (2011/12) and the Ministry of Forests and Soil Conservation have been reflected in establishing a unit within its secretariat. The coordinator of the unit is planning to implement the program through two major departments: Department of Forests and Department of Soil Conservation and Watershed Management. The program is being implemented in 23 districts and will be expanded to 27 districts from the following fiscal year. The proposed budget for the next fiscal year is Rs. 260 million, which is very insignificant for the challenge Churiya is facing. The Ministry is proposing a strategy for the conservation of Churiya, which is yet

to be tested, but the chances are that it would fall short of achieving the President's dream. The unit trusted with this work with limited manpower and budget will probably be limiting itself on the monitoring and supervision of the work in the districts. The implementers, the District Forest Officers (DFOs) and District Soil Conservation Officers (DSCOs), do not seem prepared for this work. In lack of clear guidelines and motivation, the available budget may not be fully spent or spent unwisely.

As most of the land in Churiya belongs to the Forest Department, it becomes logical that the DFO be given the major responsibility of conservation and management; but he/she alone is unable to undertake this difficult task. The existing strategies have emphasized increasing land productivity through programs of soil conservation and integrated programs of watershed



management. The Forest Policy 2000 has stated that Churiya be managed as protected forest as provisioned in the Forest Act, 2049 but, a great deal of discussion is yet to happen on the modality and structure of institutions to implement this. The conflicting provisions especially in the Forest Act, Local Development Act, and Mines Act have made the situation worse for Churiya. The provision of LDA (Art. 218) that DDC can raise fund by the sale of sand, grits, stones, slates, soils and drift wood found in its district has been directly in conflict with the provision of the Forest Act in which the DFO has been made responsible to extract, sell and provide licenses for the forest resources which includes stones and gravel. The Environmental Protection Regulation is not very robust in protecting Churiya against the wanton harvest of such resources as the Initial Environmental Examination (IEE) and is considered adequate to establish crusher industry in the vicinity of forests or rivers. Similarly, the excavation of hillsides such as of Churiya for some mining activities to extract stones and gravel is possible only after a simple IEE.

To resolve the complex issue of Churiya and materialize the vision of the President,

the start can be made by conducting a land use survey of Churiya hills and propose land use after rigorous consultation with the stakeholders. The parcels of forest land should be declared by the respective DFO as the Protected Forests, and work plans developed after careful consultation with the grassroots. The land use plan would help to identify "red-inked areas" where the major focus of the corrective activities would be directed. The Committee, chaired by the Chief District Officer, as provisioned in the Forest Act (Art 9), should be made responsible in each district to (i) identify red-inked areas in the field, (ii) formulate strategy to enforce land use plan, and (3) prepare activity plans, timelines and propose budget. The Committee has been given enormous legal authority to enforce forest laws, but it seldom has been seen actively engaged in its duties entrusted by the Forest Act. The Committee members provisioned in the Act include officials from Land Office, Survey Office, District Development Office, and the District government attorney. The official of the DFO is identified as the member-secretary.

The Committee can decide and act (i) to provide compensation to legal landowners, whose land would be taken by the government to implement land use plan, (ii) to offer an alternative plan to long-time settlers who have no land rights but are occupying land classified as unsuitable for cultivation or settlement, (iii) to evict settlers/land grabbers of recent origin, (iv) to close down illegally operating stone crushers on forest or other government lands, or private land within five km of the forest boundary, (v) to cancel illegally registered forest land, and (vi) to propose to the government for approval a set of clear guidelines on the sale of the forest resources including stones and gravels. After the approval of the guidelines, the DFO can implement the guidelines with the full support of the Committee.

The Churiya Conservation is only possible if the Government truly identifies it as national priority work and decides to mobilize its district government machineries in full swing with the support of political parties and the communities. The program, however, cannot make much headway if corrupt and incompetent government officials in all concerned government agencies in the Churiya districts continue to receive favour in posting. The task would require large budget and commitment from all quarters. In my humble opinion, the President's vision should be given a presidential treatment to bring significant changes in the environmental conditions of a fragile landscape that forms the 'back bone' of Nepal's future. ■



# Adolescents Concerns: Ground Realities

By DR. ARUNA UPRETY

The trip took us to ten districts where we were interacting and working with adolescents and health workers on adolescent sexual and reproductive health. It gave us new insight and knowledge about the situation of adolescent health in the rural areas of Nepal. Obviously, the needs and expectations of adolescents were changing in the rapidly changing society. More imperative than ever was for the national government and local communities, as well as parents and immediate family members, to understand the value of open discussions with the adolescents about their feelings on sexuality, sexual relationships, their concerns and find safe and effective ways to resolve them. From our discussions with adolescent boys and girls, it was clear to us that many lacked good parental guidance and good counseling, which can lead to larger societal and health problems.

During this situation analysis, issues concerning poor social status of girl child and adolescent girls, lack of knowledge of young boys and girls about sexual and reproductive health and the responsible behavior associated frequently came up. In some of the districts, some participants said child marriage is not practiced in the village. However, eloping without family consent at a young age was common and therefore child marriages still existed in a different form. We heard of an incident of a 13-year old girl eloping with a 14-year old boy. One mother reported, "I had thought of supporting my daughters for higher studies. I wanted them to study a lot. My elder daughter ran away while studying in class 12. I fear the same would happen in the case of my younger daughter. So I arranged her marriage while she was in class 10 although I wished I did not have to do that."

Elopement and child marriage are thus having consequences that affect the whole family.

We also learned that engaging in pre-marital sex was thought to be common, even though it is considered a taboo in many places. Adolescents (males) talked openly about their sexual behavior, although some were initially hesitant. In some remote hilly areas, boys as young as 16 reported having sex before marriage and even having multiple sex partners and practicing unsafe sex at times. This type of practice has concerned parents.

Many mothers pointed out that "our children do not go to health facilities to discuss about their sexual and reproductive health, as health workers are unavailable there most of the time. Even if health workers are available, they are not trained to provide education and counseling on sexual and reproductive health issues."

This concern expressed by parents illustrates that they understand the needs of their adolescent children but are worried that health care workers cannot provide any services, guidance or counseling to them. Adolescents



themselves also raised the issue of confidentiality in health centers time and again. Participants said health facilities need to have a separate room for the adolescent consultation. They pointed out that "counseling services should be provided to young people by ensuring privacy and confidentiality. Because of unavailability of a separate room, we find it difficult to talk freely and openly with health workers and if we have some reproductive health problems we go to another city or even a district far from our village so that no one would know about our problem and it takes money and time, but we do not have other option."

Participants also pointed out that in some of their communities if a girl gets pregnant or the community finds out she is, then the girl is married to the man with whom she had engaged in sexual relations, even in cases of sexual abuse. Though there are options for safe abortions, the community gives priority to marriage rather than opting for abortion. Only if the man (sexual partner) runs away or is otherwise unavailable, then abortion services are sought. In some of the Tarai regions, it was found that the girls were taken to India for abortion so that no one would know about that.

While the talks on sexual and reproductive health of the girls center around pregnancies and abortion, it was found that adolescent boys had their own sexual health issues. Many times they are told by others that nightfall (swapna dosh) was a disease and they were worried about it. They went for treatment from quacks and spent money and time only to get disappointed. Many times they were worried that they would not be able to have good sexual life after marriage if they had nightfall. It is clear that boys are also in a great need of knowledge about their bodies and should be taught that it is a natural process and nothing to worry about. In the far west, the issue of Chhaupadi (staying inside a small hut outside of home) was raised again and again and it was pointed out that reproductive health of the young girls has been negatively affected by this practice and mothers and faith healers are still afraid to omit this practice. However it was found that some local organizations are trying to raise voices against this. "It may take a long time to erase this bad practice from our society," some FCHV pointed out in many places.

FCHV said adolescent girls should be involved in mothers' group and educated on RH issues and boys should be given education and knowledge about what is harmful and what is natural. A father from Far West realized and was vocal about this, "There is a problem of not discussing sexual matters in home. They (adolescents) seem to be unknown about with whom they can keep sexual relationship and when to do so. They have understood it as recreation."

From most of the districts, the most frequent recommendation was providing sex and reproductive health and right education in schools to boys and girls. This would alleviate some of the problems associated with reproductive health issues. Many parents also pointed out that adolescents should also be given education about their responsibilities as well.

(This article is based on the situation analysis report conducted by Britain Nepal Medical Trust in ten districts, namely, Achham, Bajura, Doti, Kailali, Dang, Sindupalchowk, Nawalparasi, Kapilbastu, Panchatar, Kalikot of Nepal in 2011.)

*Dr. Aruna uprety is Technical Adviser of BNMT*

# 'Nepal's Diversity Is Much Greater Than Many Countries'

SHOKO NODA

United Nations Development Program (UNDP) has been one of Nepal's leading development partners. From peace building to constitution writing UNDP is supporting Nepal's constitution and peace building process as well. Nepal has already made progress in Millennium Development Goals, SHOKO NODA, UNDP Country Director of Nepal, spoke to NEW SPOTLIGHT on various issue. Excerpts:

**In the last four years, Nepal has been passing through very critical phases in constitution writing and peace process, how do you see it and what is the role of UN?**

The drafting and adoption of a new constitution by a democratic, representative and inclusive Constituent Assembly is an important feature of Nepal's Comprehensive Peace Agreement of 2006, a significant achievement that has been supported by the UN. The UN has always recognized that Nepal's constitution making process is the responsibility of the Constituent Assembly on behalf of the people who are sovereign. UNDP through its Support to Participatory Constitution Building Project (SPCBN) has been supporting the Constituent Assembly (CA) from the time it embarked upon its historic task. Drafting a constitution through such a participatory process is not easy; it would have been easier perhaps for a committee of experts or a commission to draft a constitution. But the unique, participatory and nationally driven process adopted in Nepal will ensure greater legitimacy, credibility and ownership as all the stakeholders have been involved in the shaping of the document. The international community has watched Nepal's participatory constitution making process with considerable interest and admiration.

**How has UNDP supporting constitution writing process through the CCD?**

The Support to Participatory Constitution Building in Nepal (SPCBN)

project of UNDP established the Centre for Constitutional Dialogue (CCD) as a forum for open democratic dialogue or a space where all political parties and groups could exchange ideas and brainstorm on the constitutional issues confronting Nepal. It was located close to the Constituent Assembly so that its resource centre, library, meeting rooms and other facilities could be easily accessible to members of the CA in particular and also members of the public. The CCD focused on being of assistance to the CA members, who were serving as members of an elected assembly for the first time and also provided assistance to the CA Secretariat. The CCD also sought to assist the constitution making process by providing technical assistance when requested as well as international and comparative best practice on many of the difficult constitutional features that the CA has discussed in the past few years, such as on forms of governance, state restructuring, inclusion, electoral systems, the Rule of Law and the Bill of Rights. The CCD also facilitated dialogues and participatory interactions between CA members, civil society and key stakeholders throughout the country, not just in Kathmandu.

**Some criticize CCD of being biased to certain communities and groups, particularly its involvement in the ethnic issue, how do you look at it?**

Any institution or programme will have its share of critics. This is normal. SPCBN/CCD over the years conducted workshops and programmes on topics such as state restructuring and inclusion that raise complex and difficult issues that are controversial. Even today there is no agreement on these two topics among political parties and even among the Nepali people. There are diverse opinions on how the state should be restructured and on how the principle of inclusion should be given practical expression to, both in terms of constitutional text and practice. SPCBN/CCD provided a forum for even

these contentious issues to be debated by all groups and encouraged serious deliberation on these issues at its programmes and dialogues. I think that the healthy debate and discussion on even these sensitive issues has helped to bring parties, groups and communities closer together; to temper and moderate positions that were extreme and to encourage accommodation and consensus.

**How do you see the results of the programs?**

Today, there is an emerging consensus that ethnic federalism is not appropriate for Nepal; that a federal model with 7-10 provinces combines respect for identity and viability; that federalism is not only about self rule but also about shared rule where the provinces have a stake in the centre as well. Today there is also greater awareness of the conceptual distinctions between concepts such as proportional representation, quotas and affirmative action as attempts are made to promote inclusion in the new Constitution. The widespread, intense and sometimes emotional debates that have taken place throughout the country as people have grappled with these complex issues has I think borne fruit, as the CA and political leaders have now come close to consensus. The Constituent Assembly, political parties, civil society and the media have taken the lead in promoting this national debate or one might even call it a national seminar. I like to think that SPCBN/CCD played a small part in contributing to this debate on these contentious issues. I hope that Nepal succeeds in drafting and adopting a new Constitution that recognizes its diversity and the equality and dignity of all its communities.

**How UNDP sees Nepal's ethnic issue?**

Nepal's diversity is much greater than many countries. It is one of its special and distinctive features. Managing a country with so much diversity raises challenges for constitution making and

governance. UNDP is committed to assisting in whatever way it can.

Drafting a constitution for a multi-ethnic, plural society is more difficult than drafting a constitution for a homogenous society. International experience suggests that Federalism is a constitutional model that is more suited for countries which are multi-ethnic in character. The challenge is to recognize identity and in particular provide dignity and respect for all groups but at the same time recognize the whole, the national. As I said earlier, federalism is also about shared rule. It may be useful to derive inspiration from President Mandela's rainbow nation idea- the distinctiveness of each colour is protected and celebrated; but within one, united whole- in short, unity in diversity.

**As you have been the head of UNDP for the last 1 year how do you see Nepal's transition?**

Impressive progress has been made in the peace process and constitution making in Nepal. It is a result of a commitment on the part of the CA, the people of Nepal, and the Government to a new Nepal. UNDP remains committed to helping in whatever way it can to the success of the constitution design process. But the process will not end with the adoption of a new Constitution. As one challenge ends a new one will begin. The transition and the implementation of the new Constitution will pose challenges perhaps for a new range of actors. There will probably be a new second tier of government; new institutions may be established at the centre as well; government services will need to continue in the remote parts of the country. There will be a need for public administration to be reformed and I am happy that the PMO's office under leadership of the Chief Secretary is already working on a White Paper to prepare for the transition to federalism. We in the UN have spent the past few months preparing our next 5 year plan in consultation with the government, civil society and development partners. Under the new UN Development Assistance Framework (2013 - 2017) we remain committed to helping in the transition and implementation phases of the

constitutional reform process as well.

**Nepal has made major progress in Millennium Development Goals (MDGs), how do you see the achievements?**

Here, I want to recognize the remarkable achievements of Nepal especially in the areas of child and maternal health in particular. With infant mortality dropping to close to 40 and under five child mortality to 50 per 1,000 live births, these figures are almost three times lower than 1990. Maternal Mortality Ratio has reduced dramatically from 850 to 229, a fourfold drop. Nepal is well on track to achieving these two goals. Credit must go to the Government for making the right policy choices such as the National Safe Motherhood plan and the Health Sector Assistance Program and to the vital front-line work of service providers themselves, for their extraordinary work at the community. Nepal's bilateral and multilateral partners have also been there for Nepal on this journey.

**How do you see the indicators?**

We know what needs to happen to turn these indicators around for good sound policies that are sustained from one year to the next, clear roles and responsibilities for all those involved, greater resources directed to the community level for allocation and oversight, and a laser-focus on results. Nepal has shown the way on maternal and infant mortality - we should now apply the same lessons to hunger, water, sanitation, and inequality. So we can start planning now for an even bigger celebration in 2015.

**UNDP remains a major development partner of Nepal, how will it support to Nepal in the areas like climate change?**

On climate change UNDP is supporting the Government on two fronts: a) helping prepare strategies, policies and plans such as National Adaptation Plan of Action (NAPA) to mitigate the impacts of climate change on the most vulnerable sectors of economy and the most vulnerable population of Nepal who will face the severity of the impacts; and b) In helping the government to access funds from global windows of opportunities so that adaptation plans



could be designed and implemented with immediate effect. Our support was also provided to the successful International conference of Mountain Countries on Climate Change held on 5 - 6 April.

**Nepal is one of the highly risky countries in terms of natural disaster, how do you think of Nepal's disaster preparedness?**

As I have mentioned in my previous interview as well, the government of Nepal is much better prepared now compared to a few years ago. Since 2010, the government has established the National Emergency Operations Center and 16 District Emergency Operations Centres. The development of the National Disaster Response Framework is in progress and I hope this important document will be approved by the cabinet in the next few months. Of course, these are not enough and there are many more steps to be taken. For instance, we need to have emergency and response plans for critical and life-line facilities, such as water supply, electricity, sewage, transportation, etc. There should be trained cadre of medical and search and rescue first responders country-wide. Fire-fighting service should be upgraded and capacity built in the municipalities to respond during emergencies. ■

# Right Time To Discard Discrimination

BY ABHISEKH ADHIKARI



## The Discrimination

Humans have discriminated humans on pretexts ranging from race to caste and class, posing a challenge to realizing equality for everyone. The society has always taught segregation. There are always insiders and outsiders. The resources have always been scarce for the greed of the human beings and thus discrimination has always prevailed. When the state has been powerful the rulers have always exploited the subjects.

Nepal has been no different. For centuries, caste system has prevailed. The laws made in Nepal by the rulers excluded people on the basis of birth and work. The society followed the trend and it became the custom. The original idea, however, looks different and was glorified in the past. No matter how useful the caste system was in the past, it has been seen as a crime against human dignity now. It has lost all its utility and can only be condemned.

Nepali society is in transition. There is a tussle between different spheres in every person's life. A person lives like something, preaches like something else, behaves differently at work and at home. He/she is fighting at home or at work and with his/her conscience. With the support and sensitization from different national and foreign actors, Nepalese are being sensitive in behaving with other people.

Laws are being legislated with opportunities for dalits, marginalized groups and women (deprived communities). However, there are concerns that they are not sufficient. Old laws have to be made sensitive as well. We cannot wait for time to play the role while we sit idly looking at the discriminatory laws. If discrimination has any place, it has to be positive discrimination for the benefit of deprived class of people. With the aim of reforming, old laws should give way to new ones, which are sensitive to the concerns of dalits, and marginalized groups.

The laws cannot remain at the status quo. There has to be some benefit for the deprived communities. For them to be able to compete with others, historical injustices have to be undone. The playing field has to be evened so that

the players can compete. Deprived communities have to be empowered and made independent to stand on their own feet, live life full of dignity and rise above public torture and humiliation. As Dr. Bipin Adhikari a constitutional expert says, "The deprived communities have to be the administrators themselves of their rights, only then can change be possible."

## The Importance

The importance of the subject lies in the fact that every human being is equal by birth. He/she is unique but the uniqueness should not be exploited and discriminated. Historically, people have exploited the uniqueness. There has been movement of people across continents like never before and the lessons we learn is that the diversity has



to be preserved to make life exciting, pleasing and wonderful. Discrimination against human beings based on their birth and work is a crime against human dignity. Every iota of it has to be eradicated. To save our face in the eyes of future generations we have to undo the wrong we have committed. This is the right time to do anything and save ourselves from humiliation and embarrassment.

The subject can never be more important when there has been a realization by the people who are deprived. People are raising their voices and are aware of injustices that have been done to them. The communities which have been enjoying at the deprived people's cost have also realized and are aware of the means of benefits they are enjoying. They are embarrassed. Both are looking for an outlet to undo the historical injustices. There has to be an upliftment of the morale of the people, some space has to be given to deprived communities in the legislations and

empower them. Law as a device of social engineering will never be so effective as it will be now for the upliftment of the historically neglected people based on their birth and work they carried out.

## The Urgency

A wrong has to be righted. A wrong cannot be carried on with because many people have trodden the same path. When awareness is there about any wrong that one is doing, his/her conscience will not allow to do more wrong. A wrong has to be remedied and there is no alternative to it. There will not be a better opportunity to uplift the historically deprived people when they are aware that they have been the victims of state, laws and society. It's easy to help those who have realization and awareness of their woes. It's easy to help those who are ready to help themselves. There has not been a better time in Nepal than at present where the realization has come to the deprived communities that they have been historically ill treated. They have been asserting their rights and there is already momentum in the country and outside the country as well.

## The Players

The whole emphasis should be in helping those who have been deprived and discriminated historically. There are actors who are playing their role with limited resources. They are looking for every resource they can to capitalize on. There are international organizations which are ready to help as well. They have the experience and they want to share it. They can train deprived people to raise voices, bargain and negotiate their rights. The world has been a witness to the eradication of apartheid. The inimical feelings have not subdued completely but there are efforts made from every corner to enjoy the diversity that the world has been able to produce. Racism had always been an issue in America and Europe. Sporadic incidences of racism can still be seen in these continents. However, good lessons have been learned there. The consciousness of average people has definitely risen in these continents and the feelings of equality and fraternity can be an example for a third world country like Nepal as well. ■



# Committee Systems In SAARC Parliaments

By JEEVA RAJ BUDHATHOKI

A committee is an authority constituted by representatives of the people or any interest groups to fulfill certain purposes. The more numbers of people are there, the more complicated it will be for effective and quick decisions. So a Parliamentary Committee is understood as a shortened body formed by representatives of a Parliament. Now-a-days there is a big volume of Parliamentary works that have to be performed by a Parliament, and this is impossible. So, the Parliaments of the world have developed the Committee System for their convenience to smoothly perform their tasks.

To make the parliamentary committees and their role more comprehensive we can primarily divide them into two categories; Standing Committee and Ad hoc Committees. Standing Committees are of permanent nature, as they remain functional for the tenure of a House. Unlike this, Ad hoc Committees are constituted for some special purposes and cease to exist after accomplishing their tasks. Similarly, a Parliament has mainly three functions; to make statutes, to do oversight and control the government and to regularize its internal businesses and procedures. According to the businesses of a parliament; committees are formulated. So, in general there are 6 types of committees in the worldwide Parliamentary Practice. First, Legislative Committees; these Committees performs legislative functions and discuss on Bills. In most countries, these types of committees are as Ad hoc. Second, Subjective Committees; these Committees make policies, oversee the Government's responsibility and control over it and they also play the advisory role in parliamentary business. In India, these types of committees are Joint Committees. Third, Financial and Investigation Committees which don't make policies, but only scrutinize the financial matter, whether the expenditure of Government authorized by appropriation bill is appropriate or not as referred by the guidelines and financial regulations; like as Public Finance, Estimate Committees and Government Assurance Committee etc. Fourth, Internal Business Regulatory Committees maintain and regulate different Parliamentary internal Businesses and Activities; like Business

Advisory Committee, Rules Committee, Petition Committee etc. The fifth type of Special Committees are related to any subject as Parliament requires. The sixth type are Joint Committees; if the Parliament is bicameral and needs to do anything jointly, these Committees are formed accordingly. Now, let's know the Committee System in brief in SAARC Countries.

The Bicameral Parliament of India consists of the Upper House (*Rajya Sabha* 250 M) and the Lower House (*Lok Sabha* 552 M). The lower House of India consists of 16 Subjective Committees (as Joint Committees), 5 Financial and Investigation Committees, 7 Internal Business Regulatory Committees and other Legislative Committees, Special Committees and Joint Committees can

**The role played by committees on Legislation, Government Controlling and Internal business and process regularization theoretically is the same.**

be formed as required. Likewise, in upper House there are 8 Subjective Committees (as a Joint Committees), 2 Investigation Committees, 10 Internal Business Regulatory Committees and 13 Joint Committees and Legislative Committees and Special Committees can be formed as required.

The Pakistan Parliament also is Bicameral and contains the two houses: the Lower House is *National Assembly* (342 M) and the Upper House *Senate* (104 M). The Lower House has 46 Standing Committees, 4 special committees and 3 other Internal Businesses Regulatory Committees. Likewise the Senate has 28 Standing Committees, 3 Functional Committees and 3 other Internal Businesses Regulatory Committees.

The Parliament of Bangladesh named *Jatiya Sangsad* (300 M) is Unicameral. Now in Bangladesh, Parliament has 48 Committees in total. Of them, 35 are Subjective Committees (Departmentally-related) and 13 other types.

The Sri Lanka Parliament (225 M) also is Unicameral. There are 2 Ad hoc Committees, 54 Subjective Committees, 2 Legislative Committees, 5 Internal Business regulatory Committees, 3 Financial and investigation Committees, and 4 Special Committees. The Committee System of Sri Lanka, though British in origin, has changed its character in keeping with the changing developments in the Sri Lanka Parliament and the society.

Likewise, the Afghanistan Parliament is also Bicameral: the Lower House (*Wolesi Jirga* 249) with directly elected members and the Upper House (*Meshrano Jirga* 102) with Senators. The Lower House has 18 Standing Committees and the Upper House has 12 working committees.

The Bhutan Parliament consists of two houses; Upper House (*National Council* 25 M) and Lower House (*National Assembly* 55 M). The Committees are being regulated there by the "National Assembly Committees' Act of the Kingdom of Bhutan, 2004." There are only 2 Standing Committees; of them 1 is Public Accounts and the another one Legislative Committee under the Lower House. Ad hoc Committees can be formed as required.

In the Maldives, the *Majlis* (77 M) is the Unicameral Parliament. There are two types of committees; 11 Standing Committees which are responsible for proposing amendments to bills or matters presented to *Majlis* floor, researching of the proposed bills or matters presented to the *Majlis*. Besides this, Ad hoc Committees can be formed as required.

In Nepal, the Unicameral Constituent Assembly (601M) is also undertaking the responsibility of Parliament. There are 6 Subjective Committees, 1 Legislative Committee 1 Financial Committee, 1 Internal Business related Committee and 2 Special Committees arranged under the Rules and Procedures of the Parliament.

The role played by committees on Legislation, Government Controlling and Internal business and process regularization theoretically is the same. However, according to the Structure of Parliament (Unicameral or Bicameral), the Political System followed by a Country (Parliamentary, Presidential or Mixed) and the size of the MP's numbers and the culture, economy, resources and the standard of development of such country, the Committee's names, member's numbers and Subject matters of committees may be different in different countries. For example In Afghanistan Bills are initially discussed in Committees then they go to the House because there is Presidential System. Similarly, In India and other countries where Parliamentary System is followed; Bills are initially discussed in House, then they go to the Committee even though, finally Bills are passed through House. ■

# Chitwan National Park Charm At Stake

*Animals are fine in Chitwan, but their habitat and its vicinity are changing to pose a threat to real treasure - the nature*

By **LARA SUYKERBUYK**

The year 2011 was devoted to tourism development in Nepal. The country aimed at bringing 1,000,000 visitors and actually welcomed half that number. Nepal is one of the poorest countries in South Asia and through tourism, the economy, it is believed, can grow and the country can prosper. Nepal can easily profit from its ancient cities like Baktapur and Patan, or its numerous mountains for trekking in the Himalayas. Additionally, it offers a jungle experience and a search for tigers and rhinos in the national park of Chitwan. However, the question needs to be asked: at what expense?

Five years ago, I visited Nepal for the first time and fell in love with Chitwan. I adored, as many do, the experience of watching the rhinos appear every night at the riverside, the elephants pass by in the streets, enjoy the beautiful sunset over the jungle with a bottle of beer and the peace and tranquility of the green village.

This year I went back to revisit my beautiful memories. Unfortunately, I was let down by the changes that had come about in Chitwan over the years. When you walk back to your hotel after your visit to the jungle park and cross the river, the scenery has changed dramatically. A large, cold building rises out. My guide told me entrepreneurs are planning to build six more of those horrible eyesores. In my imagination, I could see the riverside changing into the coastline of my country, Belgium, where large apartment buildings pollute the skyline. My heart broke for Chitwan with that sight. My guide and I agreed that change has come to Chitwan, but is not always for the best. Many trees have been cut down and hotels have been built, in



order to accommodate more tourists.

The charming lodge I stayed in during my first visit was gone and a concrete building was in its place. So, I stayed more in the village of Sauraha, in a guesthouse 'Wild Horizons' run by an English woman and her Nepalese husband. The couple started building their dream fourteen years ago, when it was still the 'old Chitwan'. They use solar panels for hot water and when the power

is cut, they use candles for light instead of using an alternator; unlike many hotels in the surroundings. They call it noise pollution and they have the right end of the stick. They are looking into a system to store solar energy for electricity in the future, without disturbing the nature, and hope others will follow their

example. Regarding animal conservation, things are a bit better - no rhinos were poached last year and the tiger population is increasing. To be commended is the village's commitment to litter collection and provision of rubbish bins.

Many tourists go to Chitwan on a package tour. This means that many small, eco-friendly guesthouses find it almost impossible to compete and this is not a positive evolution.

I desperately hope Chitwan will not lose any more of its natural charm to the moneymaking big hotels. I understand that Nepal wants to please its tourists but it is up to the Nepalese to respect and preserve their true treasure: nature. In the end, that is why tourists come and will keep on doing so.

*Lara is an intern from Belgium*

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# Local Democracy: Critical Issues & Directions

By UPENDRA BHADUR BK

Currently, Nepal is undergoing a process of change from a unitary to a federal system of governance for providing a proven space for diverse castes and ethnic groups and their equal access and control over political powers. As the mono-inclusive type of centralized and authoritarian order remained adverse to inclusion of *Dalits*, Indigenous Nationalities, *Madeshis*, gender and deprived regions at state apparatus for centuries, the reversal from the unitary state is afoot constitutionally. State powers are constitutionally divided between a central government and local political constituents in a federalism. The combination makes a federation. When the allocation of authority is divided among the center, province (state) and local governments constitutionally, the self-governing status of local governments is entrenched and cannot be revoked by a unilateral decision of the central government and provincial governments. As long as the fate of local governments is given to the mercy of central and state governments, local democracy can not be sustained, whatever political system is installed in the country.

There is no denial of the fact that providing more autonomy to local governments enhances chances of success of democracy taking root at primary venues. For deepening democracy, citizens want a provision that all powers should be held at local governments except the powers allocated for the center and provinces. In connection with the devolution of powers, most countries in the world provide legislative, executive, and judiciary, financial and administrative powers between local governments, regions or states and central governments constitutionally. Countries like England, China, the Philippines and Tanzania have formed state structures devolving more power and autonomy to local autonomous regions and provinces. The Zanzibar autonomous province of Tanzania elects its own president. Two systems in province in China and the Mindanao autonomous provinces of the Philippines are examples of similar forms of power sharing. The autonomous provincial governments of Wales, Northern Ireland and Scotland in

England can issue and use their own currency. Denmark, Sweden, Norway and Macedonia are among most popular countries in the world to the cause of decentralization. India, America, Australia, Switzerland and South Africa with federal system of governance have attached importance to local governments, sharing power and authorities.

Going back to 1960s, no interruption is found towards legitimacy of local bodies through holding periodic elections since 1961 to 2002 which is



Village Without Representative

rarely available in South Asia watching over the case of Nepal. The challenge for Nepal is to create a system of good governance that supports, promotes and sustains human development to realize the highest potential and well-being of all, thus eliminating poverty and all other forms of exclusion. Local governments should be given rights and accountability on management and mobilization of local resources through participation of local people in the planning process within given liberal political framework. In order to flourish cultural pluralism of Nepali society at primary venues of local democracy, more autonomy must be guaranteed to local tiers of governance constitutionally.

The CA Committee on 'State Restructuring and Distribution of State Powers' has proposed three tiers of governance - Center, Province and Local Government. It has proposed Autonomous Region, Protected Region and Special Region parallel to the local bodies that indicate overlapping and ambiguity on rights, roles and accountabilities between local bodies and special structures. Those special structures are to oversee exploration of mines and management, development of

culture and script additionally compared to local governments. The very committee has proposed the right of provinces on local resources.

In Nepal, there are approximately 300 market centers including small towns and municipalities. On the ground, the creation of 300 Municipalities or Municipal Governments could be more practicable. The 3915 Village Development Committees (VDCs) are better to reduce to 700 Village Governments on basis of eligible criterions such as administrative and geographical proximity, majority of caste/ethnic and lingual settlements, shared watershed, availability of natural resources, infrastructures and possibility of local economic development.

The local governments should be given autonomy on taxation, inter governmental fiscal transfer and distribution of revenues. A constitutional provision of providing 'equalization grants' to local governments also should be provisioned on the basis of Human Development Index (HDI). As the local self-governments are constitutional parts of the federal system, suggestions and feedbacks on behalf of them should be mandatory in terms of policy formulation and distribution of fiscal resources. A High Level Fiscal Commission needs to be constituted at federal level along with equitable representation of local governments for policy feedbacks.

With reference to Nepal, the motto of federalism is not only to transfer/divide powers from center to provinces to make a dent in existing power structures, but also to make local governments as ingredients on division of powers. The imagination of making the local governments as the appendage of the center or provinces can not allow for the evolution of democracy at the local level. The proposed federal system of governance must be able to put the people at the center of politics locally, only the empowered people can share power through the democratic process and the freedoms formed by the democratic order.

*(BK is a Ph.D. Scholar at Tribhuvan University and is currently working at Nepal Center for Contemporary Studies, NCCS, as a Researcher).*



## The Kony Truth: We Can

By SHRADHA GYAWALI

Counting 86,682,605. It is the number of views that Kony 2012 received in less than a month. Facts aside, just the number is staggering.

With all this publicity, insane amounts of criticism and controversy also came along. Then the recent arrest of the co-founder of the Invisible Children, who is also the star of Kony 2012, did not help much either.

At this point, most people are responding to Kony 2012 with mistrust and disbelief.

But before all that skepticism, before everyone starts asking questions and getting embarrassed for supporting the film in the first place, before all that, no one can deny that people were inspired. Why else would the video have gone viral?

Maybe it was the editing techniques, the music, the use of cute little child to get the point across—but I think it was something more.

Kony 2012 inspired people because it empowered them. The video told young viewers—where for some reason many of us feel powerless to enact change—that we can change the world simply by putting up posters or by adding video links to our Twitter or Facebook feeds.



And the fact is: that's true. There is nothing in the world that can stop us if we work together fulfilling small acts of service, of citizen engagement.

So regardless of twisted facts, the allegations, the misplaced money and so on, I believe that at its core the message of Kony 2012 is true and 100% valid.

The video tells young citizens that they can make a difference by working together to make something huge happen. Now that truth is undeniable.

Kony 2012 also served as another awesome example of the power of internet. The internet can be used to amass people beyond state and country lines, beyond the divides and borders we create for ourselves.

There are no borders on the internet. And let's hope there never will be. The internet is the great equalizer, with the power to bring over 86 million people together with just one video posted on YouTube.

And can I just mention? Kony was one of the first videos gone viral that wasn't about something inane—it was about something that actually mattered to the people who made it.

Maybe Kony 2012 wasn't the right movement. But the film paved the way for more films like it, maybe more valid, maybe less; it's up to us to tell the difference.

Regardless of what it is, when we see something, we have to ask questions. We have to investigate. Sometimes we all need to be our own journalists.

In the end, Kony 2012 did one very important thing: it reminded us about the power inherent within ourselves.

We can ask questions. We can investigate. We can bring together masses of people through the click of a button on our social media pages. We can make our world different. ■



## Teenage Depression

By ADITI ARYAL

My friend called me after ages some days back. By the sound of her voice, she was definitely not doing well. She begged I accompany her to a counselor she was going to visit. On the way, I could see she was what people normally termed as 'depressed'. The way she talked about things, she sounded like she desperately needed help. Depression among teenagers is very common these days. The look on the college counselor's face when you enter his office clearly reflects that. I also had him asking me bluntly if I needed help due to depression I would to wait in a very long list of people.

Talking more about my friend, she was depressed because she couldn't handle stress in her life. She was being constantly nagged by her parents and most of her possessions were confiscated as exams were approaching. The pressure from teachers and the competition among peers was difficult for her to handle at the same time. Moreover, she was not allowed to go out and see her friends, and her social life was crumbling. Though it sounded like a piece of a very stupid movie to me, this is the reality for most of the teenagers in town today. Many have even ended their lives as a result.

In this so-called fast paced cut-throat world, everybody cannot be expected to achieve. Expectations lead to disappointment and thus pressures pile up. Inability to cope up with this pressure leads to frustration which aggravates to depression. Reasons like being bullied or lack of competence can still be considered a pretty normal reason to be depressed. But here, the reason does not merely limit to failure. There exist the most absurd reasons like, for example, not being invited to a party your friend is attending or not owning the same brand of jeans your sibling did!

Like everything else in the country, depression has been exaggerated. Every fifth teenager undergoes or has undergone depression. It wouldn't be surprising if the counselors themselves start suffering from depression. Whatever reasons justify depression, it is a very severe situation. People simply do not get depressed by not being invited to a party. Depression also is an excuse for many not to do things. 'He's depressed', is a good way to get away from things and is also a fashion statement in itself.

In the context of today's people, depression is any emotion which is not happy. That is hilarious and totally wrong! It is a well known fact that teenagers today are more into TV, mobile phones, games and what not. We do not eat a healthy diet anymore with numerous fast food outlets being opened up, and many still survive on practically no food as I see it. Most are sleep deprived, thanks to the low call costs and internet charges at night time. To cut a long story short, we do not maintain a very healthy lifestyle. This is one major reason for various bodily juices not flowing like they should, leading to criss-crossing of emotions, or in other words, *depression*.

Depression is merely overrated, like making a mountain out of a molehill. Depression among teens is viable but there must be plausible reasons, broken families to name one. It, in its true form, is very dangerous and could lead to psychological disorders as well. The actual proportion of the really affected teens is very less, and they could not be getting the required counselling because of numerous reasons. ■

## Review

# Act of Valor

A covert-ops action flick, *Act of Valor* is almost unashamedly a recruitment video for future Seals.



Sometimes, it doesn't take big names to power your way to the top of the US box office. It just takes brute force, and voices so deep that the sound-system quakes. All the main roles in this covert-ops action flick are played by Navy Seals on active duty: they're not even allowed to be identified. If any have future plans for a full-time thespian career, they may yet count this as a blessing.

We begin, as we must, with terrorist atrocities, namely a gaggle of children in the Philippines being blown up by a suspicious ice-cream van. If you want subtlety, you're a pansy, basically, and you've stumbled into the wrong movie. A CIA operative (Roselyn Sánchez) is kidnapped and tortured. She's also hot, which you wouldn't necessarily think was relevant, but the cinematographer begs to differ. Chances to ogle female flesh



don't come along often here, so milking them is a primary objective.

The screenwriter is Kurt Johnstad, who worked on Zack Snyder's *300*, and seems equipped with everything except a sense of humour. On the plus side, his

dialogue's still hilarious. The squad members are introduced with stentorian soundbites – here's "another watchman, standing guard while the world sleeps". We hear that one twig can snap, but a bundle of twigs is strong. Isn't that where the word "fascism" comes from? (Latin *fascis* meaning "bundle"?) Best not to ask.

The set pieces, along with "Tom Clancy presents" on the poster, are what boosted this to stateside success, and they're not bad. A truck-convoy chase

through Mexico rumbles along watchably, and the editing's efficient enough. Still, viewing half of it through gun sights makes it fairly obvious that the target audience are gamers, fans of what's known as the first-person-shooter genre – Medal of Honor

and its ilk. The film is almost unashamedly a recruitment video for future Seals, but let's hope possession of a PlayStation 3 doesn't become the sole condition for enrolling.

(Courtesy: [www.telegraph.co.uk](http://www.telegraph.co.uk)) Review by: By Tim Robey

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## Bill made to amend the Extended Janakpur Development Council Act 2055, 2067

Janakpur has historically been worshipped as an important pilgrimage site for all Hindus. The Extended Janakpur Region Development Committee was formed in 2049BS with the objective of developing Janakpur region's religious, historical, and archeologically important areas as well as contribute to the social, economic and cultural development infrastructure in a planned manner. It was made active as an organized body by the Extended Janakpur Region Development Council Act 2055. The Integrated Janakpur Region Development Council Act was implemented from 2055/03/29 and the first amendment was proposed in 2067 BS. This proposed bill has attempted to amend the Preamble of the Act, its executive structure and create an administrative council as well as the region of extended Janakpur.

It is essential to amend the Act keeping in mind the organizational role and its effectiveness over the last 13 years. The Act had established an autonomous, answerable and organized body to ensure that the religious, ancient, spiritual and cultural identity be protected, promoted and conserved for which the security of the shrines, temples, ponds and other areas starting from Janakpur city to Madhyamiki (Panchakosh) should also be protected and promoted while developing the social, economic and cultural development infrastructure in a planned manner to make it a organized pilgrimage and tourist area. However the body has not been able to work effectively for the development of the Madhyamik (Panchakoshi) area as per the aim of the Act. What is clear to all is that due to the lack of clarity regarding the budget and division of administrative authority the organization has not been able to work as per the objective of the Act. Realizing this, the Nepal Government has proposed necessary amendments in the Bill.

There are ten major amendments

proposed in the Bill: amendment in the preamble of the Act, and in Articles (3), (6), (7), (8), (13), (16), (17), and (24).

Notes in the proposed amendments

a. Amendment in the preamble of the Act

The proposed amendment bill has completely amended the preamble of the Act. In the main Act instead of Janakpur and its Madhyamik (Panchakoshi) circuit region integrated Janakpur has been added while extending the Madhyamik (Panchakoshi) envisioned by the Act to include lingual words such as gumba, stupa, chaitya, masjid, majar as per the state's secular policy which has extended the Janakpur region and the ancient Panchakoshi Madhyamik circuit area changing it to now include the entire Dhanusha and Mahottari district establishing it as extended Janakpur region.

b. Section A of the definition section of the main Act has been amended and Section (b) removed while in sub-section (g) the word member secretary has been removed. The amendment in the definition section has also amended the preamble taking the unique vision of the Act outside and extending the region to include all the ancient religiously, historically, and touristically important shrines, temples, ponds, monasteries, stupa, chaitya, masjid, majar and other religious places extending the field of work of the organization and adding further responsibilities to it.

c. In Section (1) of Article (3) of the main Act, as per the definition there is a provision to establish the council by replacing "inside the Madhyamik circuit area" with "inside the extended Janakpur Region".

d. The aim of the council has been amended in Section 5 (c) as per the amendment in the preamble.

e. Article (6) of the main Act has been amended and provisions made for a management council to be established.

This amendment has changed the structure of the management council and addressed the problem of minimal attendance in the past meetings of the council by providing for representatives of the ex-officio members making meetings simpler and more practical. In Section (2) the tenure of the Chair as well as nominated members has been kept at an equal four years. At the same time provisions have been added to allow the management council to invite specialists as observers and in section (5) provisions have been made for the director of the organization to be a member of the council and work accordingly.

f. In Article (7) of the main Act a mandatory clause stating "at least once a year" has been added in section (1) which amends the council meetings and decision making process. Further additions have been made in Section (1 a) where a mandatory clause stating that if one fourth of the member of the council submit a written request to the Chair to call a meeting the Chair must call a meeting of the council within 15 days. Likewise the quorum for any meeting has been amended from 50 percent to 33 percent.

g. Regarding the work, responsibilities and authority of the management council c(1) has been added where further authority to protect, promote, and manage the temple lands within the extended Janakpur region in coordination with the *Guthi Sansthan*. While this proposed amendment increases the authority and working area of the council it also creates possibilities for conflict in the working area of the two bodies [*Guthi Sansthan* and the Council].

h. Article 13 (e) has been amended and arranged as per the definition.

i. As there are no clear provisions regarding the work, responsibility, and rights of the Chair in the main Act, this

has been added in Article 16 as (A) mentioning the work, responsibilities and rights as well as the salary of the Chair, which will be as fixed by the regulation. In the past since 2055BS as the Chair of the Council was neither full time nor had executive authority there had been cases of disputes between the member secretary and the Chair regarding the administration and management of the council affecting the work of the Council in a negative manner. The proposed amendment has provided the Chair with executive authority and to work full time.

The provision mentioning executive director of the council has been changed to just director. The provisions mandating that the Director will work under the Chair's direction provides for the possibility of selection of an able and creative person through open competition to assist in the councils work.

**Suggestion**

These suggestions have been prepared based on discussions with the Chair and other members of the organization formed for the development, protection and promotion of integrated Janakpur.

1. The amendment in the preamble has defined Janakpur region and the work as well. However the proposal to include all areas of Dhanusha and Mahottari district in the Madhyamiki (Panchakoshi) can only develop if the financial resources of the organization are increased.

2. The making of the council has been made practical. However such organizations must be made more representative than bureaucratic and even the local VDC chair should be represented accordingly.

3. As per the prevalent laws of Nepal the Guthi Sansthan is responsible for the protection and management of the shrines and temples within the area which might lead to conflict between the two agencies in terms of work area.

4. The organization can only work effectively and as per the vision of the Act if it works according to plan and if adequate financial resources and authority is provided. Past experience

shows that due to the lack of clarity in the rights of the organizations it has not been able to work effectively.

5. The proposed amendment provides for the region, the rights of the Chair, the Director (from open competition) in the Act itself giving it autonomy and the Chair the full responsibility and accountability through the executive authority provided which raises hopes for future work to be more effective.

During the discussion organized by the Nepal Constitution Foundation on 2068/08/18 various persons had submitted the following written suggestions:

a. Preamble

Most participants felt that the preamble must be kept as it is. The Act was initiated to develop extended Janakpur envisioning the Panchakoshi Madhyamik Circuit region. The general opinion was that by integrating all the areas of Dhanusha and Mahottari as integrated Janakpur region the amendment had put the ancient importance of Janakpur and the Madhyamik Panchakoshi region and ended the main objective of the Act. Therefore the Panchakoshi Madhyamik region must be kept as the extended Janakpur region. Some participants also expressed the opinion that the proposed amendment was timely but they also pointed out that while there had inadequate focus in the small region further extending the region did not have significance.

b. Establishment of the management council

The amendment in the management council has instead of making it representative made it more bureaucratic. There were opinions opposing the removal of the CA members (parliamentarians) and the VDC Chair. Looking at the past experience of the meetings of the management council the amendment to allow representatives of members to make it more practical was welcomed.

c. Relation between the Council and the Guthi Sansthan

Most participants were of the opinion

that adding Article (8) Section D (1) would lead to conflict between the two agencies. Some were of the opinion that there should be coordination and cooperation between the two agencies. Some were also of the opinion that by giving both agencies the responsibility over the same area might make both inactive and negatively affecting the work of the council.

D. Regarding the patronage of the extended Janakpur Region Development Council as per the prevalent law of Nepal the Lumbini Development Trust Act 2042, Pashupati Region Development Trust Act 2050 all have patrons in which Article 5 of both Acts state that Prime Minister is the Patron of the Trust, however the proposed amendment bill of the extended Janakpur Region Development Council does not provide for any patronage. Even if it is to bring some uniformity amongst the different development agencies as per the Act, the proposed bill should also provide for patronage from either the head of the state or the head of the government.

The state should attempt to bring some uniformity by taking in the above mentioned suggestions as well as other agencies made as per Nepal's laws and prepare for legal provisions. It would be best if the above mentioned suggestions are incorporated in the proposed bill and then only presented.

This suggestion paper was prepared by advocate Bijaya Singh for the Nepal Constitution Foundation with inputs from women, Janajati, Dalit, Madhesi, youth, and other related pressure groups. The Foundation is grateful to Mahendra Yadav, Arun Kumar Pajiyar, Munni Kumari Gupta, Kiran Yadav, Juli Mahato, Bidyakishor Raya, Rishi Bhusan Chaudhary, Manchala Jha, Kailash Gurung, Sanumaya Maharjan, Jaya Ghimire, Dr. Bineta Kushiyat, Dr. Surya Dangol, Biswanath Prasad Upadhyaya, Om Kumar Dahal, Dik Ghimire, Phurpa Tamang, and Dr. Bipin Adhikari.

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# Free Treatment For Cancer?

-By BUDDHA BASNYAT, MD



Cancer is a feared illness not only because it may potentially kill the person but also because it may be financially draining for the family. In a country like Nepal where any kind of catastrophic illness will cause significant financial problems for most families, it is clear that when someone is afflicted by life-threatening forms of cancer, it affects not only one individual but the entire family. Certainly emotionally. But perhaps more practically, financially too. In many

providing this drug pro bono to poor patients with CML in the developing world. In Nepal, now in 2012 there are over 500 patients like Krishna with CML being treated with glivec. In Kathmandu Dr Gyan Kayastha helps run the programme from Patan Hospital. Bharatpur also has a similar set up. For the oncologist (cancer doctor), this drug has turned out to be a poster boy in the treatment of cancer.

and triggers among other things the growth of a massive spleen.

The tremendous expense of developing cancer drugs would be worth it if the drugs promised cure or even lasting remission of the disease. But the vast majority of new cancer drugs achieve very modest results. Hence the excitement generated when a anti cancer drug like glivec is found to be so exceptionally effective. Unlike glivec, consider a drug called Tarceva for pancreatic cancer which extends the life of the patient for 12 days at a cost of twenty six thousand dollars.

Unfortunately as often happens with drug therapy, resistance to this wonderful drug has developed, but thankfully new drugs to overcome this resistance are available. The good news is that the generous people who are supplying free glivec for patients from Nepal have also committed themselves to supply the new drugs too. ■

**The tremendous expense of developing cancer drugs would be worth it if the drugs promised cure or even lasting remission of the disease.**

which kill cells indiscriminately in the human body, glivec treatment is based on genetics and

instances chemotherapy may only prolong life for a short period of time, but at an enormous cost to the family. Because the state does not pay for expensive medical bills ( unless you are a top politician), for most people, to opt for treatment or not is a wrenching decision. That is the reason why having a universal health coverage provided by the state and the public at large is what is essential for Nepal. But we will save that topic for another day and for now talk about a success story.

Forty year old Krishna Prasad ( name changed) who was suffering from chronic myeloid leukemia ( CML), a form of blood cancer, told Dr Mark Zimmerman an amazing story. Mark was the director of Patan Hospital then ( 2001), and Krishna told him that free treatment for his condition was available. The treatment involved using a drug called glivec( imatinib) which has revolutionized the treatment of this dreaded disease. But Mark was puzzled because this drug, although stunningly successful against CML, easily cost \$ 30 to 40,000 per year; and it needed to be taken year after year. But Krishna, the patient, was telling him it was available for free.

Incredibly what Krishna had researched on the internet was true. Novartis, a Swiss drug company working together with the Max Foundation were

targets specific cells and genes. The target in this case is the Philadelphia chromosome which characterizes and helps diagnose CML. The activity of this chromosome is detrimental to the body

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