

Opinion: Laxmi Thapa

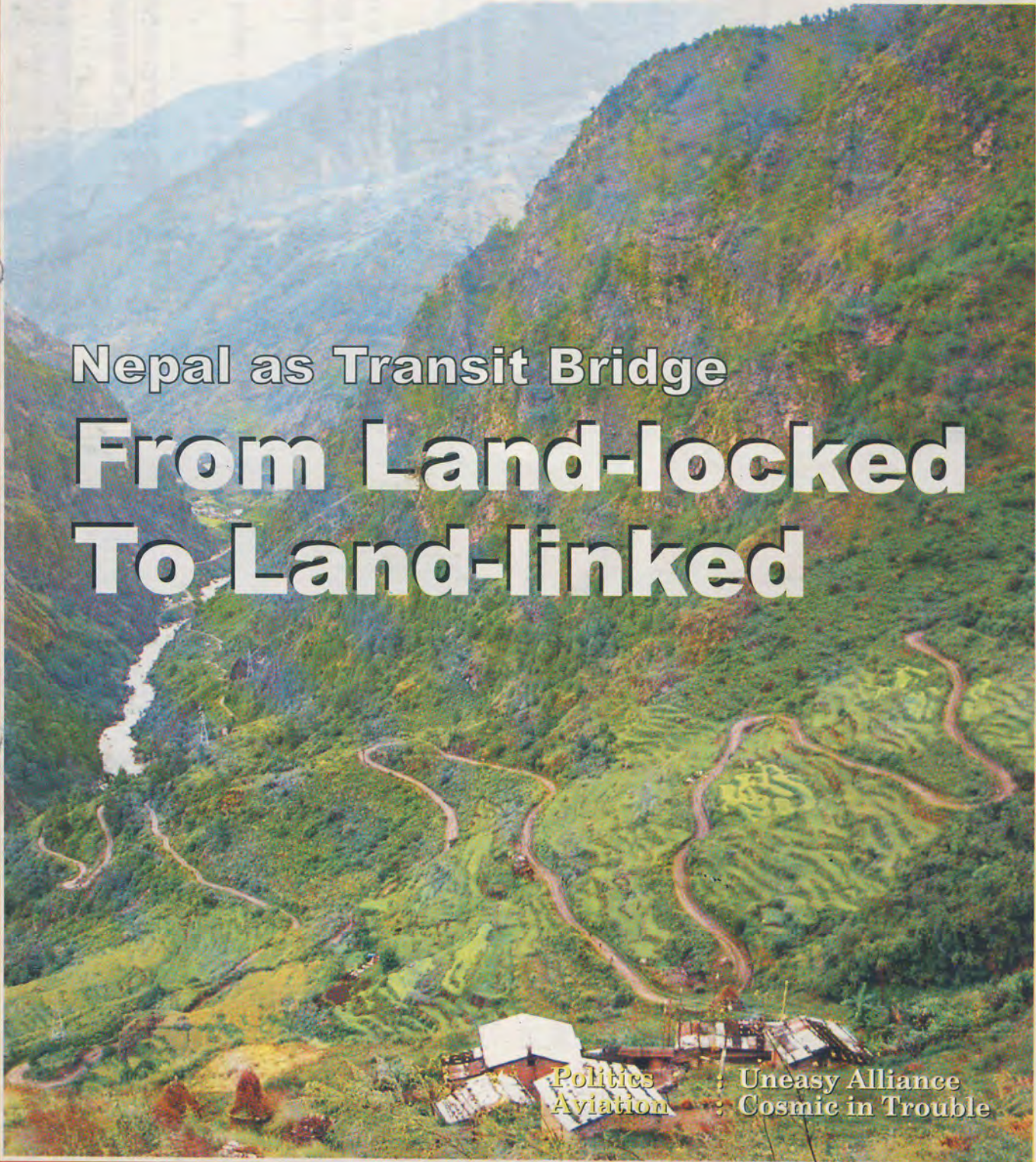
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The National Newsmagazine

# SPOTLIGHT

April 07 - 13, 2006

## Nepal as Transit Bridge From Land-locked To Land-linked



Politics : Uneasy Alliance  
Aviation : Cosmic in Trouble

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# सुखी परिवारको लागि सानो लगानी

प्रस्तुत छ...

...परिवार वचत खाता

यस क्रमिक वचत खाताले भविष्यमा तपाईं र तपाईंको परिवारको आर्थिक आवश्यकताहरू पुरा गर्दछ। यस खातामा प्रारम्भिक निक्षेप रु २,५०० र न्यूनतम मासिक निक्षेप रु ५०० जम्मा गरि विभिन्न सेवाहरू पाउनुहोस् ।

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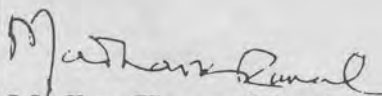
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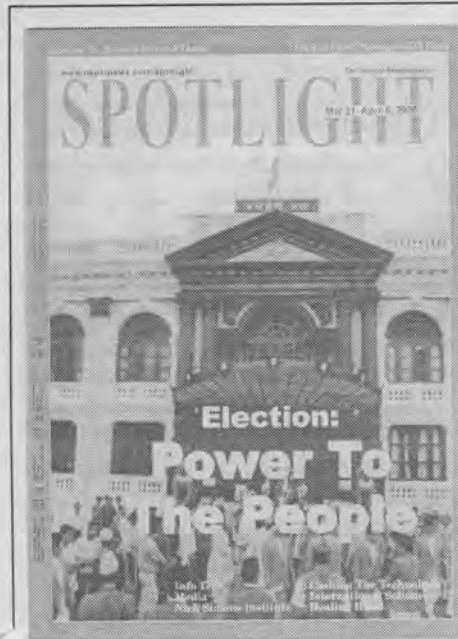
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**M**y hopes that the overall situation in the dear homeland would be considerably improved during my more than nine month long sojourn in the United States of America have been totally shattered after I returned home a few days ago. Chances of peace and normalcy being restored in the country seem as bleak as ever. The self-centered politicians are as greedy and scheming for power, as keen to nurse their own nefarious designs at the cost of the nation, as willing to dance to alien tunes and as ready to take the poor people to a ride as ever. Nepal's so called foreign friends are as unabashed to play politics with the tiny country to satisfy their obsession for democratic rule, shutting their eyes to the naked truth ignoring the sensitivity of the poor country. Nepal's traditionally friendly neighbor in the South is as blatantly playing the double game to pressurize the small and handicapped neighbor with its might and influence without batting their eyelids. Nepal's government is as ineffective and inefficient to meet the urgent needs and requirements of its people and to provide security to their lives and property. The bureaucracy is as nonchalant to its duties and responsibilities as it has been. The Maoists insurgents as desirous to killings, abductions and destroying the infrastructures. Even though all these were not unexpected, they have simply added to my frustrations. When the home minister of the country appeals to his countrymen in general not to travel to the capital, doesn't it manifest his helplessness and inability to provide ample security on the highways leading to the capital? It is simply beyond our normal imagination how King Gyanendra expects to achieve his difficult objective of restoring peace and normalcy, so very necessary for a free, fair and smooth elections to reinstate democratic process, with such impotent mechanism.

It was heartbreaking to see that the overall situation in the country has rather deteriorated and the confidence of the people more shaken. Prices of daily necessities have shot rocket high. Shortages of all purpose water and power in the richest hydro power country have made life of all, rich and poor alike, intolerable. A sense of insecurity for their lives and property has made most people panicky. The damaging publicity against the small country, the pressures and the threats being put on her, by the so called donors and well wishers, friends and foes as well, must be giving sleepless nights to men in power. We can only presume King Gyanendra must be a terribly worried man. Since he has, time and again, expressed his determination to quell the insurgency and to hold the general elections, we need not be ultra pessimistic. All he needs is a mechanism that can bring his mission to success. Sane, timely and productive advice can still carry him through the difficult times. He must never lose sight of the fact that he cannot afford to lose the love and regard of his people and permit any erosion of the image of the institution he heads. All those who keep on boasting to be Nepal's good friends must stop exacerbating King Gyanendra's problems and sincerely cooperate with him to crush the violent insurgency. Intimidating a small and handicapped country does not enhance the status of Nepal's richer and powerful friends.

We have been stressing all the time that Nepal cannot solve her problem without India's sincere cooperation. Even this Maoist problem urgently needs India's unstinted cooperation for a speedy resolution since this too has emanated from her hubris and misguided policy. Modern India must have learnt in these long six decades that Nepal cannot be subdued by force or hypocritical behavior. Nepal fully realizes her own vulnerability and need for India's good will and friendship. She only wants that India respected her sensitivity and enabled her to go all the way to help her bigger neighbor. Both Nepal and India are suffering under delusions and complexes. Since they have to live together they have to forsake their unrealistic behavior for all time, give up all rhetorics and practice only truths based on realism so that both may derive all the benefits they both can give to each other. A dissatisfied and resentful Nepal will always work as a thorn in the Indian neck howsoever affluent and powerful she might become. They don't need intermediaries to bring them together and start a mutually profitable dialogue. It is high time both the countries accepted their failings and took measures to build up a faultless friendly relationship. It is an urgency India cannot overlook and postpone for long. As for Nepal, she needs it for her healthy survival. ■

  
**Madhav Kumar Rimal**  
Chief Editor & Publisher



## Convincing Argument

I read the cover story about elections and was fully convinced by your arguments "ELECTIONS: Transferring Power To The People" (SPOTLIGHT March 31). As you have written, the only way to transfer power from the King's hand to the people is to hold elections. However, election to the House of Representatives does not seem to be on the agenda of the agitating parties. At a time when the king is saying that he will hold parliamentary elections by next year, the parties as well as the Maoists should go for the elections if they want the restoration of democracy at the earliest.

*Jeewan Dhital*  
New Baneshwore

## Nepal Has Not Benefited

Nepal has not benefited much from the fast expanding market of information technology "CAN INFO TECH: Cashing The Technology" (SPOTLIGHT March 31). Although, there is a huge potential of cashing the developments in Nepal by using its manpower, for some reasons it has not taken momentum. The sluggish progress at the IT park established in Banepa few years ago is an example. Even as months have passed since the formal beginning of the park, only one company-that too, with a foreign investment- is under operation. The infrastructure built by investing millions of rupees is lying unexploited. Similar is the situation of the young and energetic manpower in IT sector produced from various government and private institutions. They are forced to remain unemployed even after gaining high technical knowledge and spending hundreds of thousands of rupees in education. Could be because of the lack of technical know-how or the mere negligence the government has not brought out ample policies and plans to develop the sector. Whatever growth has taken place is from the endeavors of the private sector. It is high time that the government recognized the feasibility of developing the national economy through IT and formulated appropriate plans and policies.

*Kaushal Shakya*  
Tahachal

## Obscure Stance

Reading your cover story, I got confused about why the parties, the Maoists and the King were obstinately sticking to their individual roadmaps when all of them have the same destination "ELECTIONS: Transferring Power To The People" (SPOTLIGHT March 31). The agitating political parties say that they want the return of full democracy. The bottom line of full democracy is that people should be allowed to exercise their fundamental rights. The most important of the fundamental political rights is the right to vote through which they can elect their representative to the government. So, it means that elections alone can ensure the people's rights and sovereignty. What is unclear at this point is when the king is saying that he will hold parliamentary elections within the next one year, why are the parties shying away from it? Won't the power be transferred to the representatives of the people after elections are held?

*Rekha Pradhan*  
Thamel

## Noble Endeavor

It is very pleasing to read about the noble deeds of the American family aimed at supporting hundreds of people

living in remote parts of Nepal "NICK SIMONS INSTITUTE: Healing Hand" (SPOTLIGHT March 31). Such selfless acts should be well recognized and encouraged by the media.

*Kedar Panta*  
Naya Bazar

## King Should Recognize People

I agree with Pashupati SJB Rana's version that "Dr. Giri And Thapa Represent Two Dangerous Trends Of Present Rule" (SPOTLIGHT March 31). The way Home minister Kamal Thapa and vice-chairman of the ministerial council Dr. Tulsi Giri are speaking in public forums suggests that they are neither committed to public welfare nor accountable to the monarch who picked them up from nowhere and elevated them to the present positions. While they verbally express their utmost devotion to the institution of monarchy, their actions and expressions are actually putting the institution in jeopardy. If the king wants to retain the faith of Nepalese people in the institution of monarchy, he should understand how the people he has chosen are acting against him and take appropriate measures in time.

*Sabita Bhetwal*  
Banepa

## Use IT Productively

While there has been a lot of development in information technology in the recent years, very few people have been utilizing it for productive works "CAN INFO TECH: Cashing The Technology" (SPOTLIGHT March 31). Nowadays, most of the households in urban areas have a PC and an internet connection at home. But, most of them, particularly the youths use it for recreational purposes only. We should be aware of the benefits we can get from the usage of internet and use it productively.

*Sarala K.C.*  
Naxal



## Action Against 13 Soldiers

The probe committee of the Royal Nepalese Army (RNA) that investigated the incident in which 150 villagers of Imaliya of Bichawa VDC of Kanchanpur were beaten up by soldiers eleven days ago, has urged the military court to punish 13 errant soldiers, including a captain. The RNA's far western divisional headquarters, in a press release issued on Sunday (April 2), said the probe committee has recommended taking action against 13 soldiers of the Simhapur Post, who were deployed for the security of the Royal Shuklaphanta Wildlife Reserve and who have been held responsible for the incident. Military officials, however, said that the military court would decide what action to take against them. Eleven days ago, the army had summoned 150 villagers to the army post after the Maoists killed an army man on holiday in village. All the villagers were severely beaten up. The RNA's divisional headquarters said that the victimized villagers have been provided relief materials and medical treatment. *Leading dailies report.*

## Home Minister Does Not Rule Out Curfew, Emergency

Stating that the situation is precarious, Home Minister Kamal Thapa has said that the government is keeping all the options open – clamping curfew or even the state of emergency – in order to prevent the violence and terror during the forthcoming general strike of the seven parties, which, he said, was also supported by the Maoists. "It is not me who is saying this. Just look at the statement released by the Maoist leaders after the second agreement between them and the parties. They have clearly said that the April 6-9 general strike is also their program. They have urged their cadres and sister organizations to actively support and take part in those programs," Thapa said, talking to Bahas program in Kantipur Television. "We do not have any problem with the programs of seven parties. They are taking place even today. But the laws cannot let the terrorists organize any sort of program," he said, adding that the government doesn't view Maoists and seven parties as being similar. "Earlier, the parties had announced their agitation beginning April 8 but after their agreement

with the Maoists, the general strike was called from April 6. So, it is also the program of the Maoists," he added. Thapa vowed to take every possible action to prevent violence during the agitation. "We have received information of infiltration by the Maoists. The government has even arrested a couple of them from Kathmandu," he said. *Compiled from reports.*

## 11 Students And 2 Invigilators Hurt In Bomb Blast

Eleven examinees and two invigilators were hurt when a bomb planted by the Maoists exploded on Friday (March 31) in the premises of Saraswati school in Narayan municipality of Dailekh district. The examinees were busy taking their annual School Leaving Certificate (SLC) tests when the bomb exploded. There was a panic among the students who fled their examination rooms. Later, the students raised slogans against the Maoists. Political leaders and human rights activists have condemned the incident. Meanwhile, speaking at Reporters' Club, Sujata Koirala, leader of NC, accused the Maoists of continuing to harass Congress cadres. "Recently I was in Gandaki zone and there I found our cadres still terrorized by the Maoists," she said, asking the Maoists to declare ceasefire if they are sincere towards democracy. *Compiled from reports.*

## Maoist Commanders Arrested From Capital

The Home Ministry has released some details of the arrest of a number of Maoist armed commanders from the capital. The government has revealed their name on the eve of parties' agitation in the city. They had been arrested two weeks ago. Among the arrested include battalion commander and commander of Kathmandu special military unit Narayan GC (aka Nirmal), battalion commander and Bhaktapur special military unit chief Ram Prasad Sapkota (Dipshikha), battalion vice commander and Lalitpur special military unit vice commander Ishwar Sapkota (Suman), company vice commander and a member of Bhaktapur special military unit Sajan Kunwar (Madhav) and platoon commander and a member of Bhaktapur unit Badri Parajuli (Bidroha). They are said to be members of Maoists Special Task

Force assigned to unleash violent activities in the capital. *Nepal Samacharpatra daily reports.*

## Carter May Mediate Here

The former US president Jimmy Carter, may come up with an offer to mediate between the conflicting parties when he visits Nepal in May. "Carter would have another go at trying to restore peace when he arrives here on May 4 to hold talks with King Gyanendra, leaders of major political parties and representatives of the banned Communist Party of Nepal-Maoists." Indian newspapers reported on Thursday. However, the American embassy in Kathmandu expressed its ignorance on the scheduled visit of Carter. Meanwhile, the US embassy's spokesperson Robert Hugins refuted the report in an Indian newspaper that a 'US defense team was in Kathmandu for studying the possibility of resuming military supply to Nepal,' which remains under 'constant review' since February 1 last year. The report was "inaccurate and no US defense team is in Kathmandu," said Hugins. *The Himalayan Times daily reports.*

## SC Annuls A Discriminatory Clause Of Civil Code

The Supreme Court (SC) has annulled a clause in the Civil Code that provides 'infertility' of wife as a ground for seeking divorce by the husband. A three-member bench comprising judges Kedar Prasad Giri, Khil Raj Regmi and Sharada Shrestha held that the provision of Civil Code 1963 was discriminatory and violated women's rights and declared it inconsistent with the Constitution of 1990. Section 1(1) under Husband and Wife Chapter of the Civil Code let men seek divorce if a government-recognized medical board affirmed a wife's inability to conceive. The SC also asked concerned government authorities to promulgate suitable laws to overcome the inconsistency. Advocates Meera Dhungana and Bishnu Gurung of Forum for Women, Law and Development had filed the petition a year ago demanding the revocation of the clause. Welcoming the court decision, advocate Sapana Malla, president of the forum, said it ended the contradictory provisions of the law. "In our society the blame for not bearing a child goes only to women. The SC has revoked the provision that provides for divorce

instead of exploring other alternatives," said Malla. Added Babita Basnet, general secretary of Sancharika Samuha, "In our society, there have been a number of cases where men re-married because their wives could not conceive. This decision would prevent such happenings." *Leading dailies report.*

## Maoist Special Force In Town: RNA

The spokesperson of Royal Nepalese Army (RNA) Brigadier General Nepal Bhusan Chand has said that a group of Maoist Special Task Force has entered the capital with the aim of spreading terror and violence. Speaking at a press conference at RNA headquarters Chand said the army was working to nab them. The information of Maoist infiltration has come at a time when the political parties are preparing for a major showdown against the government in the capital on the first week of April. Addressing the press meet, Chand said that RNA has investigated and replied to concerned agencies regarding 74 percent of cases of human rights violations. "We do not have policy of taking civilians in our custody but few Maoist combatants who could not be detained elsewhere due to security reasons are in our custody," Chand said, adding that those under army detention were being 'treated humanely.' At the press conference, Chand said no civilian house was destroyed on Monday's aerial attacks in Sindhupalchowk. "The terrorists were on the school premises and started firing at our helicopter and then we opened fire in self-defense," he said. Showing a picture of the helicopter hit by the Maoists, he said the Maoists could have used a 'long-range weapon like General Purpose Machine Gun.' *Compiled from reports.*

## 180 Nepali Maoists Held In India

The Indian Home Ministry has said 180 CPN-Maoist cadres and supporters have been arrested from different parts of India in the last five years. In its annual report made public in New Delhi a few days ago, the ministry has said that 140 Maoist cadres and supporters were arrested from 2001 to 2004 and 40 Maoist supporters were arrested in 2005. Two high-level Maoist cadres, Mohan Vaidya and CP Gajurel are still serving jail sentences in Silgudhi and Chennai jails respectively. The report said

Nepali Maoist cadres frequent the Indian states of Bihar and Uttar Pradesh bordering Nepal for medical treatment. Nepali Maoists and Indian Naxalites have maintained close ties, the report said. The Maoists' movement in Nepal now could have repercussions for India's internal security, the report said, adding security has been beefed up in the Indo-Nepal border to stop the Maoists from infiltrating into India. According to the report, the Indian government has proposed to set up four integrated security posts (ICP) equipped with modern facilities at the four major check points in border areas. *The Himalayan Times daily reports.*

## Maoists Announce Ceasefire In Valley

On the eve of the general strike and agitation by the seven parties, the Maoists – who have already expressed their support to parties' programs – have announced unilateral ceasefire within Kathmandu valley. In a statement issued on Monday by Prachanda, the Maoists have stated that the ceasefire would be in effect till further notice. Prachanda's truce announcement came even as the government has been warning to use force to foil the agitation terming it as a joint program of the parties and the Maoists. The Maoist statement says that the ceasefire had been announced 'keeping in mind the appeals made by the alliance and civil society.' Reacting to the ceasefire, government spokesperson and Minister of State for Information and Communication Shrish SJB Rana said that it is the 'strategy on the part of the Maoists' and the government does not believe in what the terrorists have to say. "The Maoists made an agreement with the seven parties who announced their agitation in Kathmandu prior to their ceasefire," Rana told *The Himalayan Times* daily. He said that they had produced publicly the terrorists' statement regarding their strategy of terror in Kathmandu. "We will, therefore, watch the alliance's agitation in agreement with the terrorists with equal suspicion as we have watched the seven parties' agreement with the terrorists in New Delhi," he said. The political party and civil society representatives have welcomed the Maoist truce and have urged the latter to extend it across the country. *Leading dailies report.*

## Govt. Renews TADO

The government has renewed the Terrorists and Disruptive Activities Control and Punishment Ordinance (TADO) making it much more draconian than before. A stringent provision among the added ones provides for treating anyone establishing contact with the Maoists or providing information to them as a terrorist. Now on, those who are accused of sheltering or aiding or providing information to the Maoists will be treated on a par with 'terrorists.' Another additional provision is that the government can prosecute anyone as accused under TADO even if it does not prosecute the main accused. The Ordinance also says that up to three-year jail term would be slapped on the co-accused and life term for the main accused. Section 10(7) of the Ordinance states that anyone obstructing the security forces from searching homes or property would be jailed for a month or fined Rs 500 or could face both. The ordinance also states that TADO cases would be tried in camera as before, but documents related to the trial would be given to the lawyers of the accused. The government would not prosecute anyone if he or she surrenders to the security forces, but if anyone indulges in terrorist activities after surrendering to the security forces, the government would prosecute him or her for offenses he or she had committed before surrender also. This is the fifth time that the government renewed the Terrorist and Disruptive Activities Control and Punishment Act that had lapsed in 2004. *The Himalayan Times daily reports.*

## Ohchr Urges Govt To Allow Peaceful Protests

The chief of the UN Office of the High Commissioner for Human Rights (OHCHR) Ian Martin has called on the government to allow peaceful assemblies by the political parties and to refrain from arbitrary arrests during the coming general strike of the parties. "The United Nations and the international community would like to see the cessation of hostilities and also a declaration of ceasefire even if its unilateral (by the Maoists," he said at a press meet organized by Reporters' Club. Martin also voiced worry over the increasing attacks in densely-populated urban areas following the Maoists' withdrawal of their unilateral ceasefire. *Leading dailies report.* ■





**Crown Prince Paras and Crown Princess Himani return home after completing visits to Austria, France and UAE**

Photo: Gorkhapatra

**KING GYANENDRA VISITED TANSEN, THE DISTRICT** headquarters of Palpa, on Sunday (April 1). He inspected the ravaged buildings, historic durbar and government offices. The Maoists had destroyed the buildings in an attack on January 31 this year. The historic Palpa durbar had been housing a number of government offices. The King is said to have instructed the speedy renovation of the durbar. The King also visited Bhairabnath temple. He met with local people also.

**A HIGH-LEVEL MISSION OF THE ASIAN DEVELOPMENT** Bank (ADB) is arriving on Monday (April 3) on a week-long visit to Nepal, according to The Himalayan Times daily. The mission will look into the agenda of Syaphrubesi-Galchhi road which the government and the ADB have thought of building. The visit by the mission is considered a step forward in building the over 70 km north-south road, which will connect Galchhi along the Prithvi highway with Syaphrubesi, which is the southernmost part of Tibet. The mission will study the data cranked out by the authorities concerned. However, an agreement for possible funding may be reached in about six months. The project is expected to cost about \$ 80 million according to initial estimates and could take five to six years to be completed.

**THE NUMBER OF TOURISTS WHO VISITED NEPAL IN THE** month of March this year has increased by 27 percent compared to the same month a year ago. Compared to 20,137 tourists who came to Nepal by air in March, 2005, the number increased to 25,553 in March this year. The number is compiled by the Immigration Department at the Tribhuvan International Airport. Significantly, the number of Indian tourists increased by 77 percent during this period while the number of third-country tourists increased by 14 percent. Around 7161 Indian tourists visited the country in March this year. In the first three months of this year, the number of tourists visiting the country has increased by 18 percent compared to the same period previous year.

**A GANG OF ARMED DACOITS TOOK AN ENTIRE VILLAGE** under their control for five hours and looted 100 houses in Chetnagar basti of Jamuniya VDC of Rautahat district. They shot to death two villagers who tried to resist. They virtually emptied

the houses during their overnight robbing on Tuesday. Terrified villagers spent the whole night in nearby fields and jungles. The village lies 6 km southeast of Chandranigahapur in East West highway.

**THE FINANCIAL SITUATION OF THE STATE-OWNED** power utility Nepal Electricity Authority (NEA) has worsened thanks to managerial inefficiency and lack of professional decision-making, a study states. The report prepared by CSC & Co., an affiliate of international auditing agency PriceWaterHouseCooper – has pointed out that the total loss of NEA has reached Rs 5.06 billion, which is one-fourth of its total capital. The report adds that its situation could further deteriorate if timely reforms are not undertaken. The report states that last year it incurred Rs 1.56 billion of loss whereas the year before it had incurred the loss of Rs 1.76 billion. The report points out that leakage stands at whopping 24.83 percent. It states that last year, the NEA could not utilize the excess power of 498.1 million kwh of energy – which is worth Rs 2.6 billion. It also points out various other discrepancies in financial management of NEA.

**DAYARAM PARIYAR, A STAFFER OF NATIONAL HUMAN** Rights Commission (NHRC), who had been injured in a police firing in Janakpur four days ago has died on Monday (March 27) night. He had been undergoing treatment at the Tribhuvan University Teaching Hospital. According to a preliminary report of NHRC, Pariyar has been killed by bullet fired by police. "We are investigating the incident in detail," said Sudip Pathak, a member of NHRC. In the incident in Janakpur, a worker of Rastriya Prajatantra Party (RPP) had been killed on the spot while Pariyar had been injured when a policeman opened indiscriminate firing. Expressing condolences at the death of Pariyar, NHRC chairman Nayan Bahadur Khatri has accused the state forces of increasingly violating human rights.

**DEPARTMENTAL ACTION HAS BEEN TAKEN AGAINST 996** police personnel for behaving against the ethics of the police department, police headquarters said in a press release. While action was taken against 109 police personnel for violating human rights during the year 2062, 72 police personnel were sacked, 57 suspended and 717 were given warning. "We stopped the promotion of 91 police personnel and decreased the grade of 59 police personnel during the year," said Ramesh Chandra, spokesperson of Nepal Police. A total of 9244 crimes took place in the country during the current fiscal year, the report said. Compared to the last fiscal year, the number of crimes has gone up by 622 this year.

**THE CHIEF OF COMMISSION FOR INVESTIGATION OF** Abuse of Authority (CIAA) Surya Nath Upadhyaya has criticized the donor agencies saying they are not making their expenditures transparent. Speaking at a program organized by the Research and Media Center Against Corruption, Upadhyaya said that the donors put their interests uppermost and impose different kinds of conditions while providing grants. He said that due to their vested interests they are not making their expenses transparent. While stating that the country must implement the UN Convention Against Corruption, he also came down hard against other anti-corruption agencies of the government for not enforcing laws to control corruption. ■



“I have met with all four senior leaders of the Maoists. If (the government) wants to take action, take it against me not anyone else.”

*Girija Prasad Koirala, president of Nepali Congress (NC) and former prime minister, talking to Kantipur Television.*

\* \* \*

“The government does not impose curfew out of fear. It does so to protect people’s lives and properties.”

*Shrish SJB Rana, minister for Information and Communications and spokesperson of the government, speaking at a program in Kathmandu.*

\* \* \*

“The government sees the political parties and the Maoists differently. We wish to treat them differently. But if the parties announce some programs in cooperation with the Maoists, the government will be forced to act accordingly.”

*Kamal Thapa, Home minister, speaking at a face-to-face program at the Reporters’ Club.*

\* \* \*

“The government is spreading propaganda that Maoist insurgents have

Hey mentor, how deep a ditch should be to go underground?



Bimarsha

entered Kathmandu. Why don’t they arrest them then?”

*Hridayesh Tripathee, general secretary of Nepal Sadhbhawana Party (Anandidevi), speaking at a face-to-face program at the Reporters’ Club.*

\* \* \*

“The government is suffering more from ‘Thapa’ism than ‘Giri’ism.”

*Pashupati SJB Rana, president of Rastriya Prajatantra Party (RPP), referring to Home minister Kamal Thapa, speaking at a program in Kathmandu.*

\* \* \*

“Individual roadmaps of all three sides have failed to bring any success. So, I

urge the concerned parties to abandon their roadmaps and take initiative to restore peace and a complete democracy.”

*Surya Bahadur Thapa, president of Rastriya Janashakti Party and former prime minister, speaking at a function organized by a sister wing of his party.*

\* \* \*

“Recently I was in Gandaki zone and there I found our cadres still terrorized by the Maoists.”

*Sujata Koirala, central member of Nepali Congress, speaking at an interaction program.*

\* \* \*

“In our society the blame for not bearing a child goes only to women. The SC has revoked the provision that provides for divorce instead of exploring other alternatives.”

*Sapana Malla, president of Forum for Women, Law and Development, welcoming the decision by the Supreme Court to annul a clause in the Civil Code that provides ‘infertility’ of wife as a ground for seeking divorce by the husband.*

\* \* \*

## TRANSITION

**DIED:** Senior littérateur **Govind Bikal**, at the age of 57

**Bishwa Nath Singh**, central committee member of Nepal Sadhbawana Party (Anandidevi), at the age of 73

**ELECTED:** **Lal Prasad Sawan** as the president, **Tirtha Bahadur Gurung** as the first vice-president, **Bishnu Prasad Gaire** as the second vice-president, **Madan Mahat** as the third vice-

president, **Hansa Raj Wagle** as the general secretary, **Gyan Prasad Gaire** as the secretary, **Bhaskar Raj Panta** as the treasurer, and **Debesh Prasain**, **Rabin Gurung**, **Kumar Puri**, **Tank Bahadur Ghising**, **Puskal Rana**, **Debi Prasad Kafle**, **Taj Mahamad Miyan**, **Dhan Nath Parajuli**, **Anup Bikram Shah** and **Shanta Kala Lama** as members of the executive committee of Foreign Employers’ Association, by an election of the Association.

**AWARDED:** Poet **Laxmi Devi Rajbhandari**, with the ‘Popular Award’

of 2062, by Literary Journalists’ Association.

**HONORED:** **Bairagi Kainla** (Til Bikram Nembang), with the indigenous community lyricist honor of this year, and **Shashi Thapa Subba**, with the indigenous community Talent Award 2062, by Indigenous Community Lyricist Society.

**REINSTITUTED:** The central working committee of United Left Front with **Prabhu Narayan Chaudhary** as its new president, by a meeting of the working committee.

# The Great Nepal And Deothal Battle

By MRS. LAXMI THAPA

The 16<sup>th</sup> of April, 2006 is the 191<sup>st</sup> anniversary day of the Deothal Battle. At a time when Nepal had almost lost hope to win the war fought against the British in 1815, Bhakti Thapa at the age of 74 years had led the most daring counterattack on April 16, 1815 against the British force at Deothal. Defiant Bhakti Thapa with a force of just 400 had marched to the battlefield to fight against the entrenched British force armed to the teeth and numbering about 3500. Bhakti Thapa laid down his life in the battlefield. Every one who fought from the Nepalese side was either killed or wounded.

“Until there was life in the body of Bhakti Thapa Nepal’s territory was in a state of great expansion. Soon after his death the Great Nepal crumbled.” This is an excerpt from the *sainikithas* which is based on the book by Vikramjit Hasrat, “History of Nepal (Punjab: V. V. Research Institute, 1970)”.

Bhakti Thapa became a legend even in the eyes of British historians. One of the historians CB Khanduri writes quoting various contemporary British historians “The euphemism of the BRAVEST OF THE BRAVES had been used by Napoleon for Marshal Ney, whose bravery during the retreat from Moscow in 1812 was one of the highest. BRAVE LES BRAVE, said Napoleon of him. British then used this citation for the Gurkhas during and after the Anglo-Nepal War. Such was the bravery shown by Bhakti Thapa that the next legend of the Bravest of the Braves had been created on the day - 16 April, 1815 at Deothal.”

## The Rise of British Empire

Eighteenth century was a period of great political turmoil in the Indian subcontinent. The powerful Mogul empire had come to an end at the very beginning of this century. Colonial power England was doing its utmost to increase its presence by exploiting the weaknesses of the rulers of small states recently broken off from the Mogul empire.

The British rulers in India were adopting every possible method to enlarge the territory under their control. The way new territories in India were brought under the British control had provoked even the British public. The British Parliament went completely against it.

Historian HG Wells has written about the British rule in India at great length. The text from his book (History of the World) has been reproduced here. Englishmen at home were perplexed when presently the generals and officials came back to make dark accusations against each other of extortions and cruelties. Upon Clive, Parliament passed a vote of censure. He committed suicide in 1774. In 1788 Warren Hastings, a second great Indian administrator, was impeached.

## The Great Nepal

Nepal was able to rise from a scratch to be a formidable Himalayan power within a very short time.

However, the build up of Nepalese strength brought her on a collision course with the colonial power of that time. Colonial power Britain had good reason to fear that if the Nepalese build up continued for some time, the colonial rule of Britain could soon come to an end in South Asia much the same way as in the North America a short time before.

In the 1790s, the effort to unite the Himalayan region had been greatly intensified. Nepal spared no efforts and resources to accomplish this historic mission. The process of unification had gone ahead at an exceptionally rapid pace. At the height of this unification campaign Bhakti Thapa stationed in Kumaun (now India) was the supreme commander and administrator of the vast territory that stretched from the Chepa-Marshangdi near Kathmandu to almost the Sutlez River on the west.

## Anglo-Nepal War

It was early 1810s. Great Britain was the most powerful country in the whole world. Its vast empire stretched across all five continents. At that time it was ruthlessly expanding its empire in the South Asian Subcontinent. Britain was tempted to make Nepal also its colony. Nepal was attacked without formally declaring war. Britain hoped that Nepal could be quickly subdued in a blitzkrieg invasion. The battle front stretched over a distance of about 1500 km. between the Teesta River and the Sutlez River.

Needless to say that those were the worst days in the history of our country. The war stretched over a period of three calendar years in sharp contrast to the expectation of the British Government. Nepal bravely defended its independence. Britain was forced to abandon its grand design to enslave Nepal though we lost some of our territories.

Our forefathers were able to protect the honor of our country while almost all other countries in Asia and Africa failed. Nepal was able to defend its independence because of our forefathers’ great sacrifice. They must have visualized that their great sacrifice would be paid off. They might have been hoping that their descendants would not have to be humiliated by colonial rulers.

## War Prolonged

British had expected a blitz-krieg victory. It is said that the Governor General Hastings had planned to win the war in one mighty sweep in one to two months in end 1814 but certainly before the Christmas. He was badly mistaken in his assessment. We Nepalese fought very bravely. In early months of the war the initial British invasion was completely beaten off. British offensive ended in complete failure. Nepalese force stationed within the shelter of the fortress were not only able to defend



their position against an invading enemy many times superior in strength but they even shocked them by their dreadful counteroffensive that used to be accompanied by big losses on British side. The British rule in India was at a risk of falling apart. Unfortunately at that time the Sikhs and Marathas did not join Nepal in liberating the whole of the South Asian Continent from the grip of the European domination.

After the initial defeats the British changed their strategy to avoid their casualties. They started to deploy long range guns to level the fortifications. This strategy paid off. The British were able to advance quickly into the territory under our control. They even used elephants to carry heavy guns across the mountains

British had at their disposal virtually unlimited resources from the Nepalese perspective. They continued to press Nepal all across the frontier that stretched over a distance of more than 1500 km. Nepalese resources were being sharply depleted. There was not any chance to be replenished. So the ability of the Nepalese force to defend the territory under their control was steadily declining.

They were forced to pull back.

There was breakdown in control and command system.

Towards the middle of the 1815 Amar Singh Thapa, chief of the Nepalese force fighting in the western front was confined within a small area of the Malaun fort. The fate of Nepal was going to be in the hand of the Governor General Lord Hastings,

*The fate of Nepal was going to be in the hand of the Governor General Lord Hastings, unashamedly imperialistic and who became famous for having established the British Empire in India more firmly than before. At that time there could not be any room for doubt in his intention either to eliminate Nepal completely and bring it under the British rule or to turn it into a vassal state like so many other states under that category in British India.*

unashamedly imperialistic and who became famous for having established the British Empire in India more firmly than before. At that time there could not be any room for doubt in his intention either to eliminate Nepal completely and bring it under the British rule or to turn it into a vassal state like so many other states under that category in British India. He could be forced not to take any such decision detrimental to the honour of Nepal only if he perceived that such action could pose serious threat to the continuance of British rule in India. The Deothal Battle could not be anything else but a clear message of threat on behalf of Nepalese people to the British warning them not to take lightly the determination of Nepalese people to protect the honor of their country.

**Prelude to Deothal Battle**

Towards the sunset of the April 15<sup>th</sup> evening Bhakti Thapa and the army units under him arrived at the Malaun fort from their station at Surajgarh without being noticed by the British army units scattered around the Malaun fortress. The subsequent events help to explain that he might have come to persuade Amar Singh Thapa on behalf of all the brave commanders prepared to sacrifice their life for the country to pursue more aggressive methods to

deter the enemy from overrunning the motherland. He might have even advised him to pull back from the Maluan to regroup the army units spread all across the Garwal and Kumaun to go to a completely new type of offensive.

**The Battle**

The following day in the morning Bhakti Thapa at the age of 74 led a most daring counterattack against the British force entrenched at Deothal. Historians have presented the description of this battle at great length. It was 3.15 a.m. when a force of 400 under Bhakti Thapa marched out of the Malaun fort, to a slow but steady beat of a drum. The British column under Thompson had taken position at Deothal on reverse slopes. The cannons of 6 pounders were properly concealed. There were two Indian battalions, the Grenadiers companies of the Light Battalions and some 1000 Irregulars. The British strength was up to about 3,500 troops and weapons.

Bhakti Thapa and his followers in the counterattack appeared to have vowed to fight to the death. Bhakti Thapa had even handed his infant grandson in the custody of the Amar Singh Thapa just before going to the battlefield. It was a bloody battle. It would not be wrong to visualize that the Khukri charge and the battle cry of the Nepalese fighters might have shaken the enemies with fear. RP Ochterlony, the author of "Sketches Of The Goorka War" has written. A body of Gorkhas advancing to charge bears no resemblance to a European column. Several

huge trumpets putting up a harsh but stirring noise, set the multitude in motion who, except some carry shields, grasping each a matchlock in his left hand and a broad sword in his right, rush on, disregarding all regularity, very like a pack of hounds in full cry.

Bhakti Thapa laid down his life in the battlefield. Every one who fought from the Nepalese side was either killed or wounded. The British casualties were also high. The British have praised their officers and soldiers for their bravery in the battle. According to one account the British casualties of dead and wounded in Deothal battle were 384 as against 390 Nepalese casualties - almost a ratio of one to one, under the most adverse conditions to the Nepalese.

**In Conclusion**

The great sacrifice of Bhakti Thapa and many others who laid down their life in the war fought against the British paid off. British were forced to abandon their grand design to enslave our country and make it one of their colonies whereas almost all other countries in Asia and Africa lost their freedom and independence. ■

*Thapa writes on history*

## DILEMMA OF NEPALESE POLITICS

# Uneasy Alliance

Nepal's political forces are surviving in an uneasy alliance. If this anomaly can be corrected, the politics can operate smoothly

By KESHAB POUDEL

**D**"I believe that the national reconciliation propounded by B.P. Koirala is still valid in the present context. Unlike in the past, now there is a need for reconciliation among three forces monarchy, political parties and the Maoist. My whole efforts are directed towards that end," said former prime minister and Nepali Congress leader Girija Prasad Koirala in his recent interaction with media. Koirala is championing the cause of national reconciliation even as he makes loose alliance with the violent insurgents.

Similar voice is echoing from the King's side. "The government wants unity and reconciliation with constitutional forces to overcome present political crisis," said home minister Kamal Thapa, whose cabinet consists of many rightist extremists who have been enjoying power amid chaotic and confrontational political course.

Whatever Koirala and Thapa expressed, both of them are not in a position to break their uneasy alliance with extremists. By announcing four days general strike (total closer) from April 6-9 with the moral support of Maoist insurgent group, seven parties have charted a course of confrontation choosing the insurgents as their new ally.

By pursuing a wrong political strategy of confrontation against the King and unity with destructive forces instead of having the parliament reinstated, they have helped reinstate persons like first vice chairman Dr. Tulsi Giri, who was in oblivion for two decades.

Parties are launching the program to the extent of violence and chaos and some of the ministers in the King-chaired cabinet like Minister for Local Development Tanka Dhakal, Minister for General Administration Badri Prasad Mandal and State Minister of

Communication Sirish Sumser Rana are talking against parties cementing the alliances of extremists alliances.

For common people and Nepal's western friends, they are in a dilemma whom to support. As both the sides consist of bunch of extremists, the possibility of revival of democratic process appears a distant.

Instead of choosing the way to explain the problems of democracy to the people, leaders of seven political parties dominated by communists opted for general strike and total closure to press the regime for political change. Despite appeals of political parties, common people in the street have yet to show any enthusiasm to such programs.

"If that is going to bring democracy, why people are apathetic to that? Do the people also factor as something that shape the politics in the country? Or is it merely dependent upon unseen and mysterious agencies of unfriendly centers?" asked a political analyst.

Political leaders are confident that the forthcoming general strike is going to be final. "Believe me, this last round of political battle will end the autocratic rule in the country," said CPN-UML leader K.P. Sharma Oli.

In this backdrop, the country will certainly face a major confrontation, which will neither benefit the monarchy nor the political parties. Instead, such moves will fulfill the interest of a center, which has been encouraging the political destabilization in Nepal.

Three and a half years after King Gyanendra took over absolute constitutional power by dismissing elected prime minister Sher Bahadur Deuba, a major showdown between seven political parties is on the way. Four-day general strike called by seven parties with moral support of CPN-Maoists will inevitably bring more hardships to the country.

For the people and Nepal's friends, the dilemma is whom to support amid the uneasy alliances of political forces. This kind of uneasy alliances will help prolong present political situation preventing revival of parliament through elections or reinstatement for temporary arrangement. ■



Koirala with other political leaders: In an uneasy alliance



## POLITICS OF CONFRONTATION

# A Dangerous Brinkmanship

The new phase of confrontation between the constitution abiding forces is pushing the country into a dangerous phase of brinkmanship

By KESHAB POUDEL

Following the announcement of four days general strike April 6-9 by seven political parties, political confrontation between the pro-constitutional forces entered into a new phase. Nepal is already in a critical phase with a decade long violent insurgency – which has been a conflict between pro and anti constitutional forces.

When the insurgency began, there was a functioning parliament with an assurance of periodical elections and change of government through the ballot by popular decision. Slowly and gradually the violent conflict spread almost all over the country in which government led by political parties with the support of opposition also agreed to postpone the elections and entered into an interim phase.

“Since October 4, 2002, the politics of horse-trading has replaced the open and transparent parliamentary politics. In absence of parliament, naturally, the political parties had disadvantageous position to bargain for power. So power of agitations, general strikes and sporadic movements of students and other professionals were on the display. But all these attempts failed to achieve desired results to constitute the parliament. After unsuccessful bid to coerce or influence the King, political parties joined hands with insurgents and Delhi declaration was a drastic event in the politics of Nepal. It has confused the role and commitment of pro-constitution forces as they have reached into an understanding for Constituent Assembly to formulate a new constitution,” said a political analyst.

Nepali Congress as the oldest and largest party has liberal democratic image inside and outside the country. Had there been confrontation between the extremist communists and the King and army, national and international reactions

should have been much different. Involvement of Nepali Congress has added a confusing look to this new confrontation.

Nepalese people are suffering from double-edged conflicts. The present regime and the communists have been in the armed conflict for more than a decade due to which a lot of lives of poor and innocent persons have been lost, economy has been crippled and education has been completely disturbed. To fuel the fire, political parties have opened a new front of conflict – which has become interlinked with armed conflict.

Though the pro-constitution politicians are still claiming that the four day general strike will be completely peaceful, the government has refused to buy their claim saying it would be infiltrated by the Maoists. “The agitation will be completely peaceful,” said Girija Prasad Koirala, supreme leader of the seven party agitations. Many ask the question: Is it necessary to call the general strike and burn tires? Is Girija Prasad Koirala’s utility and influence depends upon the burning of tires in Kathmandu?

Being in the power, all the major political parties including Nepali Congress have failed to tackle the insurgency in initial period. How can the world believe that the forces involved in the violent insurrection would remain completely neutral and pacifist during the whole agitation as expressed by Koirala?

“We have credible information that the Maoist will create chaos infiltrating in the party’s agitation. The leaders of terrorists have already declared their point,” said Home minister Kamal Thapa.

The pro-constitution parties have now started supporting and trusting the Maoists who uprooted them from the villages killing hundreds of workers and displacing tens of thousands of them.

Any reasonable man in the country is found unhappy with the on-going conflict whether it is violent or peaceful.

People everywhere all the time want peace between King and all other forces involved in the conflict settling the problems in a spirit of compromise and reconciliation.

Realizing that Supreme leader of agitation Koirala reaffirms his faith upon reconciliation, though he did not have any agenda to work it out with the other party of the conflict the King and loyal army behind him. Despite all these situations, time has not run out in Nepal to work together and go ahead with the existing constitution.

For this nothing would be more legitimate and decisive than the elected parliament of the country. “As we have a representative form of democracy except the representatives of the people in the parliament, no other persons can decide about the alternative model. The gimmick of showdown of one force to other is absurd when all the conflicting forces have to depend upon the external goodwill and support for bare necessities of the country,” said a political analyst.

Even a neighbor, however powerful it may be compared to Nepal, has to face equally powerful neighbor capable to counter it. Loss of people of Nepal, whether it is for political or economical reason, cannot be gain to others in the long run. The instigation and aiding of conflict in Nepal for a short term strategic gain, ultimately may prove to be counter productive.

One has to take very serious notice of some provocative media of a neighboring democratic country –which apply different criteria and reasons to judge the Maoist insurgency within their country and within Nepal.

As the means of coercion will create more hostility, all political forces involved in the conflict have to use language of persuasion to solve the political crisis. The general strike will hit the life of common people and create more rifts.

Whether one likes it or not, the coming new year will come with the announcement of elections by the King. The coercive type of agitation will hinder the process of forming a credible government extending the life of extremist rightists in the cabinet. ■

## TRANSIT ECONOMY

# From Land-Locked To Land-Linked Nation

It may be somewhat untimely to talk about developing Nepal as a transit bridge between China and India at a time when the country is reeling under unprecedented wave of political instability and violence that threaten to rip apart even the Nepali nationhood. However, the prospects of Nepal acting as a transit bridge are too good and too real to be overlooked even during these testing times. Situated between two fastest growing giant economies of the world, Nepal does have excellent prospects in acting as a corridor economy. Once things settle, and hopefully they settle soon, in the country, there will be little time for our policy makers to rush headlong in the quest for prosperity. In order for them to hit the ground running, they need to do their homework even during the conflict period. And identification of essential infrastructure and their construction is the first thing that they must concentrate upon

By SANJAYA DHAKAL

*In recent weeks, two important events have taken place that will have a far-reaching impact on Nepal's economic development in the years to come. The Chinese government signed an MoU agreeing to provide zero custom entry for 1550 Nepalese products. The Indian government renewed the transit treaty with Nepal for next seven years with minimum changes in the earlier treaty.*

These two agreements with two most important economies of the world

herald a prosperous future for this landlocked nation gripped in violence and instability. The government has shown willingness to develop Nepal as a transit corridor to link the two Asian giants. It has formed a high-level steering committee to facilitate the realization of this desire.

"In the first phase of government initiative to make Nepal a transit bridge between the two, the committee has decided to develop and open up custom point at Tatopani. Subsequently, the government has decided to repair and upgrade the Arniko Highway," said Dr.

Shankar Sharma, vice chairman of National Planning Commission (NPC) and convener of the steering committee.

Dr. Sharma believes that since both the countries have viewed the transit proposal positively, it would materialize in near future. The committee has further identified that although Arniko highway will serve the purpose at present, the main transit route linking the two countries would be the under-construction Galchhi-Nuwakot-Rasuwa Gadhi-Syaphrubesi highway.

Nestled between two Asian giants China and India, Nepal is one of the





Photo by: Thakur Angai

**Timure village in Rasuwa:** Transit realization could usher in an era of prosperity

poorest countries in the world with 31 percent of its 24 million population living in absolute poverty. The per capita income of Nepalese is US\$ 300 on average and the Gross Domestic Product (GDP) of Nepal is just over \$ 8 billion.

For decades since this Himalayan Kingdom opened up to outside world in 1950, the land-lockedness has been considered as its major handicap in enhancing its trade. Nepal has over 1800 kms of open border with India, which encircles it from east, south and west. It has around 1400 kms of border with China on its north. Since the Great Himalayan range on its northern frontier had acted as natural barrier, during this period, Nepal's trade and economic interaction with the outside world was mainly through India. In fact, eight of the ten highest mountains of the world including Mount Everest lie on this Himalayan range straddling the border between Nepal and Tibet of China.

However, despite the difficult terrain, Nepal-China border consists of more than

34 important passes through which trade and cultural interactions have taken place in ancient period. In fact, before the entry of British Empire into Indian sub-continent, traders used the route through Nepal to conduct trade with Tibet - with Nepal acting as an *entrepot*. Subsequently, in the past two-three centuries before Nepal formally opened up to the outside world in 1950, Nepal's trade interactions were limited with Tibet.

In the last five decades, Nepal has made progress in health, education and infrastructure development. It came out from self-imposed isolation and joined the comity of nations becoming a UN member in 1955.

With the winds of globalization and liberalization wafting across the world, Nepal's trade relations also diversified. In the fiscal year 2003/04, Nepal's total international trade (including exports and imports) stood at US\$ 2.3 billion - 57% of its total trade were conducted with India; 37% with the overseas countries

and the rest with China. It has trade deficits with both China and India. Due to growing uncertainties and instability, Nepal's ambition to diversify its international trade has received a jolt. In 2005, 64% of its total trade were with India alone.

In recent years, whereas China and India have been growing impressively at nearly 10 percent and 7 percent annually, Nepal - sandwiched between the two - has suffered from internal conflict, which has dragged its growth down to around 2 percent.

In an apparent shifting of center of gravity of international trade relations, the bilateral trade volume between India and China is growing astronomically. In 1990, it stood at US\$ 260 million, which increased to US\$ 7.6 billion in 2003 (compare this to total trade of Nepal, which stands at meager US\$ 2.3 billion) and US\$ 13.6 billion in 2004. In 2008, this figure is expected to touch US\$ 20 billion and to US\$ 30 billion in 2010. Clearly, the breeze is gathering strength and it will not be long before it becomes a strong

gale transforming the existing international economic equations. Those economies that can sense the direction of this wind can expect to benefit from the windfall that is certain to come in the years ahead.

#### Proposal Of Transit Corridor

Even as decades-old political animosity between China and India kept Nepal from exploiting its geo-strategic location, recent moves by both the countries towards normalization of their relations – which is evident by their growing trade and economic relations – have unleashed greater possibilities for Nepal to become 'cream of the sandwich.'

The enormous increase in trade relations between India and China have

opened up a distinct possibility of Nepal acting as a transit corridor between the two Asian giants. King Gyanendra of Nepal formally proposed Nepal's desire to act as transit-bridge between the two countries during his recent separate summit meetings with Chinese President Hu Jintao and Indian Prime Minister Dr. Manmohan Singh (the meetings were held on the sidelines of Afro Asian summit in Jakarta in April 2005).

The proposal of Nepal acting as transit corridor was, in fact, first made by Indian government. In early 2004, India requested Nepal to provide transit route to China during Inter Governmental Committee (IGC) meeting.

Experts and economists in Nepal have said that developing Nepal as a transit point will benefit all three countries. "China can easily get access to food stuffs and raw materials and can get access to India and South Asian market through Nepal. On the other hand, India can export its steel, and other raw material to China and import necessary equipment from China. Both China and India can make use of Nepal's water resources at a time when using fossil fuel is becoming increasingly problematic," said a former Finance Minister Madhukar SJB Rana.

India has also announced to open its own transit point from Nathula (Sikkim) in 2003 to have direct link with China. But security considerations, difficult terrain (Nathula lies 4500 m above sea level) and harsh climate might have hampered in the utilization of the route as of yet.

China has also viewed positively towards Nepal's transit proposal. "China attaches importance to developing trade and economic cooperation with Nepal, India and other South Asian countries on the basis of mutual benefit and equality. As for Nepal's desire of developing a transit economy between China and India, the Chinese side took a positive attitude towards convenient and rationale arrangements of transit trade between China, Nepal and other South Asian countries," Sun Heping, Chinese Ambassador to Nepal, (in People's Review weekly August 4-10, 2005). As both countries have indicated their willingness to harness opportunities of Nepal acting as transit corridor to facilitate their trade the possibility is now clear.

On both sides of Nepalese border, infrastructures like road are already in place. There is a need only to develop north-south corridor across Nepalese territory to link the two countries. Besides, by 2007, China will have implemented its ambitious plan to link Lhasa – the capital of Tibet region – with railway network. This project will substantially increase the opportunities for furthering trade ties with the mainland China through Tibet.

#### From Land-locked To Land-Linked

Located in an economically strategic point between two of the world's largest



**Tourists:** Tourism can also benefit by implementation of transit bridge plan



and fastest growing economies, Nepal has enormous opportunities for facilitating trade between the two.

Based on several projections by economists around the world, India and China are both growing at enormous speed and spreading wealth across each of their billion-plus population.

As such, Nepal is appropriately placed to make a leap forward from a land-locked to a land-linked country. Nepal might not have access to the world via sea but it can have access to two billion populations in its immediate neighborhood. Therefore, Nepal would not have to miss its lack of access to sea if it can ensure access to its two neighbors.

These facts make it attractive for Nepal to provide transit point facilities for Indo-China trade through its territory. For the last five decades, Nepal has experimented with centralized economy; mixed economic policies; and liberalized regime at different points of time. But these policies have not borne fruits as

desired. Nepal is still one of the poorest countries in the world.

Although it has joined World Trade Organization (WTO) in 2004, the country is still suffering from lack of trade competitiveness, due mainly to, its lack of easy access to sea. This is where Nepal needs to re-orient its policies and

perspectives. Instead of clinging on to decades-old vision, the time is ripe for exploring new opportunities. Therefore, the proposal of transit corridor has come as a promising venture that could transform Nepal freeing it of physical, geographical and psychological shackles.

#### Possible Spillover Benefits

The proposal of transit corridor, if it comes to fruition, is likely to trigger a number of spillover benefits to Nepal. The first and foremost is the likelihood of expanding and developing infrastructure like roads and communication services.

For Nepal to become transit corridor, it would require good road infrastructure linking north to south. At present, there is only one highway – Kodari highway – that is acting as a North-South Corridor. But it is in a poor shape and is not capable of catering to transit traffic without upgrading and improvement.

The development of transit corridor would also lead to enhancing of trade and investment opportunities within the country, say economists. The transport, trade, domestic manufacturing and foreign investment could increase. The growth in overland trade via Nepal would attract Chinese and Indian investors in



Roads of Nepal: Need upgrading

## SWOT Analysis:

•**Strength:** excellent bilateral relations; positive attitude of the two towards Nepal's proposal; need for China and India for more trade linkages; possibility of transit corridors via Nepal; and cheaper labor costs in Nepal.

•**Weakness:** conflict/instability; poor infrastructure; lack of resources; and unattractive trade laws and policies

•**Opportunity:** China and India need more linkages to integrate and promote their rapidly growing economies; Nepal provides excellent option for overland trade; China could find it convenient to bring in supplies for its Tibet region from Nepal transit than through thousands of miles of road transport across the mainland; and the expanding road and railway linkages between Tibet and mainland could usher in a new era of even more rapid expansion of Nepal's bordering region

•**Threat:** China and India have contiguous border and could decide to open transit route through themselves; the trilateral understanding could be difficult to reach; deterioration of security situation in Nepal could bury its chances; outdated and illiberal investment and trade policies could hamper the realization of transit corridor; and lack of expertise in transport and related service sector could stand in the way of full materialization of expected benefits.

developing potential export sectors as Nepal's geographical proximity provides them with benefits of transport cost savings. In fact, even the investors from third countries may be interested in bringing their capital and new technologies for utilizing the market potentialities of China and India.

The service sectors like hotels and lodges, banks and insurance companies, workshops, gasoline stations etc would also expand in order to facilitate the movement of vehicles and cargoes. Tens of thousands would get employment and trigger a multiplier effect pulling out millions of people from the morass of abject poverty.

Tourism is another area, which can develop. In fact, Nepal is one of the first countries to have been designated as Approved Outbound Destination by the Chinese government in 2001. But due to various reasons, the arrival of Chinese

tourists has been minimal. While the number of Chinese outbound tourists reached 28.85 million in 2004, only 5799 of them came to Nepal. And this despite the fact that Nepal boasts of 10 World Natural and Cultural Heritage Sites including the Mount Everest and the birthplace of Lord Buddha in Lumbini.

These apart, the country would also witness modernization of its custom procedures and documentations at Nepal's south and north border points. Harmonization of custom procedures and documentation is essential to achieve fast turnaround time of freight vehicles moving between south and north borders of Nepal.

In the long run, the transit corridor could lead to a free trade area or preferential trading arrangement at trilateral level covering all aspects of trade, transit and investments if China and India are interested in this arrangement.

But these spillover benefits are not going to be automatic. Nepal would need to tread carefully and in a planned manner to convince its two neighbors; build infrastructure; formulate attractive policies and enact investment friendly laws. If these can be done, then, there is no reason why Nepal cannot realize its full potentials.

#### Challenge

There are quite a few challenges facing Nepal in its endeavor towards achieving the role of successful transit country. Firstly, it would need to have a

trilateral understanding with both China and India.

According to Rajeshwore Acharya, a former Nepalese envoy to China, since Nepal already has a transit treaty with India, it would now require a separate transit treaty with China. "And such transit agreement with China should be based on a long-term vision. From western region of Nepal and through China, Nepal can also have access to Central Asian Republics – which are going to become strategically important places due to their proven oil/gas reserves in future. These considerations must not be missed while reaching into transit arrangements with China," he said.

Nepal would need to have institutional arrangements – in cooperation with China and India – in place to deal with any issue or irritant likely to crop up in course of transit trade in future, believe economists. Such arrangement would also facilitate regular consultations among the three partners.

The immediate challenge facing Nepal is its poor infrastructure. It currently has only one highway linking north and south. This Kodari/Arniko highway must be upgraded immediately as it is prone to frequent disturbance due to landslides and traffic congestion. Alternative highways – seven of which have been identified till now – would need to be constructed. Since Nepal lacks adequate resources, it needs to request both the neighboring countries for their financial assistance or for cost-sharing arrangements to improve and develop north-south roads, create ICD/CFS (Inland Clearance Depot/Container Freight Station), transshipment facilities, storage facilities at border and interface points and so on.

Besides, Nepal would need to have friendly and open policies to facilitate the transit trade and attract investments.

But before everything else can materialize, Nepal would need to put its house in order first. The restoration of civil liberties, peace and security is of paramount importance before this country can expect to chart a new course and become a respectful and prosperous member of the modern world community. ■



**Trade:** Huge spillover benefits likely



# Democracy Without Corruption

By AVIDIT R. ACHARYA

In the twelve years of democracy that we had since 1990 one of the biggest public grievances was against corruption by public officials. The democracy years were also characterized by unstable, short term coalition governments, the emergence of a powerful bureaucracy and weak accountability. Public accountability, in particular, was weak in the sense that it seemed, quite dishearteningly, that the same corrupt leaders would continue to be re-elected in seemingly free and fair elections.

Corruption seems to be spurred by three factors. In parliamentary systems that breed weak coalition governments, political executives are constantly consumed by the problem of securing their tenures. In our own democracy, we witnessed cabinets of up to forty-eight members, including several ministers without portfolio. Such cabinets were assembled by prime ministers who correctly predicted that if they did not offer ministerial positions to enough of the MPs in the coalition (including members of their own party) the coalitions would break down as a result of the indiscriminate use of the vote-of-no-confidence clause in the constitution.

When an executive constantly faces the strategic problems of keeping power he is likely to have very little time to devote to actually issuing reforms. In addition, in a political culture of short tenures and rapidly changing governments, each public executive is more likely to think that his short tenure is the one and only opportunity to make as much money for himself as possible, particularly if the government is equally likely to collapse no matter how corrupt or honest he is. Unfortunately, the kind of parliamentary democracy that we had in Nepal gave no incentives to executives to engage in reforms, and it provided no rewards to being honest.

Countries like Japan that have seen fifteen prime ministers in the last twenty-five years seem to have similar political institutions as we did, but seem to have better functioning democracies and lower corruption. In fact, in Transparency International's Corruption Perception Index of 2005, Japan scored 7.3 on a scale of 1 to 10, with a higher score indicating lower corruption. Our own score was 2.5, indication that the level of corruption in our country was perceived to be much higher than Japan's. If Nepal and Japan seem to have similar political systems why then do we see such a large difference in levels of perceived corruption in the two countries? One of the reasons why we may not observe a significant effect of short executive tenures on corruption in Japan is the large effect of stronger horizontal accountability.

Horizontal accountability relates to the constraints on the actions of the executive that are imposed by his own party, competitors and the judicial system, whereas vertical accountability relates to the public's ability to punish politicians for corruption by not re-electing them. So then if we compare countries with similar levels of horizontal accountability then we get the expected results. Italy, Greece and Argentina, for instance, all received scores of 5 or less on the corruption scale and all had

10 or more executives in the last twenty-five years, while Spain, Chile and Germany received scores of 7 or more and all had 4 or fewer executives.

In addition to governments being weak, Nepal's bureaucracy became more powerful relative to the political leaders, and at the same time more corrupt. Again, this could very well have been a result of short executive tenures and rational negligence. In most political setups bureaucrats are kept in check by their superiors, who are elected officials. In a system of rapidly changing executives, no executive would have enough time to discover corruption in the bureaucracy, process it and punish it. Especially when bureaucrats and executives can not only collude to hide each others' corruption but also work jointly to increase the efficiency in collecting bribes do we witness bureaucrats grow stronger and richer relative to the political elite. Therefore, the problem of bureaucratic corruption seems to stem largely from political setups that are conducive to weak administrations.

In spite of the media's role of serving as a moral watchdog for an otherwise voiceless public, the political leaders were not subject to very much public accountability. That they continued to be re-elected given their poor performance as policymakers and reformers is an indication of poor civil society in Nepal. In illiterate countries with relatively new democracies (and even in ones with old democracies) impressionable voters seem not to know who to vote for. In India many princes continue to enjoy political elite status simply because voters have traditionally (and religiously) regarded them as the rightful rulers. In Nepal the pro-democracy revolutionary leaders of the NC and UML, and the previous political elites of the RPP seem to have been able to win elections simply because voters thought of them as deserving power. It was not the candidate with the best program and performance capability that was elected but he who claimed to require power on account of his political elite status, or as a reward for his democratic struggles.

If democracy is to receive a second chance we would like the period of its return not to be characterized by the same degree of rampant corruption that we witnessed in the 1990's. Ensuring that this does not happen requires more than sidelined whistle-blowing by the media. The failed efforts of anti-corruption slogans by journalists and advocates in the 1990's, if anything, demonstrated the difficulties in inculcating a sense of guilt among the political leaders and bureaucrats. As an entire cohort of players were at fault, generalized grievances of wrong-doing went unheard, revealing the fact that the feeling of guilt is, indeed, very personal, and is diluted by the knowledge that it is shared. The next time around, we should get it right at the onset, and choose political and constitutional setups that we know will be less conducive to corruption. ■

*Acharya is studying economics and mathematics at Yale University.*

## INSURANCE

# Split Business

National Life and General Insurance splits into two separate entities

By THAKUR AMGAI

**I**n compliance with the government instruction to segregate the non-life insurance part from life insurance company, National Life and General (NLG) Insurance Company Limited - the oldest private sector insurance company of the country - has formally split into two different companies from Sunday, April 2, 2006.

After the split, life insurers will get service from the National Life Insurance Co. Ltd. And non-life insurers will get service from N. L. G. Insurance Company Ltd.

The Insurance Board had instructed the composite companies October, last year to split into separate life and non-life companies in an attempt to curb the misuse of funds of life insurance or non-life insurance. "The government instructed the composite companies to split into life and non-life to bring uniformity in the insurance business and stop the possible manipulation of funds of the collected for life insurance and non-life insurance," said Madhab Prasad Upadhyaya, chairman of the Insurance Board, addressing the launching function of the new company. "I hope after the split the company will provide even more welfare to the public."

According to the provisions in Insurance Act 2049, a single company cannot provide both the services of life and non-life. Following the instruction, the government-owned National Insurance Corporation (Rastriya Beema Sansthan) has already begun its process for segregation.

The two companies are the only companies, which provided both life and non-life insurances, out of the 19 insurance companies operating in the country. "It is essential to split the company as the nature of funds collected for life insurance and for non-life insurance are different," said Upadhyaya.

Established in 1987, National Life and General Insurance is now operating with four branches in Biratnagar, Birgunj, Bhairahawa and Nepalgunj and nine sub-branches in Pokhara, Hetauda, Birtamod, Dharan, Mahendranagar, Rajbiraj, Dhangadhi,

Janakpur and Narayanghad and contact offices at Lalitpur, Butwal, Bhojpur, Lahan, Sarlahi, Dang, Banepa, Baglung and Surkhet. About 4,000 people are employed by the company.

NLG, with total assets worth more than two billion rupees, was operating with a paid up capital of Rs 350 million. According to Siddheswar K. Singh, Executive Chairman of both the companies, the paid up capital of the newly formed N.L.G. insurance company will start with a paid up capital of Rs 100 million. The parent company National Life Insurance Company Ltd. will operate with the remaining rs 250 million and all the remaining assets and liabilities will belong to the parent company.

Forty-five percent of the share of the company is owned by promoters, ten percent by foreign collaborators, ten per cent by Rastriya Baniya Bank and 35 per cent share is floated in the market. The company has issued a 100 percent bonus share. After the

split the shareholders will own equal proportion of shares in both the companies.

"Public welfare is our first mission, then only comes the profit maximization," said Om Singh Goyal, president of the company and chief executive of the newly formed NLG insurance company.

During this period, the company collected Rs. 1.76 billion premium towards life insurance and Rs. 1.52 billion towards non-life insurance. It has also reimbursed more than Rs 0.75 billion worth of insurance claims. It has distributed a return of 513 per cent with bonus to its investors. The company has an annual growth of 25 per cent.

According to Goyal, the company-which had a monopoly in the private sector a decade ago - now has a market share of 15 to 20 per cent towards life insurance and 10 to 15 per cent towards non-life.

At a time when the entire economy is in the downfall, insurance entrepreneurs have urged the government to formulate more flexible policies for the investment.

"We could give better service to the public if the government reviewed and broadened the investment policies for insurance companies," said Goyal.

According to current provisions, insurance companies can invest only 15 per cent of the total funds in the sector of their choice. The remaining amount should be deposited as fixed deposits in government banks. ■

## Difficult To Meet Government Expenditure: NRB

The Nepal Rastra Bank (NRB) has pointed out that the government's revenue collection has reduced and that it could not be able to meet its regular expenditures. In the report of the economic state in the first six months of the current fiscal year, the NRB has said that the pressure of conflict and increase in capital expenditure as major reasons for spiraling expenditure.

"The prolonged drought, load shedding, bird flu and increase in prices of petroleum products are also affecting the economic activities," the report adds. It states that the revenue collected by the government during this period is short by 3 percent to meet total regular expenditure.

The reasons for decrease in revenue collection are pointed as reduction in import resulting in lesser custom collection, the non-payment of excise refund by India (to the tune of Rs 2.3 billion) during the period, and dissatisfactory collection of VAT and excise.

Exports to third countries have decreased. India occupies 64 percent of total foreign trade of Nepal. Inflation stood at 7 percent during the period. The total foreign exchange reserve, however, has increased by 9.8 percent to reach Rs 142.57 billion - which is enough to service import bills of 10.4 months for goods, and for 8.8 months for goods and services. ■



## TRANSIT TREATY RENEWAL

# End Of Uncertainty

The renewal of Indo-Nepal transit treaty for next seven years puts to rest the uncertainties haunting the business communities

By SANJAYA DHAKAL

When India refused to let the transit treaty renew automatically in January, there were various kinds of apprehensions and rumors floating around in Kathmandu. From the fears of transit embargo like 1989 to India's new arm-twisting tactics, the move had generated different shades of apprehensions. And since the political relations between the two neighbors had taken a nosedive since February 1, 2005, these apprehensions were not seen as entirely misplaced.

However, the relatively easier and smooth manner in which the treaty – which was only extended for three months in January – was renewed for next seven years, have put all those apprehensions and uncertainties at rest.

In a surprisingly welcome move, the officials of the two countries announced the renewal of the transit treaty between Nepal and India on March 31 without big changes.

The bilateral treaty that had expired on January 6, was extended by only three months by India plunging the entire business community in the country into uncertainty. Without the assured transit facilities from India, the land-locked country could have suffered a tremendous setback.

But last week, the officials made the welcome announcement saying that the treaty has been renewed till January 5, 2013. Letters for the renewal of the treaty were signed by Bharat Bahadur Thapa, secretary at the Ministry, on behalf of Nepal government and SN Menon, commerce secretary, on behalf of Indian government.

More importantly, there doesn't appear to be much changes in the original text of the treaty barring the addition of two new provisions. All 15 transit points, as per the earlier provisions in the treaty will remain open for movement of goods. The points recognized as the transit points include the Birgunj Inland Container Depot and the Fulbari route has been recognized as transit corridor linking Nepal with Bangladesh.

The two additional provisions in the renewed treaty include the clause of allowing

“sensitive goods” to be transported only through seven transit points. Although the nature of “sensitive goods has not yet been clarified by the Indian government, they would now be permitted to move only through Kakarvitta, Biratnagar, Birgunj, Bhairahawa, Nepalgunj, Mahendranag and Inland Container Depot in Birgunj.

The second additional provision is the decision by Nepal to allow India to use Nepali

Shankar Mukherjee had said that peace, stability and prosperity in Nepal is good for Nepal, India and also for Indo-Nepal relationship. Speaking at a program at the Reporters' Club on March 29, the Indian envoy had said, “We will not be found wanting in anyway to cooperate with Nepal, to work together with Nepal, to resolve the difficulty facing Nepal and having resolved them, to move as partners in development for a betterment of everyone here and for our own people. This is the fundamental milestone of India's foreign policy towards Nepal.”

He also said that the Indian government was continuing its development assistance to Nepal so as to help in the latter's economic development. “It is a conscious decision of the Indian government that nothing we do shall negatively affect the people of Nepal, which is why today we have cooperation



**Treaty renewal:** Good news for economy

territory for moving goods from one Indian destination to another. Nepal had been enjoying similar facilities in the past.

The business community has welcomed the renewal of the treaty. The Federation of Nepalese Chamber of Commerce and Industry (FNCCI), Confederation of Nepalese Industries and Nepal India Chamber of Commerce and Industry (NICCI) have welcomed the renewal of the Indo-Nepal Transit Treaty for seven years

The renewal of the treaty came days after Indian ambassador to Nepal Shiv

projects in 61 districts in Nepal totaling an outlay of 41 crore rupees. That is the commitment that we will continue to meet.”

The envoy had added, “We look forward to the time when you, the people of Nepal, take step to gather in your destiny, and move the nation forward towards peace. We can, then, with all your other friends strengthen to help in the enormous tasks that will be necessary for rehabilitation or getting back to development or undoing the harms that has been done in all these years of uncertainty.”

# Community Mediation Program: Best Alternative Towards Peace and Justice

By SHAMBHU PRASAD KATTEL

Community Mediation Program (CMP), as the first initiative towards peace and justice in the country, was implemented by Centre for Victims of Torture (CVICT), Nepal in March 2001. Later on, the program was replicated by other non-governmental organisations like Institute for Good Governance and Development (IGD), Centre for Legal Research and Resource Development (CeLRRd), Pro-Public, (RUDUC) and so on. CVICT's CMP has completed its three years' pilot phase with successful result and extended as Community Mediation Extension Program (CMEP) in the same districts since June 2004 for three more years. Initially, it was started for three years in 15 VDCs of Ilam, Jhapa and Saptari districts of Eastern Development Region through partner NGOs. After extension, the project is operating in 30 VDCs of each project district.

The main thrust of CMP is to improve the delivery of justice particularly for women, poor and deprived people through development of community mediation forums at local level. The project follows multi-pronged approach, linking grassroots level activities in the project areas with the policy-making processes at national level, to promote peace and justice through community mediation in Nepal. More specifically, it recognises the need of informal community level institutions, VDCs and their roles on mediation process as well as the formal justice delivery forums to increase safety, security and access to justice for rural people, especially women and members of marginalized groups.

The project provides mediation services through its partner organizations and Human Rights and Mediation Committees (HRMCs) at local level as well as alert disputing parties about making informed choices.

The program supports VDCs, informal/volunteer community mediators and marginalized groups to strengthen the existing practices of mediation in the community or reform community institutions to promote access to restorative justice to women, poor, disadvantaged and other marginalized social groups. The district partner NGOs train indigenous community mediators, VDC representatives and local women leaders on human rights, paralegal education and mediation skills and set up Human Rights and Mediation Committee (HRMC) in each ward and VDC and a women committee which resolves local cases through mediation following rights-based approach.

Community mediation program resolves minor cases of community especially civil cases that can be resolved. Normally, minor cases escalate into grave crimes therefore CMP tries to resolve minor cases permanently finding out the root causes of a dispute. Therefore, in the present context of Nepal, CMP prevents people going to police and formal forums with minor problem, which ultimately prevent them from being tortured. In addition, all class, caste, ethnicity and gender, people have their representation in mediation committee and feel justice through the available services of community mediation. Therefore, there is no reason for them to go to Maoist Court for justice with minor problems or to join the Maoist to take revenge.

The overall objective of CMP is to make aware of community level people especially the marginalized groups, poor and women on human rights, laws of the state and mediation skills and processes, enable them to organise into mediation committees to protect their rights and to make justice accessible to all through right based approach of mediation (by community people for community people).

Community mediation program follows various activities at grass root levels which are described below one by one:

**i. VDC Selection - Developed Action Plan with VDC:**

VDC for CMP implementation was selected on the basis of the interest of VDC authority to implement the program, number of disputes in the VDC and formal forums, availability of traditional dispute managing mechanism and practices, etc. After VDC selection, district team of CMP conducts a meeting with VDC and discuss about the sustainability of the program. Community mediation program is implemented in only those VDCs which are ready to include the program in their annual plan i.e. as a part of the VDC's activity. Therefore, CMP implemented VDCs of Ilam, Jhapa and Saptari have already been included in the VDC's annual action plan and have committed to continue it in the future.

**ii. Multi-Party Meeting:** Immediately after the VDC selection, all party meeting is organised in the VDC office. At the request of district staff of CMP, VDC secretary dispatches a letter to the representatives of political parties and social workers of the VDC and ask them to participate in the meeting. In the meeting, CMP staff seek consensus of all political parties to implement the program.

**iii. Community Awareness Program:** Awareness creating among the community people about the use and benefit of CMP is the main activity of the mediation program. District staff of CMP like field officer, program coordinator and legal officer visit wards of each VDC and conduct an awareness raising program. Mainly, CMP staff clarifies about the merits of CMP, mediation process and importance of the use of CMP for protection and promotion of human rights in the present context.

**iv. Mass Meeting and Mediation Committee Formation:** After awareness raising program, mass meeting is conducted in each VDC where people are invited from all wards especially representatives of all categories of people like ethnic minority, low caste groups, gender, etc are invited for the meeting. The meeting discusses about the merits and demerits of CMP, its application and continuation in future and finally forms a mediation committee taking representation of all sections of the community.

**v. Training to the community mediators:** District partner NGO organises training to the mediation committee members. The training enhances the skills and knowledge of committee members on human rights, basic laws and mediation skills and processes. This training empowers committee members to be mediators who have to play roles of neutral facilitator while settling disputes. This is the training through which a man changes his traditional dispute management attitude and practice and establishes in the community as a mediator. Therefore, this training is designed residential to make impressive and practical.

**vi. Dispute Settlement:** After receiving the basic training, the mediation committee members (mediators) settle dispute following rights based approach. Normally, mediation session are held in VDC office, school, public ground and other public places. Interested individual can attend a session and observe the processes. If the case is confidential then only disputing parties along with one or two mediators attend the session and facilitate for mediation.

A mediator always appears in mediation session as a neutral facilitator and helps disputants to settle their cases themselves. There are 30 percent representation of women in each mediation committee and enough number of representations of other caste and ethnic groups. Mediation is a skill used by mediators to settle a dispute.

**vii. Interaction:** CMP conducts two types of interactions: one is among the mediators as an experience sharing and another is between mediators and representatives of formal forums. The latter interaction creates a forum between mediators and government officials of the district in which the mediators describe their success that helps understand the achievement of the program to the government representatives of the district and other related stakeholders.

**viii. Legal Support:** Legal support is a component of the program which is provided to a disputant who is economically poor and unable to go to the court for justice. But all poor and unable disputant who have to go to the court will not get the support. Only those disputants receive legal support who are financially not sound is ready to settle the case locally through mediation whereas his opponent does not want to settle the case locally but wants to go to court. In this condition it is clear that the second party of a dispute is economically and politically powerful and is not ready to settle the case through mediation. In this circumstance, legal support is provided and it is found helpful for making justice access to poor and marginalised people.

**ix. Networking and Advocacy:** CMP creates a network among the mediators and between mediators and other justice delivery institutions (judicial and quasi-judicial bodies) in the districts. Due to such network there is coordination between mediation committee and judicial and quasi-judicial bodies which ultimately helps people to be access to justice. ■

*(Kattel is an anthropologist associated with CVICT)*



# COSMIC AIR DISPUTE

## Loss of Credibility

After a series of disputes over the payment and other issues with aircraft owners, Nepalese air operators have lost their credibility

By A CORRESPONDENT

Following the opening of Nepalese sky to private airlines, Nepalese air operators have confronted with a number of foreign aircraft leasing companies over the payment and ownership of aircrafts.

After years of negotiations, French Aircraft owner has just recently took two ATR-42 grounded for years in the Tribhuvan International Airport. The ATRs were earlier used by now-dissolved Necon Air. Similarly, dissolved Nepal Airways and Everest Air had similar kinds of disputes with the aircraft owners.

international leasing modalities of aircrafts, courts always find themselves in difficult positions whenever such petitions appear in the court. Cosmic Air had, recently, secured a stay order from Appellate Court regarding its dispute with aircraft owner – but the credibility of Nepal has suffered in the world.

AerCap Ireland Limited (formerly known as debis AirFrance Ireland plc), the owner of Fokker 100 aircraft, in its public notice said Cosmic Air Private Limited had “for some time been in default under the aircraft operating Lease Agreement which resulted in us terminating the leasing of the Aircraft 15

Following the notice, Cosmic Air Pvt. Ltd issued another rejoinder notice on April 3 in various newspapers regarding advertisement published by AerCap Ireland Ltd and AerCo Ltd. “We, the Cosmic Air Pvt Ltd, would like to inform all concerned that the above stated notice with false allegation is misleading to the people. We, therefore, are in conformity and in adherence to the law of the Kingdom of Nepal and the order of the court in respect to the operation of the aircraft. It is further to inform that as the said act of publishing notice in the newspapers by AerCap and AerCo Ltd is misleading, defamatory, derogatory of our authorities and laws of our Kingdom and against our business repute of long standing.”

In the context to Nepalese law, the Cosmic Air has upper hand as it has already received an interim order from Appellate Court of Patan on 27<sup>th</sup> February in relating to the aircraft operation. But, how will it challenge its points of view in international sector is yet to be seen. Because as per the international practice,

the international law guarantees the owner's right. The leasing agreement, as per the international law, relates only with the leasing operation and does not provide the ownership of the aircraft.

The disputes between the aircraft owner AerCap Ireland Ltd and Cosmic Air Pvt. Ltd appeared following delay of payment to the owner by Cosmic Air. Although Cosmic Air has leased four aircrafts from the company, two have already been grounded.

Whoever may prevail in the dispute, the advertisement war appearing in the newspapers will damage the credibility of Nepalese airlines industry. The past experiences have already made Nepal's credibility in the international trading and banking suffer hard. This new dispute will further erode the credibility of Nepalese Airlines and industrial houses. ■



Cosmic aircraft: In trouble

Last week, Cosmic Air - another Nepalese airlines - had a major dispute with the company with whom it had leased two F-100 aircraft. However, the Cosmic hid behind an order by Appellate Court and has refused to hand over the two aircraft to the Irish company. In a country where judiciary is yet to have garnered enough expertise on the

March, 2006. As a result of the termination of the agreement, Cosmic Air Private Limited has no authority to possess and operate the Aircraft anymore. Any operation of the above Aircraft will be the flagrant violation of the Aviation Law of the country and thus unlawful.” (See public notice in Gorkhapatra on April 2)

# On Monarchy

**L**ike all other systems, there is no unanimous view on the role of institution of monarchy in different parts of the world. Monarchy has played important role in many highly developed and industrialized countries like United Kingdom, Japan, Norway, Sweden and Denmark. Similarly some countries in Asia and Africa are engulfed in civil war and one or other kinds of more authoritarian states.

Following the overthrow of monarchy in Iran, a religious mullah grabbed the power imposing authoritarian rule and paving way for theocratic state. Afghanistan was engulfed in decades-long civil war. Cambodia's communist leader Hun Sen had to restore monarchy in the country.

Being a diehard follower of Lenin, Surya Thapa's views on monarchy is understandable. If a diehard communist backs monarchy as his ideological thought, then he can be regarded as a betrayer. Expressing his inherent commitment to his ideology, Thapa, editor of Budhabar weekly, a CPN-UML affiliated magazine, discusses all the issues related to the role of monarchy in Nepal focusing on the relations between monarchy and political parties as well as the rise and fall of monarchies all over the world in his two books.

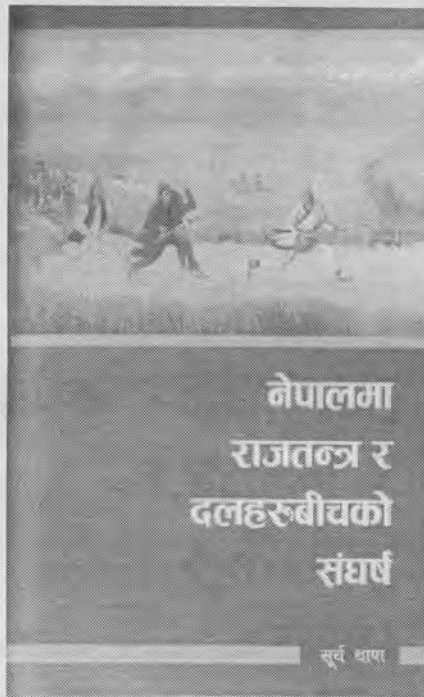
Before analyzing the role of monarchy and relations between the monarchy and the political parties, one needs to look into the history of various countries of the world. Some states in our neighboring area lost the identity of nationhood along with the overthrow of monarchy.

Writher Thapa also analyzes the role of monarchy in Nepal and its relations with the political parties in his book. Thapa describes the role of monarchy as 'betrayer' to the process of democratization in Nepal citing King Mahendra's dismissal of first elected government led by B.P. Koirala and King Gyanendra's dismissal of Sher Bahadur Deuba's government and his decision to control the state power.

Thapa is very critical on the role played by monarchy and its relations with political parties. "Monarchy has always played negative role in the political process of Nepal," said Thapa.

Monarchy in Nepal has a long history with continuity of institution but change of dynasty. The monarchy has more than 2000-year-old history in Nepal with more than 5 dynasties ruling the country at different times. After the unification of Nepal 237 years ago by Prithivi Narayan Shaha the great, Shaha dynasty has been ruling Nepal as a factor of national unity and stability.

During that period various Kings ruled Nepal and every individual King showed his own style of functioning. Not only King Rana Bahadur Shaha but also King Tribhuvan and King Birendra



*Nepalma Rajtantara Ra  
Dalharubichko Sangharsha ( The  
struggle between monarchy and  
political parties in Nepal)*

*By: Surya Thapa*

*Published by: Nawayug Publication  
Private Limited*

*Price: Rs.200.00*

*Pages: 351*



*Bishwoma Rajtantra  
Utthan, Patan Ra Bhabishya*

*By: Surya Thapa*

*Pages: 178*

*Published by: Navayug Prakashan*

*Prices: Rs.125*

represented monarchy and presently King Gyanendra is ruling the country.

One of the major contributions of monarchy in Nepal is that it gives stability and continuity to the nation. Even in the last fifty five years long history of modernization and institution building process, the monarchy has played the role in one or the other way.

Following dismissal of former prime minister Sher Bahadur Deuba's government and royal take over after February 1, 2005, a series of books were published by various authors describing the role of monarchy in Nepal

In Nepalese communist history, Dr. Keshar Jung Rayamajhi, who supported the role of monarchy in Nepal, is now portrayed as a royalist communist. Although other communist leaders also worked under the monarchy, Dr. Rayamajhi is still 'a phenomenon' of royalist communist.

Although journalist Thapa uses his communist ideological thought to portray the role of monarchy in Nepal, his book does provide some insights. ■



## EXPOSITION

# Shanti Yagya

Artist Uma Shankar Shah resorts to brushes and canvasses in the quest for peace in the country

By A CORRESPONDENT

**I**n the violent insurgency in the country and the subsequent bloodshed has evoked artists, writers, singers, all alike, creators of all genres. In the recent months at least half the paintings hung on the galleries depict images related in one or the other way to the tragedy brought about by conflict. At a time when the canvasses are chiefly



covered with torn out human body parts, blood oozing out, grim faces of victims, Artist Uma Shankar Shah has brought out a series of paintings depicting the present situation of the country without any of these elements.

“My works reflect the present situation of the country,” says Uma Shankar Shah. But, his paintings does not show images of violence, bloodshed, neither the grim faces of the victims of conflict. Instead, it goes one step further to call upon all to end conflict. By depicting temples, prayer wheels and images of deities, he attempts to stimulate the spiritual feeling of the public.

To show the situation Shah focuses on the use of warm colors, unlike the popular trend of using forms to depict a situation. “I extensively used warm colors in my paintings,” said Shah. The warm

colors (like red, orange, yellow, brown etc) depict that the society is being heated.

With the depiction of the situation, Shah also proposes a solution to the crisis. “All the endeavors to restore peace have failed in Nepal. At this time we should evoke spirituality within ourselves,” said Shah “Spirituality only will help establish peace in the country.”

The images of temples used extensively in his oil paintings as well as etchings represent the symbol for spirituality.

The monumental sized prayer wheels, temples piled up one above the other, and Hindu deities in different postures stare at the viewers, as if calling upon all to start preparing for a grand-enchanting (Shanti Yagya) for peace.

Shah who has organized several shows in Nepal and abroad is deeply inspired by the elements of night, evening and morning. Many of his paintings show temples and deities in these settings. Moreover, the long period he spent in Benaras - the city of temples - during his studies reflects in his painting. From Benaras to Kathmandu, the artist has always found himself in the vicinity of temples. In his paintings, he has tried to show the combination of the cultural aspect of both cities.

The exhibition is on at Siddhartha Art Gallery from March 26 to April 18. ■

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# ALOK SHREE

## Young Achiever

Alok Shree's struggle has elevated him to a top spot within a short span as a popular and established music director

By THAKUR AMGAI

**W**hen a young lad, Surya Kumar Khati, from the remote plains of Palungtarbesi of Gorkha headed to Kathmandu in search of further education, after taking his high school exams in 2044 B.S., he had little idea that this valley would shortly make him a renowned artiste.

Like in most youths he had passionate ears to appreciate good music only, but no skill to play music and sing. Instead, he had a burning desire to become a popular poet and a lyricist. Since school age, he recited poems he penned among his friends.

"With a deep interest to have my songs tuned and recorded I went to Radio Nepal to show my diary of poems to the music directors there," he remembers. "But, the music directors did not appreciate it. I felt quite humiliated."

That very event changed Khati's destination. Deeply humiliated by the rejection of the music directors he promised that he himself would compose music now.

The same day he went to a music store, bought himself a harmonium, and started learning the ABCs of music all on his own. After relentless practice for about a year, he was able to compose music for a song written by Bharat Bamjan.

His happiness knew no bounds when the song 'Timi Jati Tadha Bhaya Timro Yad Aunchha' sung by Purna Pariyar in his composition was recorded at Radio Nepal in 2046.

While, he was encouraged to compose music for more songs after this song was aired from the Radio, he also had the compulsion of sustaining himself

and continuing his education in Kathmandu.

To support his education in Kathmandu, he had the compulsion to work as a salesman in a bookstore and teach at various schools.

"Thus, although I composed music for a few more songs during that period I could not earn much name and fame," Khati expressed his anguish.

Born in Ampipal, Gorkha 33 years ago, Khati spent his early childhood in the hills and woods of Gorkha. His childhood resembled that of any other child from the remote Nepalese villages,



Alok Shree: Name and fame

where parents would persuade their children to focus on studies and where children would support them with household works during their free time. Learning music and engaging in it would be a privilege. Despite such a

background, Khati, endowed with an innate creativity- was not the kind who would give up by such little failures.

Having completed his high school education from Amar Jyoti Secondary School (Luintel school) – the same school where big names like Dr. Baburam Bhattarai and Dr. Upendra Devkota got their initial schooling, Khati had a deep rooted feeling since childhood that his creations be heard by a larger mass.

As 'Surya Kumar Khati' and his creations could not earn much fame in those years, he decided to make a new entry.

In 2054, a song 'Thorai Thorai Ris Ani Dherai Dherai Maya' sung by Ram Krishna Dhakal and included in teh album 'Asha' became very popular. The music director of the song Alok Shree also became very popular with the song. The revelation that this 'Alok Shree' is the same old Surya Kumar Khati came as a sweet surprise the music lovers.

After the instant popularity of the song Khati, now with the new identity of Alok Shree picked up mileage. With songs like 'Hira Katne Hiraima Rakhera', 'Charile Ta', 'Kahile Timro Pachchhyaurima Aljhen', 'Halla Nagara', among others. Alok Shree soon became one of the top music directors of the country.

Over the years Alok Shree has composed music for more than 500 songs. He has produced about one dozen albums- 'Top Ten Nepali Tara', 'Chhayan', 'Tuna Muna', 'Hiunchuli', 'Laya', 'Asha', 'Upahar', 'Rastriyata' and three volumes of education album 'Bal Geetmala'. He has also composed music for a feature film 'Bhannai Sakina' with popular songs like 'Pura Bhayo Sapana Mero'. He was also one of the judges at the 'Nepali Tara'- a mega hunt TV program to choose the talented Nepali singers from across the country.

Merely, in his early thirties, Alok Shree aspires to take the Nepali music to the world market. He is leaving for US shortly for the promotion of Nepalese music there. In addition, he is now also preparing to bring out a collection of ghazlas written by J. B. Ghale. ■



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