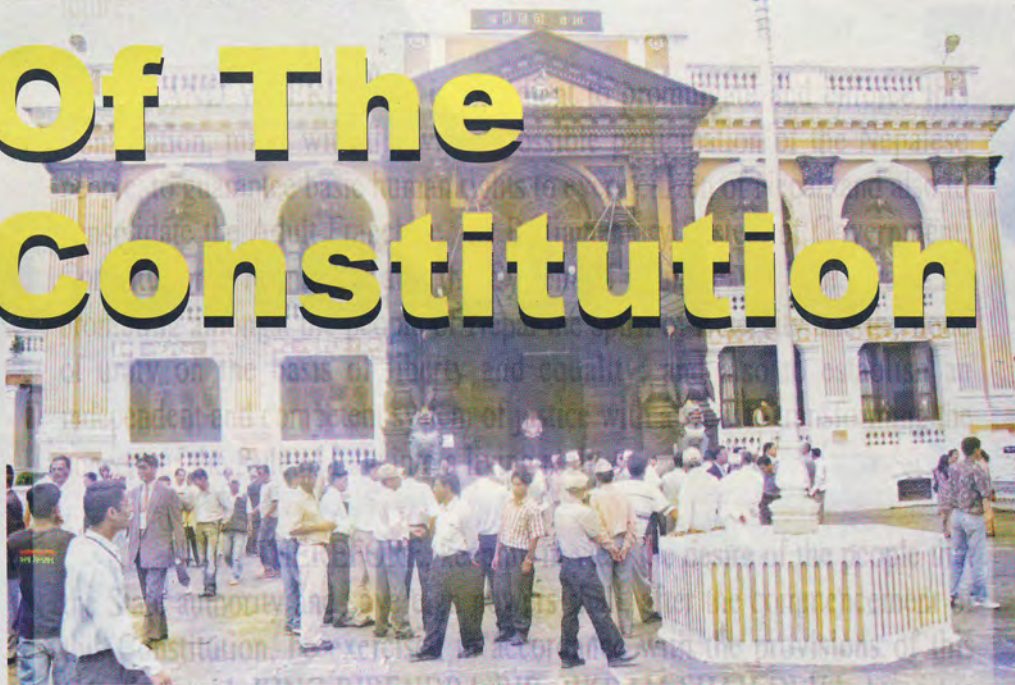


SPOTLIGHT

May 19 - 25, 2006

Demise Of The Constitution



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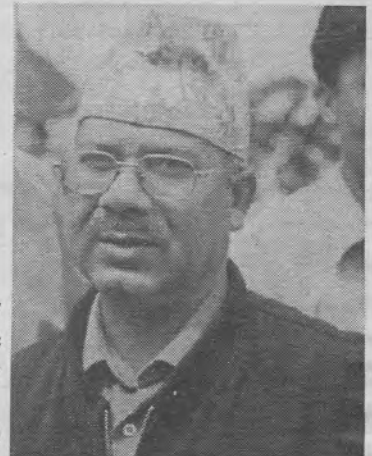
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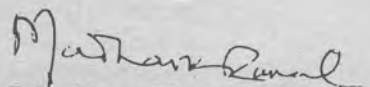
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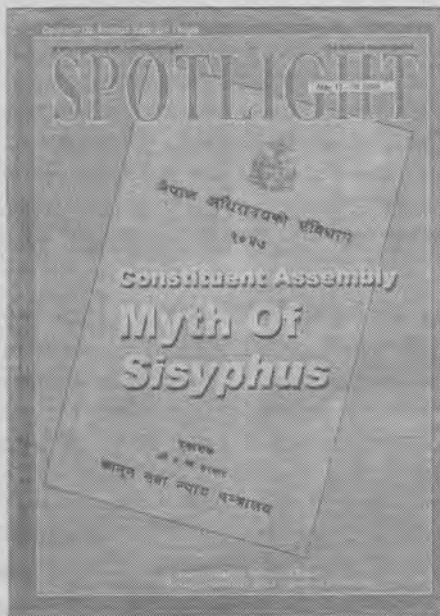
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It is heartening to see that the Nepali common man has become wiser and would no more permit the wily politicians to exploit him. He knows well that it was not the Seven Party Alliance that brought about the revolutionary change in our country that has sealed the sovereign authority in the people for all time to come. Indeed, it was the Maoists who have made solid contribution towards the people's movement. The success of the movement has reinstated the dead House of Representatives as the country could not exist in a political vacuum. The reinstated House had to pass a resolution to go for the election of a Constituent Assembly without losing any time and to reach an understanding with the Maoist leaders so that the country could return to peace and normalcy. This, indeed, necessitated a caretaker government which is still in the making even after three weeks. Since the House has already passed for election for the CA, the only important thing remaining is to start the dialogue with the Maoist leadership. But, as expected, since the members of the SPA are fighting for plum posts in the House and in the cabinet, the process of dialogue is being delayed. As the basic structural adjustments in the government and other important policies of far reaching consequences cannot be taken up without the sanction of a people's constitution, it is surprising to see the caretaker government getting involved in activities which could later become illegal or unconstitutional. In the absence of any other constitution, this present constitution must form the basis at the moment, for all legislative, executive and judicial functions. As such, the Supreme Court needs to establish the validity of the House first. Its reinstatement by the King only would not lend it any validity after the expiration of its constitutional life.

Quite a few intellectuals in Nepal have started to wonder whether Nepal is still a fully sovereign independent state, or has turned into a satellite or a part of India. The way the lone superpower, the international community and even the United Nations don't dare to take any decisions on Nepal without the permission of the government of India, has generated this misgiving that Nepal no more exercises the sovereign power of a fully independent state. It is simply surprising why neither the Palace, nor the government, nor the political parties and nor any other national organization has ever objected to such a behavior. Nepal has two big neighbors but why her neighbor in the north is never consulted or taken into confidence and why her neighbor in the south only is awarded opportunities to influence Nepal's destiny. Has Nepal lost the authority to make final decisions about her? Can we refuse to deal with states or organizations that denigrate our sovereign status? ■


Madhav Kumar Rimal
Chief Editor & Publisher



Interesting Story

The cover story this issue was a very interesting read "CONSTITUENT ASSEMBLY: Myth of Sisyphus?" (SPOTLIGHT, May 12, 2006). It provided readers like me with a broader understanding of the ongoing politics in Nepal. It is a sad irony that one of the best constitutions of the world could not function properly thanks to the insincerity of the King and political leaders. Let us hope and do our part not to let the same thing happen to the constitution to be drafted now.

Kabita Gurung
Pokhara

Keep Vigil on Political Leaders

At a time when all the mainstream media are blindly putting forward constituent assembly as the only and a sure shot solution to the present political problem, you have shown courage by questioning the logic behind abrogating the present constitution "CONSTITUENT ASSEMBLY: Myth of Sisyphus?" (SPOTLIGHT, May 12, 2006). Elections to the Constituent assembly might be inevitable at this moment, but it is the duty of all responsible people of the country to keep constant vigil on the political players and warn constantly for their actions. They should be aware that the present constitution failed not because it was bad, but because the political players were not honest towards it. We should be aware not to let them cheat the people again.

Basanta Shrestha
Sukedhara

Analytical Story

The cover story about the constituent assembly this issue is very analytical and interesting to read "CONSTITUENT ASSEMBLY: Myth of Sisyphus?" (SPOTLIGHT, May 12, 2006).

You have rightly pointed out that a constitution in itself is neither good nor bad. Its success depends on how the people in power operate it. There was nothing bad in itself in the 1990 constitution. The leaders of the political parties and constitutional lawyers, too, had stated many times in the public forums that the 1990 Constitution of Nepal was one of the best statutes of the world. Even now, as you have written they have not been able to point out any flaw in the constitution itself. The political leaders, lawyers, professionals and the public all are now prepared to abrogate this constitution and go for the constituent assembly to draft a new constitution. We should all understand at this moment that it was not the constitution that failed, but the people who operated it. Even the best constitution of the world may not work if people in power are not sincere. It may be too late to say that the present crisis of the country can be solved by 1990 constitution, but it is the most opportune time to implement the lessons learned from our failures over the past 15 years. We should not totally rely on the words and phrases of the constitution to be drafted, but the attitude and actions of the people in government and constitutional organs. If we do not realize

now, no constitution is going to solve our problem.

Pralhad Thapa
Kalimati

Insightful Interview

I read the interview with Dr. Surya Dhungel and found it very insightful "It Is The Task Of The Political Parties And Leaders, Not That Of The Constituent Assembly, To Resolve The Political Crisis" (SPOTLIGHT May 12, 2006). I am convinced the leaders are responsible for solving the present political crisis. The constituent assembly by itself cannot do anything. The people have given mandate to the political leaders through street agitation to restore peace, cover loopholes in the constitution that can allow an individual to turn dictatorial and take the country to a new course. However, I do not think that people are still for the constitutional monarchy. Not that they are against the monarchy for the sake of its abolishment only, at the moment they are simply not convinced that the king might not again grab power if he remains in whatever capacity. It takes some time and quite an effort to convince the people that there is no such threat from the monarch now.

Pabitra Nyaupane
Jawalakhel

Need of the Hour

A swift economic revolution is very essential in the aftermath of the decade old insurgency "ECONOMIC CRISIS: Wanted Immediate Relief" (SPOTLIGHT May 12, 2006). The economic activities in the country had not been able to function properly during the times of political instability. While the confusion over the political future of the country still looms large, it is high time that we start reconstructing the dilapidated economy of the country. Otherwise, it is likely that frustrations will grow among the people and the political players might not get support and a tranquil environment to work on the major political issues.

Krishna Shakya
Bhaktapur

An Orphan Killed In A Blast

A 12-year-old orphan Gopal Thapa was killed and two other kids injured when a bomb they were playing with exploded in Ghodaha jungle area at Devdaha VDC in Rupandehi district. Pappu Thapa (9) and Ram Kumal (13) were injured while they played with a bomb that they found lying in the jungle. At the three kids were staying at Mayadevi Orphanage. The spot of the explosion is about one km away from the orphanage where 46 kids are staying. *Leading dailies report.*

'We Are Committed To Press Freedom': Maoist Leader Yadav

Maoist politburo member Matrika Yadav has said that the Maoists are fully committed to respecting the press freedom. Speaking at an interaction organized by the Federation of Nepalese Journalists (FNJ) on the topic related with Maoist stance vis-à-vis press freedom, Yadav said that they will no more physically attack the journalists and would, instead refer to the FNJ if they have some problems regarding some journalist. He, however, added that 'press freedom, at times, are relative and should take account of the people.' At the program, FNJ asked the Maoists to clarify their stand on press freedom, raised issues of displaced journalists and urged them to respect the journalists killed in the past by them. *Nepal Samacharpatra daily reports.*

Valley Likely To Face Short Supply Of LPG

Due to Nepal Oil Corporation's (NOC) failure to pay customs duty, about 84 tankers carrying 900 metric tons of Liquefied Petroleum Gas (LPG) have been stranded at Nepal-India border for last couple of days, resulting in fast decrease in stock of cooking gas in the Kathmandu valley. "The current supply of LPG is not enough to meet daily needs, and the demand has been going up tremendously," said Sawar Lal Agrawal, vice president of LPG Industry Association. According to him, NOC's poor financial health has caused delay in imports of the cooking gas from India. An already financially distressed NOC's outstanding dues to Indian Oil Corporation (IOC) has reached Rs 5.76 billion as of May 1, while its monthly accumulated losses have crossed over Rs 580 million. With such a gloomy financial status,

the state-owned petroleum import monopoly is not even at position to pay daily customs duty of about Rs 20 million to Birgunj customs, which has also affected the supply. Nepal consumes about 85,000 metric tons of LPG every month, whereas the demand of Kathmandu valley alone constitutes about 75 percent of total supply. *The Himalayan Times daily reports.*

Prachanda To Head Maoist Talks Team

Maoist chairman Prachanda himself will lead the Maoist talks team. In a statement issued on Saturday, Prachanda said he would participate in the direct talks with the government after his team of three negotiators – headed by Krishna Bahadur Mahara – carried out a preliminary dialogue. In the statement, Prachanda also issued his roadmap for peace that seeks the release of political prisoners, dissolution of parliament and the constitution, and restructuring of the national army. It seeks a round table conference, interim statute and interim regime, and the delimitation of constituencies based on representation of different sections of population. "This has to be followed by dependable supervision of the election to constituent assembly by international agencies," the statement says, adding the need to reorganize the "Royal" and "Janamukti" army. It also hints at the threat coming from royalists and external reactionaries following the restoration of the parliament. It warns the seven party alliance that if it went against the 12-point pact, the Maoists will lead another revolt against it. Prachanda also lays stress on secularism, right to self-determination and self-governance with special rights to Dalits and women. He calls for revolutionary land reforms, independent national economic policy, strong opposition to foreign interference, scientific and people-friendly education system and employment guarantee. *The Himalayan Times daily reports.*

Maoists Beat Their Former Comrade To Death

Despite their ceasefire, the Maoists have beaten to death their former cadre in Chitwan. Prem Bahadur Thokar of Jagatpur has been mercilessly beaten to death. A former Maoist cadre, Thokar was currently living an ordinary life. He was abducted on Friday. Two hours later the villagers found

his body. Thokar was charged by the Maoists of discrediting the party. Thokar is survived by a wife, a son and two daughters. Meanwhile, the Royal Nepalese Army Public Relations Directorate has stated that the Maoists have roundly beaten a UML worker Khadga Bahadur Shahi in Syaule area of Dadeldhura district on Thursday. *Kantipur daily reports.*

PM Talks With RNA Chief

The Chief of Army Staff General Pyara Jung Thapa met with Prime Minister Girija Prasad Koirala on Saturday (May 13). His meeting came a day after the government suspended three chiefs of security bodies including Nepal Police, Armed Police Force (APF) and National Investigation Department (NID) as per the suggestion of the judicial probe commission. The commission had also suggested to suspend Royal Nepal Army chief General Thapa but the government withheld the decision on that matter and, instead, decided to refer the matter to the National Defense Council, which comprises of RNA chief, PM and Defense Minister. Since PM Koirala himself holds Defense portfolio, the council currently comprises only of him and General Thapa. Reports say that during the Saturday's meeting - in which the second-in-command of RNA General Rookmangad Katawal was also present - General Thapa urged the PM not to suspend him. The chief is said to have told PM that if a precedent is set of taking action against army chief that would only invite further instability. Meanwhile, top generals of the army are said to have held a meeting at army headquarters on Saturday morning to discuss the suspension of chiefs of security bodies. *Compiled from reports.*

Security Chiefs Suspended

As per the recommendation of the Judicial Commission formed to probe repression against people's movement, the government, on Friday, suspended chiefs of Nepal Police, APF and NID. Inspector General of Nepal Police Shyam Bhakta Thapa, IGP of APF Sahabir Thapa and NID chief Devi Ram Sharma have been suspended. Likewise, the government also suspended Additional Inspector Generals Rajendra Bahadur Singh, Rup Sagar Moktan and DIG Krishna Basnet of Nepal Police. The government also suspended AIG Rabi Raj Thapa and Senior Superintendent of Police (SSP) duo Madhav Thapa and Durja Kumar

Rai of APF. The government has appointed AIG Om Bikram Rana as new acting IGP of Nepal Police; Basudev Oli as new acting IGP of APF and Dhana Singh Karki as new acting chief of NID. *Leading dailies report.*

Five Former Ministers Arrested

The government arrested five former ministers for their role in repressing the people's movement. As per the recommendation of the judicial commission, former ministers Kamal Thapa, Ramesh Nath Pandey, Shrish SJB Rana, Tanka Dhakal and Nikshya SJB Rana have been arrested and given 90-day detention notice. Other ministers of the previous royal cabinet, too, have been put on notice. Meanwhile, on Saturday, the government suspended Chief Secretary Lok Man Singh Karki. The two vice chairmen duo of Council of Ministers Dr. Tulsi Giri and Kirti Nidhi Bista, too, have been kept on strict notice by the government after the judicial commission recommended action against them. *Leading dailies report.*

Speaker's Post Becomes Bone Of Contention

The post of Speaker has become a major bone of contention among SPA members. The meeting of the seven party leaders held on Thursday was deadlocked over the issue of Speaker. While Unified Marxist Leninist (UML) and Nepali Congress (NC) have agreed to elect UML leader Subas Nemwang to the post, NC (Democratic) has stood by its candidate the deputy Speaker Chitra Lekha Yadav. The proposal of UML has been agreed upon by Nepal Workers and Peasants Party (WPP) and People's Front. However, Nepal Sadbhavana Party (Anandidevi) has lent its support to Yadav saying she represented women and Terai community. NC (D) president Sher Bahadur Deuba walked out of SPA meeting on Thursday after his proposal of electing Yadav as Speaker was not agreed upon by UML and NC. "When the parliament sessions were held in street, everyone accepted Yadav as their Speaker. But when the real session has begun, they are demanding to change her," Deuba told reporters. Earlier, NC had promised to support UML candidate for the position of Speaker after the former refused to provide the latter with plum portfolios like Home and Defense in the cabinet. Because of the dissension over the post of Speaker, the SPA

meeting has not yet been able to finalize about the expansion of cabinet. *Leading dailies report.*

Maoist Student Wing Demand Nationalization Of Private Schools

The student wing of the Maoists – All Nepal National Free Students Union (Revolutionary) – has presented nine-point demand to the Prime Minister Girija Prasad Koirala. Its demands include nationalization of all private schools, sharp reduction of their fees, scrapping of curriculum that eulogizes royal family, election of chancellor of Tribhuvan University and Mahendra Sanskrit University by their respective assemblies, among others. The ANNFSU(R) has demanded that if the private schools cannot be nationalized in the short term, their fees must be reduced sharply. It has also asked the government to release its central leaders from jail. The ANNFSU(R) has threatened to unleash its protest campaign unless the demands are met. *Nepal FM reports.*

13 Kids Killed, 12 Injured In Three-Wheeler Mishap

In a tragic accident, thirteen school kids were killed and nine injured when a three-wheeler carrying them plunged into Chatara canal in Sunsari district. Five more children escaped unhurt. Witnesses said the three-wheeler fell into the canal after its front wheel came off due to heavy load. It was carrying too many kids beyond its capacity. The school children between the ages of 4 to 11 years were studying in grades between nursery to fifth grade at Moonlight Secondary school in Jhumka. Meanwhile, Private and Boarding Schools Organization of Nepal (PABSON) has decided to ban the use of old vehicles, three wheelers and rickshaws to transport school kids. *Leading dailies report.*

RJP Calls For Making The Present Constitution As The Basis

Rastriya Janashakti Party (RJP) has stated that the present constitution should be made the basis when going for constituent assembly since the country is currently passing through transition. The meeting of the RJP central committee chaired by president Surya Bahadur Thapa drew this conclusion. The meeting stated that although

a few important issues needed to be settled though political decisions, taking political decisions by sweeping aside the constitution on every matter would invite anarchy. The meeting also endorsed the remarks made by party president Thapa regarding constituent assembly. Recently, Thapa had spoken in the parliament saying that CA was necessary to settle many problems of the country. *Kantipur daily reports.*

"This Parliament Can Do Anything": UML Leaders

General Secretary of the Unified Marxist Leninist (UML) Madhav Kumar Nepal and standing committee member Bamdev Gautam have said that since the current parliament was restored through people's movement, it could do anything and take any decision. Addressing a program organized by All Nepal Peasants Association (ANPA), Nepal said that the parliament has more sovereign and state power than is written in the current constitution. He said no one can displace the current government, which, he said, will soon expand into an interim government that would stay till the election of constituent assembly is held. Gautam, who is also the president of ANPA, went a step further stating that the current parliament can, in fact, decide not to go for constituent assembly and instead make important proclamations by itself and implement them through the government. He said that the country was heading towards democratic republic. *Nepal Samacharpatra daily reports.*

Bar Association Changes Its Stance

Nepal Bar Association (NBA) has dropped its opposition against Chief Justice Dilip Kumar Poudel. The NBA, which had been publicly boycotting Poudel since past four months, indicated the change in its stance after its officials including president Shambhu Thapa took part in tea reception hosted by Supreme Court (SC) on the occasion of Law Day. "We have attended the reception after receiving commitment on the rule of law," Thapa told reporters. Reports say that NBA decided to drop its opposition against CJ after the latter "realized the mistake in appointing Pawan Kumar Ojha as SC judge and agreed to review the decision." Meanwhile, SC bar association boycotted the reception. *Kantipur daily reports.*



UN envoy Samuel Tamrat meets with PM Koirala Gorkhapatra

THE US STATE DEPARTMENT IS PERMITTING ALL NON-emergency U.S. Mission personnel and families to return to Nepal. According to press statement by the Embassy, the decision, made at the recommendation of the Embassy, is effective from May 12. "Out of concern for their safety, the Department on April 24 had ordered all non-emergency Mission personnel and families to leave Nepal. The U.S. Mission includes the Embassy, the Consular Section and American Center at the Yak & Yeti complex (west wing), and USAID," the statement said. "The Consular Section, which resumed certain services May 1, also will return to full operations on Monday, May 15, with non-immigrant visa interviews scheduled to start then. The Consular Section is open from 8 a.m. until 5 p.m., Mondays through Fridays. The American Center Library, which also reopened May 1, is open from 11 a.m. to 6 p.m., Mondays through Fridays."

ENRAGED BY A SERIES OF ATTACKS AGAINST businessmen in Birgunj, the industrialists and entrepreneurs have given one-week ultimatum to the local administration and police to nab the criminals. Otherwise, they have threatened to organize street protests, according to Birgunj Chamber of Industry and Commerce. On Friday, criminals launched a bomb attack against local industrialist Ratan Agrawal wounding him seriously. Earlier, businessman Ramesh Kedia, too, had been similarly attacked. The Birgunj chamber suspended its decision to immediately engage in street protests after the police assured them of concrete results within a week.

DEPUTY PRIME MINISTER AND FOREIGN MINISTER K.P. Sharma Oli has said that the government would accord a top priority to resolving the issue of Bhutanese refugees. He said that the government would start to follow up this issue with the international community. Since last two years, the ministerial meeting between Nepal and Bhutan has been stalled. Oli said the government would take immediate initiatives to resume the dialogue. Over one hundred thousand Bhutanese refugees continue to languish in miserable conditions in eastern part of Nepal since last fourteen years.

THE PARLIAMENT HAS FORMED A PROBE COMMITTEE to investigate the killings of civilians by army personnel at Nagarkot and Belbari. A proposal to this effect was presented by NC MP Mahesh Acharya and seconded by UML MP Lal Babu Pandit and NC (D) MP Bhakta Bahadur Balayar. The parliament adopted the proposal unanimously and formed a committee headed by People's Front MP Pari Thapa. Other members of the committee include MPs N.P. Saud, Gokarna Bista, Ramnath Adhikari, Bijaya Subba,

Tirtha Gautam and Kamala Pant. Furthermore, the parliament has also formed a separate probe committee to investigate the charges that UML MP Hem Narayan Yadav was killed by the army. MP Yadav was killed two years ago.

ADDRESSING A PROGRAM ORGANIZED BY POVERTY Alleviation Fund (PAF), Dr. Ken Ohashi, country director of the World Bank, has stressed on the need to further intensify development programs in order to meet the growing aspirations of the people. He said that the important political change in Nepal had encouraged the people. Addressing the three-day-long national workshop to review the progress of PAF, Dr. Ohashi said that its performance had been well despite difficult working conditions. "Though there were difficulties related to the security and political situation in Nepal, PAF has been successful in reaching out to people at large to help mitigate poverty in the country," he said. "The fundamental philosophy of PAF is robust. This holds true not only in the case of Nepal but also in other countries where similar kinds of projects are underway for poverty eradication," he said, adding that PAF has been one of the better performing projects of the World Bank in Nepal. Speaking at the program, Ram Krishna Tiwari, Secretary at the National Planning Commission (NPC), said that the outcome of the workshop would help formulate the 11th five year national development plan. Currently, the PAF is active in 19 districts across the country. These districts are most backward in terms of poverty indicators. "It is the strategy of the PAF to carry out demand-based programs by putting poor at the focus of development," said Raj Babu Shrestha, executive director of PAF.

FOLLOWING THE RECENT POLITICAL CHANGES, THE volume of real estate transactions has sharply plummeted in Kathmandu valley. This is the first time that real estate business nose-dived after five years. Earlier, due to growing inflow of remittance money and displacement of people to urban areas owing to Maoist problem, the real estate business had picked up. However, in the last two weeks since the people's movement, the data of land revenue offices in the valley show the real estate business dropping by 30 percent. "People are fearing that the government would introduce new land policy and impose progressive taxes or ceilings," said Dinesh Sharma, officer at Bhaktapur Land Revenue office. "This has resulted in the total halt of big land plotting activities," he added. "The investors on real estate are adopting the policy of wait and watch," said Parshuram Adhikari, officer at the Chabahil Land Revenue Office. However, till now the prices of land have not decreased substantially. "Prices of land within ring road have not decreased. Those outside are decreasing," said Lok Bahadur Chand, agent of Indreni Real Estate.

THE GOVERNMENT HAS REPEALED SIX ORDINANCES that were promulgated after February 1, 2005. Among those repealed include media ordinance, Information Technology Academy ordinance, Local Administration Ordinance, Social Welfare ordinance, ordinance on election and ordinance on National Park and Wildlife. The government source said that other ordinances, too, would be reviewed. Around 39 ordinances have been introduced after February 1. Likewise, the cabinet meeting of Tuesday also decided to declare the practice of "Chhaupadi" as 'evil tradition.' In far-western Nepal, women are compelled to live in isolation in shabby sheds for four days every month during their menstrual cycle. This tradition is known as Chhaupadi. ■

“It would be a suicidal move to topple this parliament in haste, until another representative body comes.”

Madhav Kumar Nepal, general secretary of the Unified Marxist-Leninist (UML), speaking at the session of the parliament.

* * *

“I thought we (Nepali Congress-Democratic) deserved the post of Speaker (of the House of Representatives), after Congress got the post of prime minister and UML got the post of deputy prime minister.”

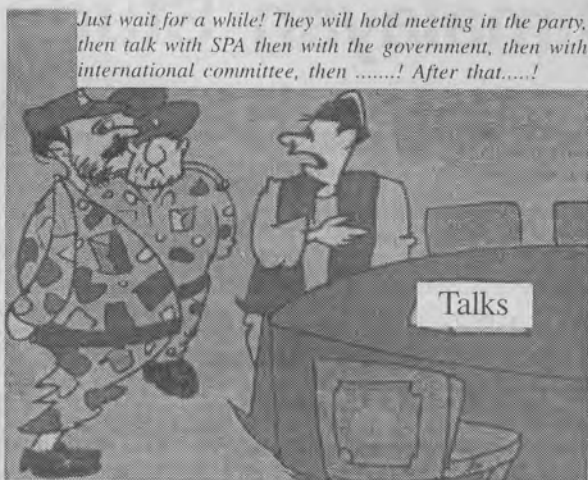
Sher Bahadur Deuba, president of Nepali Congress (Democratic), speaking at the session of the parliament.

* * *

“The parliament will remain until the day of the election to the Constituent Assembly.”

Rajendra Kharel, MP of Nepali Congress, in Jana Bhawana.

* * *



Bimarsha

“I presided over the street session of the parliament in the course of the agitation, but today I have presented myself above the political squabbling. The people will not forgive us anymore if we continue to indulge in power struggle.”

Chitra Lekha Yadav, deputy speaker of the House of Representatives, after Subash Nemwang was elected the speaker of the House of Representatives.

* * *

“As a country where Buddha was born, (Nepal) should have been a Buddhist country, but that could not happen. So, even if only to maintain the religious tolerance, the constitution to be formed should clearly state Nepal as a religiously secular country.”

Guhya Ratna Shakya, Manager of the Buddha Jayanti Ceremonial Committee, speaking at a function to commemorate the 2250th Birth Anniversary of Lord Buddha.

* * *

“Nobody wants to become underground and run insurgency. We entered jungle out of compulsion.”

Suresh Ale Magar, central level leader of Maoists, speaking at a face-to-face program, at the Reporters' Club.

* * *

TRANSITION

APPOINTED: Yagya Murti Banjade, as the Attorney General of the Kingdom of Nepal, by the King, as per the recommendation of the Prime minister.

ELECTED: Subas Nemwang, senior Unified Marxist Leninist (UML) leader, the Speaker of the House of Representatives, by the House, unanimously.

SUSPENDED: Inspector General of Nepal Police Shyam Bhakta Thapa, IGP of APF Sahabir Thapa and NID chief Devi Ram Sharma, Additional Inspector Generals Rajendra Bahadur Singh, Rup Sagar Moktan and DIG Krishna Basnet of Nepal Police, AIG Rabi Raj Thapa and Senior Superintendent of Police (SSP) duo Madhav Thapa and Durja Kumar Rai of APF, by the government, as per the recommendation of the Judicial Commission formed to

probe repression against people's movement.

Chief Secretary Lok Man Singh Karki, by the government, as per the recommendation of the Judicial Commission formed to probe repression against people's movement.

APPOINTED: AIG Om Bikram Rana as new acting IGP of Nepal Police, Basudev Oli as new acting IGP of APF, and Dhana Singh Karki as new acting chief of NID, by the government.

ARRESTED: Former ministers Kamal Thapa, Ramesh Nath Pandey, Shrish SJB Rana, Tanka Dhakal and Nikshya SJB Rana, by the government, as per the recommendation of the judicial commission formed to probe repression against people's movement.

RELEASED: Maoist politburo member Matrika Yadav and central leader Suresh

Ale Magar, from Nakhu jail, by the government.

FORMED: A probe committee headed by People's Front MP Pari Thapa and including MPs N.P. Saud, Gokarna Bista, Ramnath Adhikari, Bijaya Subba, Tirtha Gautam and Kamala Pant, to investigate the killings of civilians by army personnel at Nagarkot and Belbari, by the parliament.

REPEALED: Media Ordinance, Information Technology Academy Ordinance, Local Administration Ordinance, Social Welfare Ordinance, Ordinance on Election and Ordinance on National Parks and Wildlife, by the government.

AWARDED: Shanta Manavi, with the 'Sangharshashil Nari Award', Hari Govind Luintel, with the 'Parijat Sirjan Award', and J. B. Tuhure, with the 'Parijat Kala Award' of 2062, by Parijat Memorial Center. ■

Himalayan Study And Water Resources

By DR. AB THAPA

Water is absolutely necessary for the very existence of human being who appeared on the earth some two to three million years ago in early Pleistocene. At present the population of the world is rapidly increasing. The world's population grew enormously in the 20th century. According to the UN estimates, 1.65 billion people lived on Earth in 1900. By 1999 the world's population had passed 6 billion people, and the UN estimates that it will reach 9 billion people by 2050. Similarly, the demand for water for use in agriculture and industries is also constantly rising.

The UN Commission on Sustainable Development has noted that the amount of water available to each person decreases as the population grows, raising the possibility of water shortages. The annual supply of renewable fresh water remains constant with the result that the availability of water is already critical to future developments in many areas of our world. It is said that water shortages could lead to international conflict as countries compete for limited water resources. In 1995 Ismail Serageldin, a top official at the World Bank, declared, "the wars of the next century will be over water." Political tensions over water often result when different nations lay claim to the same river, lake, or aquifer. According to the UN, more than 300 river basins and aquifers worldwide cross national boundaries, creating the potential for conflict.

Growing Demand for Water in South Asia

The supply of water is gradually dwindling in the Ganga basin of the South Asia because of the ever growing demand for water. It was one of the main causes of sour relationship between India and Bangladesh in the past.

In India the demand for agricultural water dominates the total demand for water. India has the second largest population in the world. There are plentiful rains over most of the country but they are concentrated in a few months. As a result, India is already experiencing water scarcity. Mr. Chaturbedi M.C. had claimed that by 2005 the total ground and surface water would have been assigned to users and thus further irrigation expansion would be restricted.

The recent Farakka agreement between India and Bangladesh on Ganga water sharing has helped to a great extent to ease the tension that hampered the good neighbourly relationship. However, both the countries accept the fact that sooner or later the present dry season flow of the Ganga must be augmented. There are two proposals. (1) India proposes to divert the Brahmaputra at Jogighopa in Assam through Bangladesh into Ganga near Farakka. (2) Bangladesh proposes to build

storage reservoirs in the Ganga basin itself to augment the dry season flow. Both the countries are sticking to their own proposal. A compromise appears to be very remote. There could be other alternatives also. One of such possible options is briefly explained in the WECS study on the Kosi river. It is the Brahmaputra diversion through Nepal into the Ganga.

Harvard University of the USA

Finding new ways to exploit the vast water resources that might indefinitely remain idle in the remote areas of the Himalayan region could be a challenge before the scientists and technicians in this new 21st century. The diversion of the Brahmaputra through Nepal into the Ganga could be one of such engineering problems.

In the book "Eastern Water Study" the scientists at Harvard, USA have stressed the need of creative thinking about assessing interbasin transfer of water options including the trans-Himalayan prospects using the Gandak or Kosi for diversions from Tsangpo (Brahmaputra). Such diversion could be very effective for mitigating the problems of growing shortages of dry season flow of the Ganga river and also for the generation of cheap electricity.

Brahmaputra River

The source of the mighty Brahmaputra river known as Tsangpo in China lies in the Cheme-Yungdong Glacier near the Lake Manasarobar in Tibet. This river flows for 2900 kms from its source to its confluence with the Ganga in Bangladesh. This river enters Bangladesh as the Jamuna. The mingled water of the Ganga and the Jamuna (Brahmaputra) empties into the Bay of Bengal. It might surprise us to learn that not until early in the last century was it certain that the Tsangpo and the Brahmaputra were one.

Water and Energy Commission's View

The diversion of the Brahmaputra river into the Arun river from a suitable place not too far away from the Sigatse (in China) could be one of the options. The Brahmaputra is a very big river and thus its valley must be deep compared to Arun valley. It implies that a long tunnel would be required to effect such diversion. The tunnel length could be considerably reduced by adopting the following two measures. (1) Provision of a high dam across the Brahmaputra river for elevating the water level and also for storage. (2) Provision of pumping station if further elevation of water level is desirable. It could be single or multistage pumping for delivery of water into the Arun system.

Due to the vast difference in climatic conditions of the tropical Indian subcontinent and the alpine type

environment of the Tibetan plateau, the adverse effect of the Brahmaputra diversion on Tibet might not be too significant. The diversion of the Brahmaputra is required mainly in two seasons to mitigate Ganga water shortage. These two seasons are the spring and the winter. In rainy season of the summer the diversion is not necessary because there is always plentiful of water in the Ganga itself.

In Brahmaputra region of the Tibet like in all other similar regions of the north the spring season is the time of plentiful water. The Brahmaputra river must be in high floods in spring seasons when the snow all over Tibet lying below the perpetual snow line completely melts. Such abundant flood water could be diverted into the Ganga. Quite the opposite, the spring season is a period when there is an acute shortage of water in the Ganga.

The diametrically opposite spring season hydrological characteristics of the upper reach Brahmaputra and the Ganga makes the trans-Himalayan diversion attractive. The prospect of diversion of the Brahmaputra into the Ganga in autumn and winter also appears to be not bad.

Tibet needs water for irrigation mostly in summer season when the ambient temperature is sufficiently high to support the growth of agricultural crops. After a very short warm period of summer months the temperature again starts to lower down. Towards the middle of autumn, before the temperature plunges down to a level close to freezing point, not only the harvesting but often even the sowing works for the next season's crops should be completed. It implies that during the autumn the use of the Brahmaputra water in Tibet would be only limited. Thus a good proportion of the autumn flow of the Brahmaputra could also be diverted without adverse effect on the Tibetan agriculture.

In winter every thing on the surface remains frozen in Tibet including the top layer of water in the river. Beneath the ice, however, the water of the Brahmaputra would be flowing even in the coldest day of a year. There could hardly be any chances of utilization of such Brahmaputra water in Tibet in appreciable quantity. A good proportion of the winter flow of the Brahmaputra could be diverted to augment the Ganga flow.

The diversion of the Brahmaputra into the Ganga would allow to generate cheap electricity in big quantity. There is a very big drop in elevation between the Tibetan plateau and the Ganga plain. Such drop is about 5 kilometers. This big drop in elevation could be used for power generation.

Regional Cooperation

About two decades ago RONAST had carried out extensive exercise to set up a Regional Center on snow and ice in Nepal. The objective of the proposed CENTER was to develop cooperation among the countries of the Himalayan region for glaciological research in the mountain range of the Himalaya. The CENTER was expected

to promote sustainable economic and social development studies. As such, it would have consisted largely of application oriented research with both scientifically and socially valid objectives. RONAST, to take this idea a step further, even established relationship with the Italian National Research Center (CNR) to carry out jointly the Himalayan studies. A big research center equipped with modern facilities has already been set up near the base camp of the Mount Everest at Lobouche.

The proposed Regional Center on snow and ice would have been the most appropriate institution to help the Brahmaputra diversion or similar other studies. The actual study could be done by GIF or ICIMOD or any other organization.

In Conclusion

Snow and ice, representing both valuable resources and natural hazards are significant elements of the world hydrological systems, which occur subject to tremendous variations in space and time. Nowhere change is more significant than in the advancing and retreating tides of snow and ice. The RONAST was hoping that the proposed Regional Center on Snow and Ice would be engaged in scientific studies of the snow and ice balance of individual catchments and of regional groupings of catchments forming the headwaters of major rivers.

The proposed regional center was also to promote sustainable economic and social development. As such, it would have consisted largely of applications oriented studies with both scientifically and socially valid objectives. ■

(Dr. Thapa writes on water resources)

Peace Talks Would Be Successful, Prachanda Claims

Maoist chairman Prachanda has said that the forthcoming peace talks would be successful. In an interview he gave to Srinagar FM of Tansen, Palpa, Prachanda said that Maoist leaders would enter Kathmandu after the government names its talk team. And after few rounds of preliminary talks, Prachanda said he himself would lead the negotiations. Prachanda said that since currently all political forces except few monarchists were firmly in favor of constituent assembly, there are rooms for hopes for Nepali people. He said that although three forces - parliamentary, Maoists and monarchical forces - were active in the country, the growing closeness between the former two should vanquish the third force. Prachanda said that his party was compelled to raise donations because of the need to manage the "people's liberation army." He demanded that the government provide 50 percent of the budget for development of villages and management of Maoist militia. ■

WHITE PAPER

House On Notice

The parliament should pay more attention to the improvement of economy

By SANJAYA DHAKAL

Although the political issues have grabbed the center-stage of parliamentary discussions, the economic challenges of the country are no less important. As many scholars have already pointed out, the root causes of violence and conflict in the country lie in the miserable socio-economic situations.

It was, therefore, unfortunate that it took full two weeks for the restored parliament to assess the situation of economy.

When Finance Minister Dr. Ram Sharan Mahat presented White Paper on the present situation of economy at the parliament on Monday (May 15), the environment in the House of Representatives was gloomy because of the postponement of the presentation of the proposed parliamentary proclamation. It appeared that nobody was keen about the economics.

But the diagnosis and the prognosis made by Dr. Mahat in the white paper have far-reaching impacts on the livelihoods of Nepalese – who have lived in poverty for too long.

“The immediate circumstances are challenging. The economy is in a mess. But the present economic situation can be improved,” stated Dr. Mahat, presenting the paper.

“It is my firm determination and belief that the dream of people to build prosperous Nepal can be realized. I expect similar level of zeal as shown by the people during the popular movement in course of economic reconstruction as well,” he stated.

The 18-page white paper was second such paper to be presented in the parliament in the last 16 years. And both the times the white paper were presented by interim governments –

first during the interim government of 1990 by then finance minister Dr. Devendra Raj Pandey.

While Dr. Pandey had inherited a largely rudimentary economy that was practiced during three-decades of Panchayat, Dr. Mahat has inherited an economy that had passed through unprecedented growth into unprecedented crisis largely triggered by decade-long violent conflict and persisting political instability.

Problem Assessment

Dr. Mahat has compared the fundamental indicators of the economy before the dissolution of the parliament in June 2002 and the four years since then.

Dr. Mahat, who had authored the book called “In Defense of Democracy” last year highlighting the achievements in economy during democratic years, has reiterated in

the White Paper how the lack of democratic, transparent and accountable government in the last four years has hurt the economy in terms of astronomical increase in expenditure on unproductive sectors.

The White Paper states that in the decade prior to 2002, the country had averaged the GDP growth rate of 5.1 percent. “However, thanks to political deadlock, lack of democratic structures, violent conflict, not only the political environment but also the social and economic environment suffered negatively. As a result, the GDP growth rate in fiscal year 2001/2002 was negative. And in the last three years, the GDP growth rate has averaged only 2.7 percent,” it states.

The abysmally low growth rate in the country at a time when both its neighbors – India and China – are catching the global attention due to their robust economic growth, have had a frustrating impact on Nepali population.

Comparing the vitals of economy, Dr. Mahat states that while the Industrial Manufacturing Index stood at 334.6 points in 2001/02, it came down to 317 in 2004/05. The number of small and cottage industries decreased from 9890 to 7133 and its total fixed capital investment decreased from Rs 7.72 billion to Rs 6.11 billion during the same period. Garment and carpet factories were shut down, tourism plummeted and even service sector took the heat.

The foreign trade balance has suffered a setback as well. In the four years prior to the fiscal year 2001/02, the annual average rate of growth of exports was 16.3 percent. However, the rate has come down to 8.7 percent in the four years after 2001/02. The exports to India had grown by 35.5 percent in the previous four years while it grew by 13.1 percent in the latter four years. Rate of growth of exports to third countries, too, have tumbled from 37 percent to 3 percent during the same period.

On the other hand, the rate of growth of total imports, which stood at annual average of 5.4 percent in the four years prior to 2001/02, increased to 13.8 percent in the four years after that. Consequently, the trade deficit that had



Dr. Mahat: Diagnosing the economic ailments

grown at 0.1 percent during the former four years, grew by 17.7 percent in the latter four years.

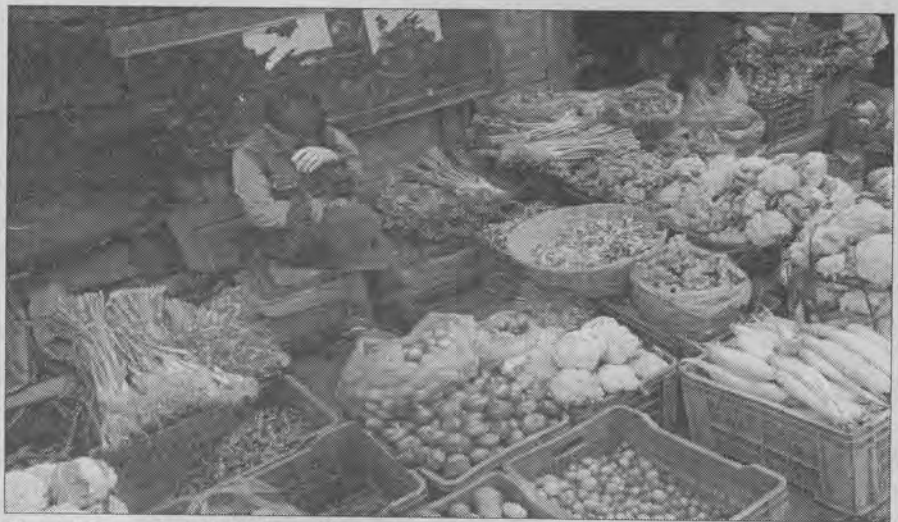
Despite the huge trade deficit, however, the remittance inflow is ensuring that the government has the surplus in the current account balance. The total foreign exchange reserve in the banks has increased from Rs 105 billion in the end of fiscal year 2001/2002 to Rs 144 billion till mid-March 2006. With the onset of insurgency and violence, hundreds of thousands of Nepalese workers have left the country to work overseas. And the remittance they have been sending home is helping support the country's economy. In the previous fiscal year 2004/05, the remittance income had increased by 11.9 percent. And this income is set to increase by 45 percent in the current fiscal year, the paper states.

Another area of serious problem is the revenue. The previous government had set ambitious target of collecting Rs 81.81 billion. This target is not going to be met at all. Till mid-April, the government had collected only Rs 46.37 billion. The government's amended estimates now puts the target of revenue at Rs 73.57 billion.

This huge shortfall in the revenue collection is sure to cause many sleepless nights for Dr. Mahat and his team at the Ministry of Finance. "Looking at the present situation of revenue collection, it is not possible to collect additional revenue. There is no possibility of collecting more revenue by changing policies at this period of time when the fiscal year is about to end and the economy is in crisis. Therefore, there is possibility of widening budget deficit," the paper states. The paper estimates that by the end of the fiscal year, the economy will experience the shortfall of Rs 5.09 billion. "This amount, if raised through overdraft or internal loan, is certain to further compound the already frail economy. In this context, it is necessary to improve the mobilization of foreign aid and make efforts to receive foreign assistance within this fiscal year as budgetary support."

Burdens of the Past

In the White Paper, Dr. Mahat has outlined in detail the fiscal indiscipline and rampant expenditures practiced by the previous royal government. He lays a large



Vegetable market: Will the inflation be controlled?

share of the blames of the financial situation on the undisciplined expenditure by the previous government.

The white paper states that during the period of previous government, total expenditures of the royal palace including the expenses incurred due to foreign trips had crossed Rs 750 million – which is almost twice the allocated budget. Around Rs 360 million were spent on foreign trips alone. Likewise, the Home Ministry spent over Rs 10 million in excess of allocated budget whereas Information and Communication Ministry spent over Rs 250 million in excess of allocated budget.

"In the past few years, security expenditure and number of security personnel have been increased tremendously causing long-term liability to the government and reduction in development expenditure. In the fiscal year 2001/02, the number of security personnel was 121,333, which has increased to 165,261 now. The annual security expenditure has increased from Rs 12.08 billion to Rs 18.99 billion during the same period."

The paper states that non-budgetary expenditures increased due to security expenses, holding of unnecessary municipal elections, expensive foreign jaunts and so on.

Austerity Measures

In the White Paper, Dr. Mahat has prescribed some austerity measures to sail over the present difficulties. He has suspended the process of buying new planes, weapons, new vehicles and

creating new job positions as well as vowed to control non-budgetary expenses.

He has also announced to stop holding of unnecessary conferences, workshops and foreign trips.

The paper identifies that in the immediate term, the government needs to invest on reconstruction and rehabilitation of conflict victims. The calls upon the need to lure foreign investments, address energy crisis, expand rural investment, market access and build rural roads, which it deems as top priority.

Dr. Mahat has also promised to bring 'relief package' soon to address these issues even as he emphasizes the government's commitment to expand economic and financial sector reforms. And in effort to win over the confidence of the donor community and in order to impress upon them the need for urgent budgetary support, the Finance Minister is expected to hold a meeting with the donors this week.

Meanwhile, the restored parliament must also start to sit up and take notice of the economic problems of the country. While the focus on resolution of political crises is the primary need of the hour, the parliament must not keep its eyes away from the economic problems. This age belongs to economy. In fact, the whole aim of the politics – is now being seen – is to judiciously distribute the fruits of prosperity to all the citizens. And this parliament restored through the popular will must not lose sight of this aim. It has to constantly put the government on its toes and monitor its financial performance. ■

POLITICS

Rigging Constitution

Although political parties, despite wide publicity, did not table the charter declaration, which will supposedly nullify many articles of the present constitution at the House of Representatives on Monday (May 15), the count down to the formal death of the Constitution of Kingdom of Nepal 1990 has already begun. The prolonged political instability in Nepal has brought this fifth constitution prematurely to the revolutionary guillotine. The parliament has almost declared a charter that has nullified many provisions of the constitution. Once the parliament passes the charter declaration, the constitution will simply turn into an antique. The charter declaration supposes to declare many of the articles of this constitution null and void and the constitutional safeguard of fundamental rights, freedom of expression and press right will come to an end. Nobody knows what the new situation will be like in the context of charter declaration.

By KESHAB POUDEL

The countdown to the death of the Constitution of Kingdom of Nepal 1990, which was promulgated following popular uprising of 1990, has begun. The government is set to announce a charter declaration in the parliament any time nullifying all the articles contravening the charter declaration.

Although one of the important aspects of the present constitution is the

recognition of people's will as an important character, those who want to bring change on the basis of the same will have not made any efforts to rationalize it. The preamble of the constitution of Kingdom of Nepal 1990 says, "Whereas, we are convinced that the sources of sovereign authority of the independent and sovereign Nepal is inherent in the people, and, government of the country in consonance with the people's will"

The spirit of constitution is based on people's will and article 116 of the

constitution permits the parliament to bring any kind of amendments desired by the will of people.

Although the leaders of Seven Party Alliance (SPA) have not revealed reasons behind the sudden postponement of the announcement of charter declaration, it is reported that there are differences among the ruling parties about the contents of the charter.

Unlike communist parties, who are demanding an interim constitution and scrap the present one, Nepali Congress,



People power: Supreme forever

though it has yet to publicly come out with its stand on the formulation of the new interim constitution, is said to be stressing to make the present constitution as an interim one with amendments in certain articles.

"The declaration of the charter has been already finalized by leaders of seven party and it will be announced in the parliament soon after the expansion of the cabinet," said CPN-UML general secretary Madhav Kumar Nepal. "This will bring historical change in Nepal shifting all sovereign power to the parliament." According to CPN-UML general secretary, the cabinet will take full shape by Thursday, May 19.

The new Speaker of the House of Representatives, too, sees the forthcoming charter declaration will be historic. "This is going to be a historic decision in the democratic evolution of Nepal," said Subhash Nemwang, Speaker of the House of Representatives. "There

is no supreme body in the country other than the House of Representatives."

People launched the agitation to make themselves sovereign but politicians who led the agitation are now making efforts to make themselves sovereign. A phase of agitation has concluded by replacing politicians in power by the reinstatement of the parliament but the wave of political instability shows no sign to abate. From expansion of cabinet to the declaration of charter, the parties are yet to develop consensus.

"This is a parliament restored by a great upsurge of the people aspiring for democracy but the way it is involved in the drafting of the charter, one is reminded of a constitutional declaration by general Yahya Khan after assuming the power in Pakistan in 1960s. Khan had then proclaimed - I, hereby, declare that any law contravening this shall be null and void. That kind of jurisprudence is

being developed in the same pattern by a democratic parliament here," said a political analyst.

Despite all rhetorics and commitments, it is still uncertain when peace and stability will come in the country. Persons - who had disunity among themselves for several years - seem to have joined hands to deal with the changed situation but it is not easy to make permanent deal for peace. The rural-centered terror of extortion has now entered into the urban areas.

Politics of Dissension

All the political parties have internal dissensions on the issue of joining the government and the declaration of the charter. Thanks to differences among its top leaders, Nepali Congress Democratic is yet to propose its candidates for cabinet. Although Nepali Congress, too, is facing similar problems, Prime Minister Girija Prasad Koirala has an excuse of ill health to pacify internal dissensions.

All prominent leaders of UML have their different emphasis on the performance of the government. The government's responsibility has perhaps, some sobering effect on foreign minister KP Sharma Oli but general secretary Madhav Kumar Nepal, who is immune from such a responsibility, has threatened to walk out from if the government is not ready to change status of the army and scrap the military secretariat at the Royal Palace. "We will bring all necessary changes in the government. Once the cabinet expansion is completed, the government will work in full swing," said deputy prime minister K.P. Sharma Oli.

Status of the army and its accountability and several such matters are related with the provisions of the constitution. Without following the amendment process of the constitution, one cannot change such status under an executive decree.

Another CPN-UML senior leader Bharat Mohan Adhikary is proposing that the parliament be declared a sovereign body whereas the popular agitation was to declare people of Nepal as sovereign.

"We have to declare the parliament as sovereign. This is the mandate of people," said senior CPN-UML leader Bharat Mohan Adhikary. "Only after declaring parliament as sovereign, can we safeguard democracy." However, the constant demand of agitating mass was to end King's autocracy and make people sovereign.

Another CPN-UML leader Pradeep Nepal, too, has similar views as those of Adhikary. Each of them seems to have their personal agenda to promote as some are in the seat of power while some are aspiring for that. The status of a person is defined by his being in or out of power. It seems that Nepal, Adhikary and others who are not in power now are trying to create trouble to persons who are in power representing the party.

Instead of promoting national or party agenda, personal feuds in the parties have come into prominence. They have started by themselves what the Royal Regime failed to initiate - the dissensions amongst themselves.

Controversy on Army

One of the most serious controversies, at present, with the alliance government is related to the status of Royal Nepalese Army. The army has never been shaken up in such a manner like it is today. In none of the democratic movements, the position of army had ever been put into controversy like this.

The number one agenda of CPN-UML seems to be to deal with the army and bring it down to its natural status from the high pedestal. The proposed Declaration, too, has many clauses related to it. It is an open secret and has been widely reported in foreign and domestic media that there was a pressure from the army upon the King to relax the situation by accommodating political parties in the power. Is it for this pressure, the army is going to be humiliated or is it to serve other ulterior interests?

Without amending some provisions of the constitution, the government or the House of Representatives cannot do what the alliance parties are insisting for. A long list of issues can be prepared as utter disregard of the provisions of the constitution by the alliance leaders. Is it merely confusion or a deliberate

violation of the provisions of the constitution? Ironically, they had launched the people's movement charging Royal regime violating the constitution.

So long as Constituent Assembly is not formed with a valid constitution, nobody has the authority to trample the existing constitution and violate its provisions.

Highlights of Charter Declaration

The proposed Charter can only announce the reinstated house as the supreme body of the nation making it the only institution able to exercise all powers of the state and the sovereignty that is vested in the people.

Besides limiting the powers of the King, the much publicized declaration will also change His Majesty's Government of Nepal into the Government of Nepal. It also proposes to place the army under the parliament. It also will dismiss the Military Secretariat of the Royal Palace, which is quite redundant, among others.

Political parties hold the view that the mandate of the People's Movement II is to make the parliament sovereign and take necessary steps to protect and preserve democracy. Charter Declaration will also stipulate this.



New Speaker Nemwang: Crucial job

Constitutional experts, however, say that political declarations do not have binding legitimacy like amendment of the constitution will have. Without amending the constitution, the political declarations cannot be taken as mandatory, they say. "So far as the constitution is concerned, it can be amended. If they want to amend the constitution, they have to follow the constitutional road or route," said a former attorney general.

Although it is a lengthy process, amendments always are legal and constitutional. "Democracy is not what majority groups decide. But democracy means a legitimate people's voice



Parliament: Asserting supremacy

under constitutionalism," said senior advocate and eminent constitutional lawyer Kusum Shrestha. "The parliament has reinstated because of failure in holding elections within six months from the dissolution of date of parliament. Though the reinstatement of parliament should have been as early as possible in the event of non-elections. Presently the parliament has been re-instituted to fill up the constitutional void by the proclamation of the King under the pressure of the people and consent with the political forces," said Shrestha.

"Presently, the members of parliament, instead of solemnly and seriously discussing, are accomplishing tasks expected by the people under the norms of constitutionalism but they are crowing with hubris that the reconstituted parliament is supreme and whatever it acts is legitimate. That, itself, is absurd and fallacious. How come a reconstituted house could be more powerful than what previous parliament was from which it was reconstituted? Their whole arguments contradict democratic acts. Under the limit of constitutionalism, absolutism is contrary to democracy," he said.

According to international practice, a declaration, in whatever form, itself cannot take the status of law. So, it requires to be incorporated into the framework of constitution. Either the parliament should completely repeal the Constitution of the Kingdom of Nepal and enact a new interim constitution to bring required changes, or it should make amendments that it deems as obstacles.

If SPA wishes to see the continued existence of the Constitution of Kingdom of Nepal 1990, they must incorporate principles and provisions of declaration into the existing constitution. Simply because the process of amendment of provisions of the existing constitution are cumbersome and lengthy, one cannot flout the constitutional provisions. The best legal course would have been the incorporation of the basic principle into the constitution through the process of amendment.

Violation of Constitution

The People's movement was against the autocracy of King Gyanendra and his unconstitutional rule. People sacrificed their lives not to encourage the autocracy

in the name of democracy. When the King rigged the constitution constituting Royal Commission for Corruption Control, the Supreme Court declared it null and void. By taking that decision, the apex court has shown that it has the authority to judge the legitimacy of any executive action. For the last fifty years, the Supreme Court, despite many ups and downs, has evolved as an institution to safeguard fundamental rights and democracy.

"Simply arguing that it is time consuming to abide by the constitutional process, one cannot flout or throw the constitution into the wind. But, beoing in haste, the politicians seem to bury the constitution promulgated by the Popular Uprising," said a former attorney general.

It seems that there is no value of the constitution and the constitution will have no role or no worth. Like King Gyanendra, political leaders too are heading to violate the constitution, which they have taken oath to protect. If political parties do not preserve the constitution and law, it will not protect them in future.

Thanks to the existence of this constitution, many sufferers were able to seek remedy from the court. Even former prime minister Sher Bahadur

Deuba was released under the Supreme Court's decision. Whether it was the case of manhandling of Kantipur FM or Girija Prasad Koirala's decision to challenge the CIAA, the present constitution did prove itself as a guarantor of civil rights and civil liberties. Even the Maoist rebels were protected by this constitution. If the constitution has protected all citizens, media and politicians against the excesses of the executive, why some groups affiliated to the leftist and democratic parties are demanding the new interim constitution is difficult to fathom.



Deuba: Facing dissensions

It reminds the observation made by Brian Hodgson, the first resident representative of Britain to the court of Nepal more than one hundred fifty years ago, "these barbarians (Nepali) do not understand where their interest really lies."

Mandate Of the People

Although the mandate of People's Moment II was to revive the House of Representatives, form all party interim government including the Maoists and hold the free and fair elections for Constituent Assembly (CA) and bring peace and prosperity in the country, the

recent activities of SPA leaders show that they want to settle all the issues, which only the CA is privileged to decide. Initially, the SPA promised to fight for the supremacy of sovereignty of the people but once back to power, they claim they are themselves symbols of sovereign power. Constitutionalism has suddenly disappeared.

"The recent popular movement has three demands - to restore Parliament, to form an all party government including the Maoists and to hold free and fair elections for the constituent assembly," said senior advocate and prominent human rights activist Bishwokanta Mainali. "The first demand of Seven Party Alliance (SPA) has been fulfilled. Now the SPA and Maoists have to fulfill their promises to bring peace and prosperity in Nepal and to conduct the elections for CA fairly. The verdict of CA should be respected by all," said Mainali, executive member of Law Asia, Asia and Pacific Region Lawyers and Judges Association and general secretary of South Asian Forum for Human Rights Nepal.

The mandate of the agitation was to go through constitutional process but their whole emphasis now is to proceed through political decrees. "The constitution is being rigged and trampled to maintain a political image of fierce agitators and ultra-revolutionaries. Maturity and sobriety are, at present, rarest values in Nepalese politics, which cannot contribute to attract foreign aid or donations. If they are going to do away with the provisions of the constitutions by executive decree, what remains next to be done by the CA? A law protects everybody only if the law is duly observed and preserved," said the political analyst, adding, "The constitutional process in this

country has never been so unprotected and misused."

The reinstatement of parliament warrants the reconstitution of local bodies under the pursuant of amendment of local bodies law. The parliament has to restore to meet the aspiration of the people.

"Recent experience has shown that the introduction of democracy is a complex process which involves more than mere political transformations. The transition to democracy concerns the whole body politic - that is to say, all the individuals that constitute it and their social relationships. Success in constructing a democratic civil society depends on the commitments of the population at large to the democratic ideal, on its active involvement in all aspects of political, social and cultural life, on tolerance of difference combined with respect for majority opinion, as well as on the existence of democratic institutions and wise political leadership. Democracy cannot therefore be achieved rapidly - particularly in countries emerging from decades of totalitarian or authoritarian rule - since changes in human attitudes are less easily accomplished than the remodeling of political structures," said Federico Mayor, former Director-General of UNESCO (in the preface of *Democracy An Analytical Survey* by Jean Baechler).

A democratic system can endure only when citizens as a whole hold fast to constitutional methods for achieving their social and economic objectives. Now that constitutional methods are open and available, they must abandon the bloody or coercive methods of revolution, of civil disobedience, and of non-cooperation.

While politicians of Nepal are practicing horse trading for power, the people in Nepal have to keep in mind, as said by prominent British satirist Alexander Pope, "Let fools quarrels over the forms of government, that which is governed best is the best."

No constitution, declaration and proclamation will last long if it is unrealistic and against the ground realities of the country. Only a constitution, which reflects the balance of powers between political forces, will give a lasting stability. Despite the recent upsurge, power balance and country's ground realities have not changed much. ■

SUSPENSIONS OF CIVIL SERVANTS Politics Of Vendetta?

Whenever there is major political upheavals, senior security officials and civil servants are victimized

By KESHAB POUDEL

One of the dangerous pitfalls of any drastic change in politics is the politics of persecution and vendetta. Whatever the situation may be, in any political change, the most vulnerable are the persons of security and civil service.

Nepal's history of hundreds of years show that persons of civil service and security have to face the severe punishment whenever there was a big political upheaval. Following the February 1, 2005 actions, several senior civil servants were removed and penalized. One of the senior civil servants even committed suicide.

Former prime minister Girija Prasad Koirala, CPN-UML general secretary Madhav Kumar Nepal and many other leaders were put into house arrest and former prime minister Sher Bahadur Deuba and former minister Prakash Man Singh were put in prison by the Royal Commission of Corruption Control. Many senior police officers were either forcefully retired or demoted. Some were transferred and removed rampantly.

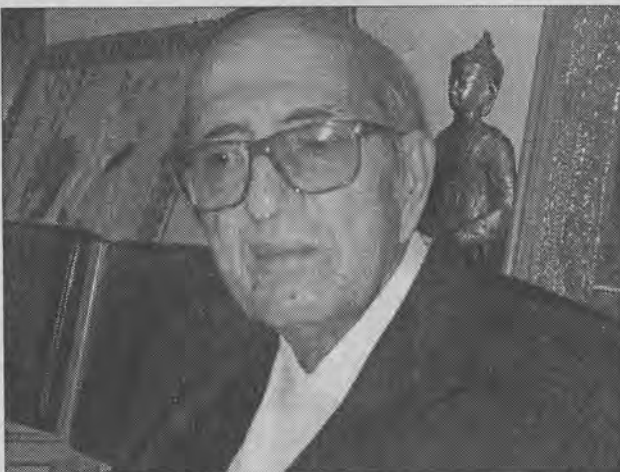
Although politicians are also put in prison, in any political change the most vulnerable are the persons of security and civil service. Till some hundreds of years back whenever the political leadership was changed by violence or intrigues, not only the ministers and generals had been beheaded but persons who carried out their order also had to face the same thing.

History of Nepal is full of tragedies of revenge and vendetta. The stories of Royal coteries like Pandeys, Basnets and Ranas are full of tragedies. Beside their aides and subordinates, even their family members had to undergo barbaric and severe punishments. Without knowing why all these things are happening, the winner

does not mind taking revenge against the weak losers in power.

Time has changed much and the style of persecution and vendetta also has changed. But the essence of political vendetta remains the same. The forms have been changed from beheading to character assassination but the purpose is same.

In the change of 1961, not only democracy was scrapped but anybody upholding democratic beliefs and ideals was forced either to go into exile or to be in the prison for a long time.



Koirala: Still reconciliatory

In another drastic change in 1990, the process was reversed. The beginning of the democratic process was followed again by the same style of vendetta. Now in the present change, the trend appears the same. Despite prime minister Girija Prasad Koirala's soft and reconciliatory attitude, the politics of vendetta is taking place.

Soon after assuming the office of prime minister, Koirala's attention has been concentrated to complete this transition peacefully and bring out a constitution smoothly. But the political machine he has inherited has the same character of vendetta. It is shocking to know that some influential ministers of present cabinet have

no idea why the security chiefs and their senior colleagues have been suspended.

Considering the present health and age of prime minister Koirala, one can very well guess that he might not even have gone through the records of deeds and misdeeds of these suspended officers. The greatest harm has been done not to these persons but to the morale of the whole security system and institution of civil service. More drastic changes have occurred in several countries in recent years but these kind of hasty and harsh actions are rarely to be founded.

The present change in Nepal is not like a regime change in Iraq or Afghanistan where governance had collapsed or revolution had succeeded. This was a change by pressure of agitation but fully within the provision of the constitution. The main thrust of agitation was to reactivate the constitution and parliament but the subsequent actions are now in a way appearing head-hunting.

The multiplier psychological effects will have damaging effects on the democratization. Right to dissent has been completely discouraged by such frightening instances. "The morning shows the day," writes senior journalist Yubaraj Ghimire in his comment in Samaya.

There is a general criticism that the performance of a former senior most judge of the Supreme Court was no better than the Royal Commission for Corruption Control chief Bhakta Bahadur Koirala. One does not know who is running the affair but the Home Minister Krishna Prasad Sitaula was apologetic while inviting comment and criticism from the press. One has to see whether the statement is reflected by the tolerance to the press too.

Agitation is always built up by mass hysteria, which brings changes in the leadership but it creates problem to both the winners and losers. For winners, the hysteria does not permit to go slow and to the losers it is an endless attack and persecution.

"If one preserves the constitution and law, it protects all. If one violates law and constitution, it protects none at the time of crisis and upheavals." How long we will have to inherit this kind of political vendetta and revenge? Time has come to learn the reconciliation as practiced by South African leader Nelson Mandela. ■

WOMEN IN MEDIA

Fighting For A Cause

Sancharika Samuha, a professional women media group, reiterates its commitment to highlight the plights and rights of women

By A CORRESPONDENT

At a time when the country is heading to frame new constitution through the Constituent Assembly, the new elected leadership of Sancharika Samuha, country's largest and oldest women media group, has to play effective role to give equal rights to women.

Elected by a huge margin, new president Babita Basnet, who has served as a general secretary in previous executive committee, now has this challenge and opportunity on her shoulder.

Basnet, an editor of Ghatna Ra Bichar, a popular vernacular weekly, has a long experience in professional journalism. She succeeds another professional journalist Bandana Rana, who has contributed to establish Sancharika Samuha as a prominent women media organization.

Participated by women journalists from various parts of the country, the annual convention of Sancharika Samuha discussed previous programs and endorsed new programs for the coming years.

"Along with raising the issues of women working in media, my efforts will focus to raise the women's issues, their difficulties and plights. As the country is heading towards framing the new constitution through the elections of Constituent Assembly, the role of women journalist is very important," said newly elected president Babita Basnet.

"Ours is an organization of all the women working in media sector."

Thanks to the efforts of women journalists and leadership of Bandana Rana, Sancharika Samuha has transformed the overall coverage of issues related to women and worked to encourage women journalists to improve their efficiency. The new president Basnet and her executive group has a new challenge now—which is going to be difficult as well as rewarding.

"From now on Sancharika Samuha also focuses its attention towards

activism. Along with working on project base, we will also lead the course of activism," said Basnet. "I am confident that all my colleagues will help to raise the issues related to women and women journalists."

Following the restoration of democracy in 1990, hundreds of women joined the media sector as professional journalists. Hundreds of them have been working as journalists in various parts of the country.

Inaugurated by deputy prime minister K.P. Sharma Oli and Home minister Krishna Prasad Sitaula, the third convention of Sancharika Samuha concluded with the commitment to uphold the work done in the past to raise the women's issue.

"The role of press is very significant in the changed context and the role of Sancharika Samuha is very important in the sense that it is the organization representing half of the women population

of the country," said deputy prime minister Oli. "We will work to end all the discrimination against women."

Others, too, hold similar views. "Media is a power and it can play important role to transform the society. It was the power of media which crumbled the autocratic government within 19 days," said Home minister Krishna Prasad Sitaula. "We want your comment and fair criticism regarding our role."

The third convention unanimously elected Nirmala Sharma as general secretary, Kamala Parajuli as vice president, Suchitra Shrestha, as secretary, and Yesodha Timilshina as treasurer. The convention also elected Nirjala Kachhyapti, Bimala Tumkhewa, Sarada Silwal, Nitu Pandit, Amika Rajthala and Pragya Ghimire as members of the executive committee.

As the new body has been elected, the time has now come to continue its efforts to champion the cause of women and their plights. ■



Basnet: Committed for equality

WORLD BOOK WEEK

Reading For Learning

The World Book Week organized by the British Council aims to promote reading

By THAKUR AMGAI

As Sutton Elbert Griggs, a revolutionary 20th century American novelist of the African origin puts it, "It often requires more courage to read some books than it does to fight a battle."

Today, in the 21st century Nepal, reading books is one activity that adults and children alike would like to avoid, unless their job or school curriculum demands them to do so.

While less privileged children lack reading culture because of inaccessibility and discouragement from teachers and parents, the more privileged simply prefer to avoid it opting for easier means of pleasure and learning such as the audio visual media.

Amid such trends, the British Council Library in Nepal organized the World Book Week this year from May 14 – 20 with various activities throughout the week with a view to help children and adults discover the pleasures of reading and encourage reluctant readers to read.

A global event designated by UNESCO, World Book Week was celebrated from April 23 across the globe. The event in Nepal had to be postponed thanks to the people's agitation and general strike.

The British Council has been organising the World Book Week since the last eight years.

This year, the event is being organized with a series of week long events including exhibition of new books, quiz related to the book exhibition, library services and "jigsaw books", readings from celebrities, 'my favorite book' in the British Council library: writing competition, story reading, reading aloud competition, dramatize a story competition, memorize a poem competition, cartoon and illustration workshops, literature 'talking shops' with invited speakers and discussions.

Children from various schools participated in the day time activities while the programs were organized for the adults in the evenings.

During the inaugural function of the celebrity, Keith Bloomfield, British Ambassador to Nepal, Genevieve Bloomfield, spouse of the British envoy and a lecturer of

fine arts at Kathmandu University, Kunda Dixit, editor of Nepali Times and Peter Reid a VSO advisor to the Ministry of Education read an extract each their favourite books.

Popular writers and voracious readers Narayan Wagle and Dr. Abhi Subedi were also among those who were scheduled to give a talk program about their perspective on reading on Tuesday (May 16) and Friday (May 19). Likewise, there are different reading sessions for public.

The British Council also offered a discount on their membership during the week long event.

The British Council has a long history of promoting libraries and reading culture in Nepal. What started as a 'British Reading Room' in New Road with some British and Nepali newspapers and magazines more than fifty years ago, has now grown up into one of most resourceful learning centers of the city.

It has a collection of almost 15,000 books and a membership of almost 7,000. Recently, it launched E-Brary, an online

resource of books and journals with 7,500 books on stored digitally on the computer. According to John Fry, country manager of British Council, Nepal, over the next two years the council aims to set up three virtual libraries based on E-Brary and other on-line resources with the council in other cities of Nepal in collaboration with local organizations.

The promotion of libraries and development of reading culture is a must to improve the educational standards of the country. To borrow the words of renowned Russian novelist Maksim Gorky; Two forces are successfully influencing the education of a cultivated man: art and science. Both are united in the book.

However, developing a reading culture as well as increasing access to libraries is not an easy task in a county with literacy rate of just around 50 percent and a per capita income of about \$320.

There are very few community libraries, particularly in the rural areas. To make the matter worse, most parents and some teachers do not want their children reading any other books than texts.

Such trends, however, only do more harm than helping the mental development of the children.

At such times, events that make the public aware about the need of reading for pleasure as well as mental development are very essential to encourage them to appreciate books and reading. ■

Violent Demonstrations Held In Capital

Violent demonstrations erupted in the capital valley on Tuesday (May 16). The demonstrators chanting slogans of republic demanded the parliament announce its proclamations soon. They also raised slogans against Nepali Congress (Democratic) president Sher Bahadur Deuba after he reportedly argued in favor of making the King the supreme commander of the army – the statement has been hitherto vehemently denied by Deuba himself.

Home Minister Krishna Prasad Sitaula, addressing a press meet, urged people to exercise restraint. "There is nothing they should worry about. The government, the seven parties and the parliament are committed to their duties as per the desire of the people. The proclamation, too, would come on Thursday," Sitaula said.

The demonstrators burned four vehicles belonging to the government in Thapathali. They burnt tires in various places and assembled in front of Singh Durbar. Meanwhile, the standing committee meeting of the Unified Marxist Leninist (UML) has urged speedy announcement of parliamentary proclamation without any delay.

Meanwhile, talking to journalists, a visibly exasperated Deuba vehemently denied reports that he argued in favor of keeping the King as the supreme commander of the army during the meeting of the seven parties. "It is absolutely false. How can a person who has been victimized the most by the King could make such argument?" Deuba said. He also asked media to refrain from doing injustice to his political career by spreading 'false and unsubstantiated information.' "Don't bother what someone else is saying. Ask me if it concerns me," Deuba said, adding, "I would be the happiest person if the King goes. Why would I be making such comments when I have been betrayed so many times by the King? ■

“Following Charter Declaration, The Parliament Is Going To Be Supreme Sovereign Body Of The Country”

—MADHAV KUMAR NEPAL

After the reinstatement of the House of Representatives and formation of new cabinet, CPN-UML general secretary MADHAV KUMAR NEPAL, who was one of the members of the drafting commission that drafted the Constitution of Kingdom of Nepal 1990 - has been continually pressing the demand for interim constitution and charter declaration. Nepal spoke to press following the completion of seven party alliance meeting in Baluwatar. Excerpts:

What was the agenda of meeting?

One of the main agendas of meeting was how to table charter declaration in parliament. As the leaders of seven political parties have already agreed that there is a need for a charter declaration, we have reached consensus on that. The charter will be presented in the parliament after endorsement by the cabinet.

It is widely reported that there are differences among the political parties over the charter?

There is consensus on the charter but some of our alliance partners have reservation over certain issues. We will settle our differences in next meeting.

When will the charter declaration be presented in the parliament?

After completion of our meetings, charter declaration will be presented in the parliament on Thursday (May 18). All the leaders of seven agitating parties have already expressed their commitments on the charter declaration.

What is your observation regarding the delay in the presentation of charter in parliament?

Personally speaking, I was upset. Even our party's standing committee meeting has already stressed the need to table the charter as soon as possible. I hope the government will table it in the next meeting of the parliament.

What are the highlights of the proposed charter declaration?

As expressed by people through people's movement, the declaration will make the parliament sovereign and supreme body in the country. The declaration will also change the name of the government as Government of Nepal and the name of army as Nepal Army. You can find so many things in the charter declaration. Royal Nepalese Army will come under the parliament and the army will be mobilized under the recommendation of the parliament. The King's privilege in handling of the army will come to an end. So, many drastic changes will be there.

When will the cabinet be expanded?

The expansion of cabinet will also be completed till Thursday. It was delayed because of differences in Nepali Congress (Democratic). As soon as NC (D) recommends its names for cabinet members, the government will expand.

How about your party?

We don't have any problem on that issue, as our party will send its name whenever it is required. Why was it delayed?

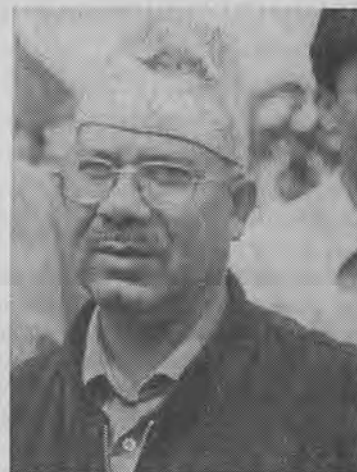
I can just say that we are not solely responsible for delay. There are still so many people who hold the feudalist and reactionary attitudes. We need to be vigilant and cautious about them.

Did the leaders of seven parties discuss anything on interim constitution?

We also discussed the issues related to the interim constitution. After declaration of charter in parliament, we need to have interim constitution to hold the election for the Constituent Assembly.

Don't you think Constitution of Kingdom of Nepal 1990 can be used as an interim constitution?

This constitution has already lost its relevancy. Following charter declaration, the parliament is going to be supreme sovereign body of the country. The parliament will announce anything under the declaration. If it requires interim constitution, the parliament can pass it.



How do you formulate the interim constitution?

Members of parliament will formulate it and approve it. You cannot hold the elections for CA without bringing interim constitution. We have already started the debate on it and all of us have agreed to bring the interim constitution.

When will the elections for the CA be held?

After the negotiations with Maoist, the elections for the CA will be held and the sovereign and supreme parliament will decide the date for the elections of the CA. Our party will lead the elections demanding Democratic Republican Nepal.

What about the Maoists? Will they agree on interim constitution drafted seven parties?

The interim constitution will include everything, as it will incorporate many demands raised by the Maoists. Since all political parties are demanding a kind of interim constitution, we need to develop consensus.

When the Maoists leaders have already declared that they will not accept the legitimacy of reinstated parliament, how can you believe that they will accept interim constitution presented by you?

I am sure that the Maoists will accept our proposals as it is intended to handover sovereign power to the people. ■

BOOK

Managing The Environment

Three prominent environmental experts discuss challenges in the area of environmental management and sustainable development

By A CORRESPONDENT

K environmental and sustainable developments are popular concepts among the development planners in Nepal. Ignored and neglected, environmental management was an issue that attracted least concern in the early days. With growing awareness of environmental degradation and destruction of development infrastructures, the planners have begun to notice the importance of environmental management for sustainable development.

Realizing the need to link environmental components in the development planning, the country's planners and policy makers have already introduced a number of strategies and policies.

"Significant progress has been achieved since the Earth Summit in the realm of institutional development, international co-operation, ratification and implementation of conventions, formulation of conservation strategies, public participation and emergence of local communities and NGOs

action. Legal frameworks and environmentally sound management practices have also been developed and applied in various countries," write the authors in preface.

Despite some effective actions and programs taken by the government, the magnitude of environmental pollution problems, the list of degraded ecosystem and threatened species, unstable uses of environmental resources, urban poverty etc are on the rise.

The tenth plan also highlights the importance of sustainable development

in the poverty alleviation programs. Since inequitable distributions of the resources are causing many problems, it is impossible to manage the resources without introducing sustainable management programs.

"The present trend indicates that time for actions of integrating environmental management and sustainable development is running out fast. Therefore, there is urgent need for an integration of environmental management with the elements of sustainable development and the

Environmental Management and Sustainable Development At the Crossroad

*Published by: AnKuS,
Kathmandu, Nepal*

*Written by: Ananda Raj Joshi,
Surendra Lal Shrestha and
Kunjani Joshi*

Pages: 302, Price: Rs.700

outcome will help safeguard the life supporting system as well as initiate sustainable management of environmental resources fulfilling the needs of present generation and preserving the resources for the future generation," write authors.

Divided into three main areas, the book, based on development experiment in Nepal, elucidates the environmental resource base: potentialities and opportunities, harmonizing environmental and development and environmental management for sustainable development.

Moreover, the authors review sustainable land management in the mountain regions, biological diversity: present status and agenda for conservation, hydro resources for energy development: plan policy and performance and wetland conservation: a vision for sustainable management.

Arguing importance of harmonizing environment and development, they deliberate on development scenario, a contribution to the medicinal plant-lore of hilly areas of the central development region, need of environment friendly approach to road development in Nepal, ethno botanical study of some wild food plants of two villages of the Bagmati watershed, environmental implications for mountain tourism development, trail bridge development in Nepal: approach, action and accomplishments.

Dr. Ananda Raj Joshi, Surendra Lal Shrestha and Dr. Kunjani Joshi, three writers with long experience in the areas of development planning and sustainable development – have debated the issues of environmental management intensively.

In the last chapter, the authors also talk about EIA as a tool for sustainable environment management with a case study of EIA of East Rapti Irrigation Project and IEE of proposed Rhododendron Conservation area.

"The present book especially tried to explore the existing status and scenario in the area of integrating environmental

dimension with the sustainable development at regional as well as national level. The development policy, plan and programs vis-à-vis environmental actions for sustainable development have already been initiated in the framework of integration in Nepal, particularly since nineties," writes author.

At a time when planners are shifting their attention to the areas of sustainable development, this book will help in inculcating environment management in sustainable development. ■

GARMENT EXPORTS TO US

Difficult Prospects

The mood in the Washington DC is not encouraging for the garment exporters who are looking for duty free access

By SANJAYA DHAKAL in Washington, DC

Ever since the third quarter of 19th century when the interest groups began to throng at the lobby of Wiltard Hotel – a few blocks away from the White House – to influence President Ulysses Grant who used to visit there for an evening drink and a cigar, the ‘lobbyists’ have continued to hold a big sway over the policy-making process at Washington DC.

Things have come to such a pass that without strong lobbying, it is hard to ensure that a bill passes through the Capitol Hill or the administration takes up certain position.

Consequently, Washington DC is littered with hundreds of lobbyist organizations pursuing thousands of causes and impressing upon the US lawmakers and the administration.

And, unfortunately, for the Nepali business community, in particular, and for the Nepali people, in general, those thousands of causes do not include the one about providing preferential access to garment exports from Nepal.

Even though there is this proposed Asia-Pacific trade bill that promises duty free market access in US for 14 Least Developed Countries, due to lack of effective lobbying it continues to linger on.

Besides, there are other forces at play in Washington that could continue to kill the chances of Asian LDCs like Nepal.

“I am not sure how likely it is for the trade bill to be passed. There are many who are opposed to this, many from the Caribbean and the African community,” said Ashley Wills,

a Senior International Business Advisor at the WilmerHale – an organization providing legal representations. Wills was - up until January this year - the Assistant US Trade Representative (USTR) for South/Southwest Asia.

Coming from the mouth of a person who had developed and led Administration trade policy on the South Asian region from 2003 to 2006, it spells bad news for the business community here.

Apart from the African and Caribbean community, who already enjoy preferential access to the US market and who fear competition if similar access is allowed for Asian LDCs, there is a strong textile lobby that is against any kind of preferential access to anybody.

“The reason for not giving (the preferential access) to the LDCs is that we are a democracy and we have interest groups that have access to political process, like the textile industry,” said Wills. And, the textile industry is both sensitive and in big trouble. In the last ten years alone, over 650,000 jobs in textiles were lost in the US creating lot of tensions.

Adds Edward Gresser, executive director of Washington-based economic think tank Progressive Policy Institute (PPI), “Although Asian LDCs like Nepal and Bangladesh deserve the preferential access, the atmosphere here is not too encouraging for them.”

In the recent days, even the Nepali garment entrepreneurs have started losing excitement. “I visited Washington two times in course of lobbying for the preferential access. And I must confess that the situation is not at all encouraging,” said Udaya Raj Pandey, general secretary of the Garment Association of Nepal (GAN).

Pandey rues next to non-existent lobbying by Nepali government in favor of the bill. While a section of garment entrepreneurs believe that since the democracy has been restored in Nepal, the US administration could pay more attention to their woes, Pandey is unsure. “Only the Bush administration puts our bill in the fast track for the approval, can we have some hope. And the possibility of that happening is very, very remote,” he concedes.

Collapse of Nepalese Garment Industry

The data of past one year show that since the Multi Fiber Agreement (MFA) expired in January 2005, Nepal’s apparel exports dropped overwhelmingly by 40 percent. Only 20 percent of the major industries remain in operation while over 50,000 workers have been laid off. The impact has been nearly total. “I have also totally shut down my factory since last

couple of weeks due to the 22-day strike,” said Pandey, the proprietor of Serene Garment Factory based in Kathmandu.

The problems for Nepal’s garment sector had started not only after MFA expired but even before that when the United States – which consumes over 80 percent of total apparels exports from Nepal – granted special preferential access to African countries through African Growth and Opportunity Act (AGOA) and to Caribbean nations through similar legislative initiative. Consequently, these countries became not only competitive but



US Capitol Hill: Will it pass the bill?

Photo by: Sanjaya Dhakal

also favored destinations for US importers thanks to built-in conditionalities like yarn-forward rule based on which they must use American yarns and fabrics in order to be able to export them to the US.

In 2004 and 2005, the garment exports declined by 30 percent and 40 percent respectively compared with the figures of respective preceding years.

Besides, Nepal was the only Asian LDC to suffer such an overwhelming loss after the expiry of MFA and end of quota-based and duty free access to the US market. Garments amounting \$ 50.7 million were exported in 2005 compared to \$ 85.7 million in 2004.

Nepal was among the worst performers after the phase out of Textile and Clothing Quotas. In a Textile Tracking report prepared by the UNDP Regional Center, Colombo by studying the situation in 12 Asian countries,

it was found that China and India gained substantially whereas Pakistan, Indonesia, Thailand, Sri Lanka, Bangladesh and Cambodia performed moderately well despite the absence of quota. Unfortunately, Nepal along with Laos, Philippines and Vietnam were not so lucky. Even among the LDCs, Bangladesh and Cambodia have done remarkably well. Bangladesh even increased its earnings from garment exports by 11 percent in 2005.

According to Bijendra Man Shakya, chief, WTO Cell at the GAN, Nepal's exports to US dropped by 26.3 percent in Textile and Clothing sector and by 38.2 percent in apparel sector. "Export share of every other LDC in US market is rising except that of Nepal," he said.

Shakya said that the reasons for the marginalization of Nepal include absence of consolidated output and supply capacity; exclusion from buyer's list of sources; absence of level playing field in US due to discriminatory preferential treatment, among others.



Garment products: Rapidly declining export.

The drop in garment exports has not only directly hurt the economy but has also cast a wide net of adverse impact of human development. The garment factories employ mostly the unskilled and illiterate, who have very limited option for alternative employment.

In Nepal, the garment industry generates 12 percent of the total industrial employment and earns 40 percent of foreign exchange of overseas export earnings.

Nepal's garment products have four main export destinations existing currently. The first and foremost is the United States, which provides access to Nepalese apparels as per MFN rules and which occupies 80 percent of total exports. The second is Canada, which has given preferential market access initiative for LDCs since 2003 through its Generalized System of Preferences (GSP). The third is the European Union (EU), which gives highly preferential access coupled with loose Rules of Origin on the basis of

Everything But Arms (EBA) initiative. The fourth is Japan, which also gives LDC status facility through its GSP.

In the last five years since the EU provided Nepal with the EBA facility along with derogation on Rules of Origin, Nepal's garment exports there grew from US\$ 15 million to US\$ 25 million – an impressive growth at first sight but the one that pales when compared to the growth from US\$ 50 million to US\$ 400 million achieved by Cambodia during the same period.

WTO Hope: Still Uncertain

Last December in Hong Kong Ministerial, the developed countries agreed to provide duty free and quota free access to 97 percent of products from LDCs by 2008. This promise generated a sense of euphoria among the garment entrepreneurs who hoped that textiles might be included in that 97 percent. But their euphoria is gradually dissipating.

"It is clear that not all of textile products will be included in the 97 percent. In fact, because of the growing exports from Bangladesh and Cambodia, US is certain to exclude certain tariff lines from that 97 percent list. Unfortunately, these tariff lines are going to be the matters of export interest to us, as well," said Pandey.

There are around 11,000 tariff lines in the US. "We must need to protect at least 1000 of them. But due to our commitments to LDCs, we can only protect less than 500 of them. Although the USTR has not decided what products/tariff lines will be included in the 3 percent, it will certainly include some textiles. Besides, the whole process is conditioned on the successful completion of Doha round," said Ashley Wills.

The signals emanating from the US indicate that products of export interest to Nepal like T-shirts, trousers/shorts for men and women could be excluded from the 97 percent list, Pandey said.

In the face of mixed signals and scary indications, the garment industry with Rs 6 billion of investment, has few reasons to rejoice. ■

SHAILENDRA SAKAR

Expressions of Human Reality

Sakar is an established poet and a writer who started a new trend in Nepali literature

By THAKUR AMGAI

During the last few months, as the heat of street agitation was gaining momentum, a sexagenarian poet was reminiscing the good old days of his struggle for the freedom of expression.

As he observed the masses rising from nooks and corners of the city with anti-monarchy and pro-democratic slogans, from the roof-top of his house at Baneshwore, he recalled the days when he himself led the symbolic protests against the erstwhile Panchayat regime which imposed strict censorship in literary expressions.

In a similar manner, the poets had come out to the streets reciting poems against the dictatorial regime in the past. Shailendra Sakar, too, along with his contemporaries had launched several campaigns in the freedom struggles of the past.

The most significant and historic of the campaigns he was involved in is the 'Boot Polishing Campaign'. Unlike during this agitation, when writers continued to attack fiercely through words against the autocratic regime, expression was much more difficult in those days. There was a provision that all matter of every issue of a magazine or anything being published be approved by a designated government official before it went to the press.

And the government officers created lot of fuss over small issues concerned with symbolic expressions, without which fiction gives no taste. Sick and tired of such trends, Sakar - who held a decent position of a superintendent at the Tribhuvan University - joined with like minded friends Kabita Ram Shrestha, Bhaupanthi, Mohan Ghimire and Narayan Dhakal.

Clad in neat decent dress they went to a pavement in New Road and started polishing boots of the pedestrians. The sign post they hung above read 'Boot Polishing Campaign for the Assistance of Publishing Books.'

"We collected quite a lot of money there. Even Bal Krishna Sama came to polish his boots," recalls Sakar. However, they had started polishing boots not really to collect money but as a strong symbolic protest against the

dictatorship government which tried to control the pens of the litterateurs. "What better could poets and writers do when there was no freedom of expression," said Sakar. The event got wide coverage in the international media.

Sakar was already known in the literary fraternity through his previous activities and affiliations. He had formed a group called 'Asweekrit Jamat' (Rejected Group) along with friends Jagat Ranjan, Sanket Ranjeet Thakur, Prakash Premi, Anjir Pradhan and Pushkar Lohani and started a literary



Sakar: Evergreen writer

campaign to seek and express the realistic human nature. This group started publishing 'Sanjiwani' and Sakar was the chief editor of the literary journal. Thanks to the government hurdles they would change the names of the magazines after every few issues. 'Chintan' and 'Mantra' followed 'Sanjiwani'. Later to avoid the interventions and interrogations, they also started publishing journals not as periodicals, but as collections of articles by different authors.

During this period, Sakar along with his like minded contemporaries experimented writing the realities away from the traditional approach of keeping the ill-tradition impact. "We did not want to comply with the formality of bad traditions," said Sakar.

Sakar was born as Shankar Prasad Shrestha in Bhojpur Bazar, an eastern hilly district. Inspired by the literary environment of his locality, Sakar started writing at a tender age. He participated enthusiastically in the literary club organized every Friday at his school. He was merely a teenager when his first creation 'Parichaya' that depicted the introduction of a peasant was published in 'Bal Sahitya'. He enjoyed reading books available at Ram Amar Martyr Library at Bhojpur. His brother Parshu Pradhan, who had already become an established litterateur became an additional inspiration for Sakar to continue writing.

His writings gained momentum when he entered Kathmandu after passing high school in 2019. He used to participate in poetry symposiums and literary functions in Kathmandu. The intermingling with like minded friends like Bhairab Aryal, who was his room mate, Manjul and Ramesh, among others, further nurtured his liking for literature.

In 2036, when the referendum was announced, Sakar was actively involved in 'Sadak Kabita Kranti' that advocated for multiparty democracy. "There were about 200 to 300 poets involved in that campaign and we performed poetry recitations in about 200 venues," Sakar recalls.

However, the active participation of the writers did not pay off then. The mandate went against multiparty democracy. "That was the saddest moment of my life," Sakar recalls.

Sakar has over half a dozen books to his credit. After publishing 'Shailendra Sakarka Kabita' and 'Collage' in 2036, he has published 'Kalpatra Ra Aru Kathaharu', 'Sarpaharu Geet Sundainan' (An anthology of poems), 'Ramayan Ra Aru Kathaharu', 'Kabitama America' and 'Nango Tar' in the subsequent years. He is soon bringing out 'Walt Whitmanko Deshma' (In the Country of Walt Whitman), a travelogue written as a prose (rhythm).

Over the years, for his perpetual contribution to Nepali literature, Sakar has been felicitated by several organizations including Writers' Foundation, Dhaka, Bangladesh and Nepalese Society of Nebraska. Likewise, he has been decorated with 'Chhinnalata Samman' and 'Yugkabi Siddhicharan Kabya Samman', among others.

After being an elected member of the board of directors of Sajha Publications for about two years, Sakar was recently nominated the Chairman of the Board. He has started various reforms at the Publication, after he assumed office. "Before doing anything else, I plan to start Sajha Prakashan online to enable Nepali readers from every corner of the world to access our publications and purchase them online," Sakar said.

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