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The National Newsmagazine

# SPOTLIGHT

June 16-22, 2006



# Legislative Adventurism

**Economy** : Neighbor's Package  
**Peace Talks** : Slow Pace

C.P.O. Regd No. 151/A/99-10  
Publ Regd No. 20/064/01

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# सुखी परिवारको लागि आनो लगानी

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At this crucial juncture, the House of Representatives has the most important role to play

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**PEACE TALKS : Summit Meeting In The Offing?**

Maoist chairman Prachanda hints that there could soon be a summit meeting to resolve the political issues

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**ECONOMY: Relief And Reconstruction**

India agrees to provide considerable assistance to help in the economic development

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**SPOTLIGHT**

THE WEEKLY NATIONAL NEWSMAGAZINE

Vol. 25, No 40, June 16, 2006  
Asar 2, 2063

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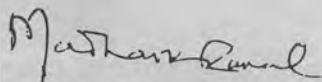
**Cover Design : Digi-Tech Scanning & Pre-Press Pvt. Ltd.**  
P.O. Box : 1655, Jwagal, Kupondole,  
Lalitpur, Nepal  
Tel : 5551251, 5529530  
E-mail : degiscan@wlink.com.np

**Distribution : R.B. News Paper Traders**  
New Road, Kathmandu, Nepal  
Ph : 4232784, 2020247, 4244679  
E-mail : rbnewspaper@hotmail.com

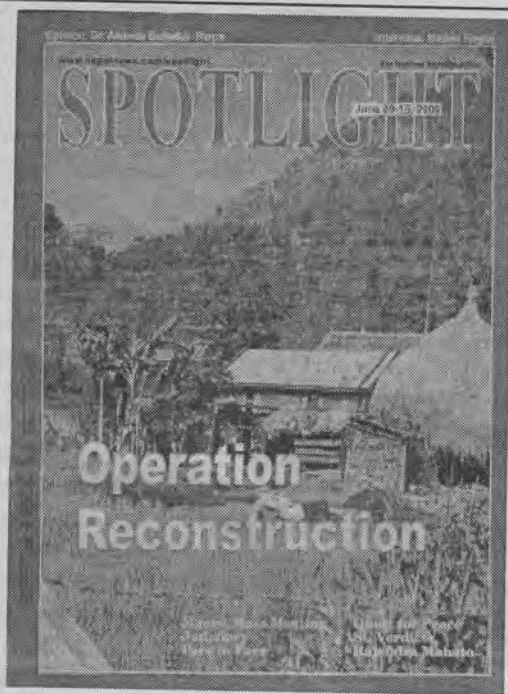
**Printers : Printers World**  
Maitidevi, Kathmandu  
Ph : 4423904, 4426520  
E-mail : printerworld@wlink.com.np

C.D.O.Regd. No  
151/039-40  
Postal Regd. No  
42/61/62  
U.S. Library of Congress  
Catalogue No. 91-905060

**P** rime minister Girija Koirala's recent official visit to India is being hailed by him and his supporters as a roaring success. Nothing to be surprised at all. Koirala's all previous visits too have been tremendous success in their eyes. But this time there are enough reasons for him to be extra elated. He has been equated with the Presidents of the US and China – an honor seldom given to ordinary mortals by the Indians. Why Koirala should have been treated in such a high profile must be beyond comprehension of ordinary people. But it was definitely not a spontaneous expression of admiration or esteem for the Nepali people is self-evident. Since King Tribhuwan took refuge in the Indian Embassy nearly fifty six years ago, Nepali's pride has been deliberately hurt innumerable times by India's domineering behavior and proud Nepalis now cannot believe that India would ever condescend to pay her smaller neighbor the respects due to her. Knowledgeable Nepalis do realize that the Nepalis themselves are to blame for inviting such indignities upon themselves and taking the poor unfortunate country to this unenviable situation. Consequently, it would not be true justice if we start accusing Girija Koirala only. Indeed, he was accorded royal welcome and awarded with a big packet of alms and loans. Since Nepal's rulers have turned proud Nepal into a beggar nation, she has been relegated to a situation when she cannot survive without alms. And India has been the first ever country to start that process in the nineteen fifties. Of course, at the request of her Nepali friends. If there have been some hard to see motivations to prompt such munificence, it can naturally be understood by astute politicians and statesmen. Because in state to state relationships, there are virtually no rooms for charity. It always has to be a "quid pro quo." As such, if India's big brotherly concerns for Nepal have some sinister connotations, the poorer Nepalis have to accept them with a pinch of salt and learn to live with them. As a matter of fact, Nepal's vulnerabilities, dearth of honest and patriotic leadership and decades long exploitation of the poor people have brought Nepal to the crossroads of destruction and survival. If we want to get across the yawning ditch we have to sink our differences and face the situation together as one people. The Maoist leadership have engendered a most revolutionary change in our country. But the Seven Party Alliance has started reaping the benefits. It is high time for the people of Nepal to distinguish who is a good and honest leader dedicated to the service of the poor people and who is an opportunist leader interested in his own aggrandizement. It has also become imperative for Nepal's friends, donors and well-wishers to reshape their thinking and policies about Nepal and not be led astray by third party interest. And most of all Nepal's good friend and neighbor, India specially must not fail to realize that alms and loans only can never buy lasting goodwill and win hearts and neither they can heal the cancerous wounds. It is not rhetorics but sincerity that always seals friendship. The sooner India learns this in earnest, the better the chances for lasting peace in South Asia. ■



**Madhav Kumar Rimal**  
Chief Editor & Publisher



## Relevancy Of Reconstruction

The cover story of this issue "Operation Reconstruction" (June 9, 2006) about the operation reconstruction is very genuine and relevant topic. Because until and unless different sectors of the nation (bridges, roads, telecom towers, hydro projects, buildings, offices) is not reconstructed, the country can't move ahead as a healthy nation. As a result, the economic development of the country can't be improved. To achieve success of overall reconstruction each citizen should show their interest. Moreover, from this article, it is clear that all of them from private sector civilians to civil

society have shown their concern towards the reconstruction program, which shows a positive signal towards the development of the country.

**Bikram Gurung**  
Thamel

did not trusted her) that she is able to handle any challenge. Because if she had not resigned one representative of woman would have increased in the cabinet team.

**Sabitri KC**  
Kumaripati

## Reminder To Parties

Have the seven party alliance forgotten their commitments? They had promised to the people that they would take the country to the destination of constitutional assembly. Their delay in the talks with the Maoists and concerns about other minor issues (in this current situation) raises doubts over their honesty. To achieve the peoples' faith in them they first need to solve the main problem by talking with the Maoists and finding out the solution.

**Subas Gurung**  
Kopundole

## Be Alert

The interview with Dr. Surya Dhungel (May 12) strikes and alerts us not to be emotional in making constitution. It tries to suggest us that constitution always should be objective, which serves the interest of nation best not the individual or institutional ones. And it makes us clear about the value of constitutional assembly. His opinion has taught us that before taking an action of constitutional assembly, we first need to think about its merits and demerits.

**Bibidh Koirala**  
Hattisar

## Help Creators

After reading the article "Creative Mind" (May 26, 2006) I was impressed by Gunaraj Poudel and his work. He is really a creative person who has invented a new idea of making many musical instruments out of paper. However, I am sad because for such a wonderful creator there is not any financial support, neither from the private sector nor from the side of the government. If he has done such a creative work, in terms of both quality and quantity, without a support, imagine what he could have achieved had he gotten the support. People should be alert and help such person because they are the ones who may in future make the nation proud.

**Krishna Rawal**  
Jorpati

## Keep It Up

I really appreciate the profile page at the end of the spotlight because from this page people get-to-get knowledge about different personalities their sufferings and their success, which encourages them not to be afraid of petty failures of life and move

ahead with the same spirit so that one day you will attain success.

**Bishnu Nepal**  
Gairidhara

## Accord Priority To Peace

Ignoring the problem of Maoists, Prime Minister Girija Prasad Koirala is wasting his precious time by visiting neighboring country. This is not the time to visit neighbor but to establish peace in the country. You should not remain in that illusion that you can do whatever you like because people will not keep quiet if you delay the peace talks

**Parbati Bista**  
Ghattekulo

## Disappointing Move

I am really disappointed by the immediate resignation of Water Resource minister Chitralekha Yadav after her appointment. She resigned saying that if the cabinet doesn't feel that she could handle the responsibility of Speaker, then how could she handle the responsibility of the minister. From her logic, we can feel that she contends that the post of speaker is greater than the post of water minister. I think she should not have resigned from the post but needed to show them (who

## Regmi's Additional Comment

Thank you very much for publishing my interview. I am also grateful to Mr. Keshav Poudel, the Managing Editor of your weekly, who interviewed me and worked hard to represent my views properly. However, whatever I have said in the interview is my personal opinion and it has nothing to do with the China Study Center. About the CPN (Maoists) I want to repeat once again that it is a great patriotic force. About the CPN (UML), my contention in the interview was that it should not repeat the grave error it did in working out the Mahakali package which led to the Mahakali treaty. But CPN (UML) alone is not to be blamed. All those parties who supported the Mahakali Treaty are responsible and I hope in this new phase they will not do anything that is detrimental to the national interest but work together to correct the grave errors which they committed in the past. As a responsible citizen of this country, I wanted to pass on this message to the political parties through the interview.

**Madan Regmi**

## Seven Parties Decide To Suspend Parliamentary Session

With the intention of focusing on the peace talks, the leaders of the seven parties have decided to temporarily suspend the ongoing session of the parliament. At the meeting of the top leaders of the seven parties on Sunday (June 11), a decision was reached regarding the suspension. The parliament would be suspended after a few days after it forms various parliamentary committees. Reports say the parliament could be recalled for budget presentations few weeks later. "We made the decision to focus on peace talks," said Madhav Kumar Nepal, who had proposed for the suspension of the parliament after forming special committees of the parliament. Nepal added that he has proposed holding of constituent assembly elections by October and framing new constitution by April next year. The decision to suspend the parliamentary session has been welcomed by the Maoists who have been demanding its dissolution. "By deciding to suspend the parliamentary session, the seven party leaders have shown that they feel the public hatred towards this parliament," said Krishna Mahara, Maoist talks coordinator, adding, "If the peace talks is to reach any conclusion, this parliament must be dissolved." *Leading dailies report.*

## Home Minister Meets With Prachanda

Home Minister and chief government negotiator Krishna Sitaula flew to Sickles in Kaski district to meet with Maoist chairman Prachanda on Sunday (June 11). Sitaula went to Sickles where he held discussions over the ongoing peace process, parliament, constituent assembly and similar other issues with Prachanda, his deputy Baburam Bhattarai and Maoist talks coordinator Krishna Mahara. In fact, Mahara took Sitaula to Sickles. Mahara said that Sitaula and Prachanda held two-hours of one-on-one meeting. Sickles is situated in the Annapurna trekking route, which is some eight hours of walk away from Pokhara. *Compiled from reports.*

## Koirala Expands Cabinet, Sherchan Is Made Second DPM

Prime Minister Girija Prasad Koirala expanded his cabinet inducting a new deputy prime minister, a cabinet-rank minister and a state minister. President of People's Front (PF) Amik Sherchan has been named as second Deputy Prime Minister with charge of Health and Population Ministry's portfolio. Leader of Nepal Sadbhavana Party (NSP-Anandidevi) Hridayesh Tripathy has been appointed as the Minister for Industry, Commerce and Supplies whereas leader of Nepali Congress (Democratic) Gyanendra Bahadur Karki has been made Minister of State for Water Resources. This is the fourth expansion of Koirala cabinet, which is now 20-member strong. Meanwhile, NC (D) and UML have been dissatisfied with the appointment of Sherchan as DPM. Whereas UML believes that appointment of second DPM would give a negative message to the people, NC (D) believes that its Minister Gopal Man Shrestha also deserves to be elevated to the DPM level. Both the parties have, however, not made their dissatisfaction public. *Kantipur daily reports.*

## "Demand For House Dissolution Inappropriate": Koirala

Prime Minister Girija Prasad Koirala has said that the Maoist demand for the dissolution of the House of Representatives is inappropriate. Talking to journalists upon his return from four-day visit to India, PM Koirala said, "This can be finalized through the talks with them. But I feel it is inappropriate to dissolve the parliament that had been restored after hard struggle. Anyway we are ready to discuss this issue." Replying to a question that the Maoists seem interested to join the interim government, Koirala said, "We are also interested to induct them. But this also has to go through a definite process (of talks)." Koirala termed his visit as very successful. On a historic welcome accorded to him by New Delhi, Koirala said it was an honor to the success of people's movement in Nepal. PM Koirala has also invited Indian

Prime Minister Dr. Manmohan Singh to visit Nepal. *Leading dailies report.*

## Parliament Regulations Passed

The House of Representatives has passed its regulations further cutting the powers of the King. The regulation proposed by Narayan Man Bijukchhe was passed by the MPs with some amendments. The regulation removes the norm of "king in parliament." From now onwards, no royal seal is required to finalize any bill passed by the parliament. Instead, Speaker could finalize the passed bill and send to the cabinet. The tradition of King presenting the annual programs and policies of the government has also been ended. Instead, Prime Minister would do so. The parliament would hold hearings to finalize the appointments in constitutional, judicial and diplomatic agencies. A separate law would be framed to provide for the process of proclaiming heir to the throne. Meanwhile, the regulation has tried to avoid the controversial issue of Supreme Court judges having to take oath of office in the parliament. The regulation states that the Special Committee of the parliament would make necessary provision for the taking of oath of chief justices, SC judges, members of judiciary council, appellate court judges and district judges. *Leading dailies report.*

## Maoists To Raise Rs 50 Million Donation In Chitwan

The Maoists have announced that they would raise 'donations' amounting to Rs 50 million within a month from Chitwan district. They have asked for 50 percent of salaries from top-level government officials and have asked for donation between Rs 100,000 to Rs 1 million from different offices. The Maoists claim they need the money to feed their military and hold mass meetings. "Please provide us your support as we have been assigned to raise Rs 50 million by the party circular," a government employee quoted the Maoist demand letter as stating. *Kantipur daily reports.*

## Oath Controversy Emerges

The proposed provision in the parliamentary regulation that calls for the

judges of the Supreme Court (SC) to take oath of office before the parliament has stirred a controversy with many judges of the apex court believing that it would invite anarchy. An influential judge of the SC Anup Raj Sharma – who was known for the SC decisions regarding the dissolution of Royal Commission for Corruption Control (RCCC) and allowing FM radios to air news – has indirectly opposed the proposed move by the parliament. “I am sure that the parliament is not intending to replace one dictator with another,” he said, adding, “I do not believe any free judiciary-loving MP would have such intention.” He added that if, indeed, the parliament chooses to adopt the provision, a judge would have two options at hand, “Either he would meekly concede to new provisions or he would vacate his position. Anybody is free to make his individual choice.” Reports say SC judges have had a formal discussion over the proposed provision in which majority of them opposed the move. However, president of Nepal Bar Association (NBA) Shambhu Thapa stated that the judges and chief justice should take oath before the people of Nepal. He also cautioned the MPs against making unwarranted comments against judiciary. Supporting the recent decision by the apex court to release ex-ministers of royal cabinet, he accused that the charges leveled against them by the government were erroneous. *Kantipur daily reports.*

### Prachanda Critical Of Supremacy Of Parliament

Maoist chairman Prachanda has criticized the move by the parliament to term itself supreme and has warned that if the country moved ahead in this direction that could invite bloodshed. He claimed that the seven parties were indulging in petty issues rather than entering into the main agenda of peace. Giving direct interview to Kantipur Television in an eastern village in Chitwan, Prachanda said, “The parliament should have been dissolved immediately after holding talks with us and the interim government should have been formed.” He said such interim government should have included representations from the seven parties,

Maoists and civil society. “But there seems to be a grave conspiracy in the move towards making the parliament supreme,” he said. He also accused that Prime Minister Girija Prasad Koirala’s visit to India was also a part of that conspiracy. “It would be disastrous for the country if there is a move to present the parliament as the supreme by inviting the PM and giving money to the government,” he said, adding, “What we are saying is lets bring assistance after reaching an understanding through dialogue first.” He said he held telephone conversation with PM Koirala before the latter’s visit to New Delhi. He added that while republic was already established in the hearts of Nepalese people, the seven parties were not working as per the people’s wishes. When asked if the talks were stalled, Prachanda said, “Not exactly stalled but it is indeed surprising why the seven parties are not showing enough zeal to enter into the main agenda of peace.” He also accused the parties of trying to take all the credit of the people’s movement. Prachanda was also strongly against moves to restore local bodies. He said, “If that happens, there would be bloodshed in the country, there would be conflict in villages.” The interview was telecast by Kantipur Television at 9 pm on Thursday (June 8). *Kantipur daily reports.*

### SC Upholds Govt. Decision On Sending Workers

The Supreme Court (SC) has upheld the government instructions to the Moondrops Manpower Agency to suspend its process of sending workers to South Korea. The bench comprising chief justice Dilip Kumar Poudel and judge Tahir Ali Ansari has stated that the government’s decision could not be revoked for the time being. Ten days ago, another SC single bench of judge Pawan Kumar Ojha had ordered government not to implement its decision. However, the latest SC order has overturned that court order. Because of growing controversies in the process of sending workers to South Korea, the government has decided to take over the process itself. *Nepal Samacharpatra daily reports.*

### Transporters Vandalize Office Of Siddharthanagar Chamber Of Commerce

Truckers and transporters have vandalized the office of Siddharthanagar Chamber of Commerce and Industry in Bhairahawa on Sunday (June 11). They were enraged because the businessmen and entrepreneurs associated with the chamber have organized strike opposing the transport token and syndicate system imposed by them. Meanwhile, the chamber has announced that all businesses, industries, institutes and market in Bhairahawa area will be closed down for indefinite period till proper actions are taken against the vandals. *Leading dailies report.*

### Maoists Open Liaison Office For Their Sister Organizations

Maoists have opened a liaison office for eight of its sister organizations in the valley. The office located at Kopundole will have contact points for All Nepal Trade Union Federation (ANTUF), All Nepal Women Organization – Revolutionary, All Nepal Teachers’ Organization, Nepal National Intellectual Organization, Tamang National Liberation Front, Madhesi Liberation Front Nepal, Newa National Liberation Front and Nepal Dalit Liberation Front. Earlier, All Nepal National Free Students Union – Revolutionary had opened its office in Bagbazar. A member of Maoist talks team Dev Gurung inaugurated the office. *Leading dailies report.*

### Task Force Formed To Amend Foreign Employment Act

A task force headed by Director General of Labor and Employment Promotion Department Uddhav Prasad Baskota has been formed to prepare a draft of new foreign employment act that would amend the existing one. The nine-member task force comprises representatives from various ministries and organizations. The task force would submit its draft within a month to the Foreign Employment Advisory Board. The new act aims to make the foreign employment sector transparent, less expensive, safe and honorable. *Nepal Samacharpatra daily reports.*



**PM Koirala administers oath of office to Deputy PM Amik Sherchan**

Gorkhapatra

**DEPUTY PRIME MINISTER K.P. SHARMA OLI WILL LEAD** Nepalese delegation at the first meeting of UN Human Rights Council in Geneva. The Council was formed two months ago replacing the UN Human Rights Commission. According to the Ministry of Foreign Affairs, Oli will present Nepal situation in a changed context. Sources at the Ministry inform that although there would be general discussion on Agenda Item 19 resolution that was passed with regards to Nepal last year, there would not be any stricter resolutions this time. The council is 47-member strong body.

**THE ASIAN DEVELOPMENT BANK (ADB) HAS AGREED TO** provide Rs 734.5 worth of loan assistance to Nepal. The assistance is aimed at all-round economic, social, legal and political empowerment of rural women of Nepal. An agreement to this effect has been signed on Friday (June 9).

**IN A SHOW OF GROWING CONFIDENCE, NEPALESE UNDER** 15 team bagged the title of Elite Cup tournament held in Malaysia. Nepal collected 16 points compared to 8 of the United Arab Emirates with whom they played the final match. The tournament – of 2-day type – ended with Nepal winning the one-sided match against UAE as the latter were made to chase an impossible target of 302 runs after losing all 10 first inning wickets for 75 runs. Nepalese batsman Suvendu Pandey was declared the man of the match as well as the best batsman of the tournament. Nepal has been displaying consistently well in the cricket matches among the non-test playing nations. This time its team, which comprised of all new players who did not have much time to practice due to political situation in the country, once again won a prestigious tournament.

**THE SUPREME COURT (SC), ON WEDNESDAY (JUNE 7),** refused to test the constitutionality of the Declaration of the House of Representatives. Stating that the petitioner advocate Achyut Prasad Kharel could not cite a provision to test the constitutionality of the Declaration, officiating Registrar of the SC Dr. Ram Krishna Timalnsena formally rejected a writ petition challenging the proclamation. "Since Clause 9 of the Declaration states that the provisions of the 1990 Constitution and existing

laws would be automatically nullified if they contradicted the House proclamation, there is no need to test the constitutionality of the Declaration," the rejection directive passed by Timalnsena said. The petition was rejected as per Rule 27(2)(3) of the SC Regulation, 1992. Kharel had filed the petition a few days ago stating that since almost all the provisions of the Declaration contradicted the 1990 Constitution, the apex court should test its constitutionality. He also claimed that as the declaration was not a constitution and as it did not amend the 1990 statute, it cannot be taken as superior to the existing Constitution. He also claimed that the Declaration passed by the House on May 18 cannot be legal as it is only a political document.

**IN A RACE TO ADD NEW TELECOMMUNICATIONS** facilities and services, Nepal Telecom (NT) is soon going to introduce Internet mobile cards (Y-Max Card) based on wireless telephone technology. Once the service is introduced, one can have access to email and internet across the country, where wireless telephony service based on CDMA technology is available. Moreover, one can download and transfer data at a faster rate than the conventional dial up system, even if there is no telephone and electricity connection. "The service is primarily developed for laptop users and one can have access to the service in areas that fall under the CDMA coverage," said a senior official at NT. The data transfer rate through Y-Max Card is also much higher (up to 230 kilo bites per second) compared to 56 kbps in conventional dial up system. Telephone calls also can be made using the card through laptop. Officials informed that NT has successfully conducted technical tests of the Internet mobile card in the Kathmandu valley. "However, it will take about four months for the commercial launch, as we are calling for a global tender for about 5000 Y-Max Cards in the first phase," said Sunil Pokhrel, director at NT.

**OF THE TOTAL NUMBER OF CHILD DOMESTIC WORKERS** of 415 in Kathmandu, 275 are girls and 140 boys. According to a study by an NGO, 61.2 percent of the domestic workers were between the age of 11 to 15 years. It stated that 76.39 percent of them belonged to ethnic community, 14.46 percent belonged to Chhetri community, 8.19 percent to Brahmin community and 0.96 percent to Dalit community. The study also showed that children came from 41 different districts. Only 5.78 percent of them hailed from Kathmandu district, 29.4 percent came from neighboring districts, and 57.35 percent came from other districts. Around 67.47 percent of the domestic workers said they wanted to pursue formal school education.

**STRONGLY OPPOSING THE CONTINUED IMPOSITION OF** syndicate system by truckers and transporters, entrepreneurs based in Bhairawaha along with industrial and commercial firms have stalled transport of goods to the capital and other parts of the country. After the truckers continued to impose syndicated system and hiked the transport fare despite an understanding with the entrepreneurs, the latter have decided to stall the transport and refuse to use the vehicles. Due to this decision, transport of construction materials like cement, rod, machinery equipment and also retail products have been disrupted. ■



**“I** feel it is inappropriate to dissolve the parliament that had been restored after hard struggle. Anyway we are ready to discuss this issue (with Maoists).”

**Prime Minister Girija Prasad Koirala**, on Maoist demand for immediate dissolution of the House of Representatives, while talking with journalists upon his return from New Delhi.

\* \* \*

**“Y**ou are great leader in the entire South Asia. There is no one like you now.”

**Indian Prime Minister Dr. Manmohan Singh**, while welcoming Nepalese PM Girija Prasad Koirala at Indira Gandhi International Airport, lauding his role in making people's movement successful.

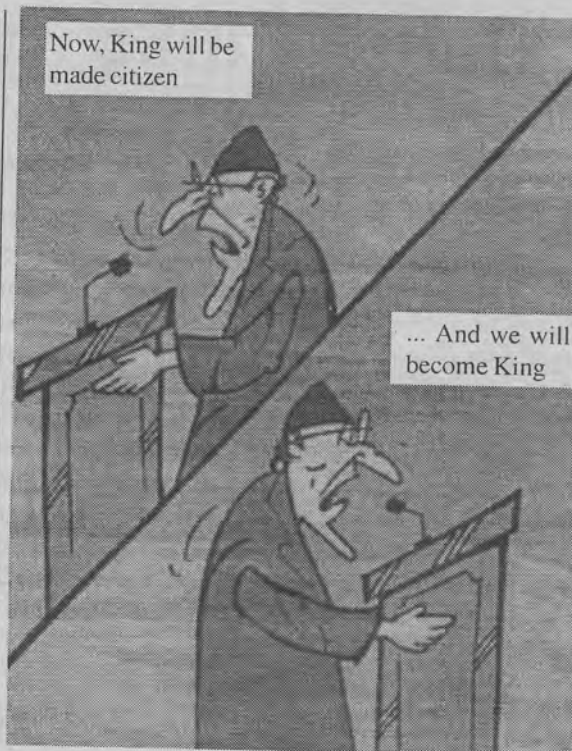
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**“I** have proposed that the peace talks be completed within two weeks and election for constituent assembly be held by October so that we can have a new constitution by April (next year).”

**Madhav Kumar Nepal**, general secretary of Unified Marxist Leninist (UML), talking to reporters.

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**“T**he BJP believes that Nepal must not lose its cultural identity. The party



Bimarsha

believes that constitutional monarchy is still essential for Nepal.”

**Raj Nath Singh**, president of Bharatiya Janata Party (BJP) – main opposition party of India – talking to reporters after meeting Nepalese PM Koirala in New Delhi.

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**“I** am sure that the parliament is not intending to replace one dictator with another. I do not believe any free judiciary-loving MP would have such intention.”

**Anup Raj Sharma**, judge at the Supreme Court (SC), indicating displeasure at the proposed provision in the parliamentary regulation – which was later withdrawn after judges' discontent – which wanted judges to take oath of office in the parliament, while addressing a program in the capital.

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**“M**iddle Marsyangdi has become the most expensive hydropower project built in Nepal. Our experience is that projects built under grants are highly expensive.”

**Uttar Kumar Shrestha**, acting managing director of Nepal Electricity Authority (NEA), about the German-funded 70 MW project whose cost has soared to Rs 25 billion from the initial projection of Rs 14 billion, in *The Kathmandu Post*.

\* \* \*

**“W**e want to prevent forces that want to fish in troubled waters.”

**Pradeep Gyawali**, Minister for Culture, Tourism and Civil Aviation, stating that the government-Maoist dialogue should not fail at any cost, in *Gorkhapatra*.

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## TRANSITION

**RETURNED:** Prime Minister Girija Prasad Koirala, after completing four-day visit to India.

**EXPANDED:** The cabinet, by the Prime Minister, by inducting **Amik Sherchan**, president of People's Front (PF) as second Deputy Prime Minister with the charge of Ministry of Health and Population;

**Hridayesh Tripath** of Nepal Sadbhavana Party (NSP-Anandidevi) as Minister for Industry, Commerce and Supplies; and **Gyanendra Bahadur Karki** of Nepali Congress (NC-Democratic) as Minister of State for Water Resources.

**LEFT:** **Pradeep Gyawali**, Minister for Culture, Tourism and Civil Aviation, for Macao, to take part in the ministerial roundtable of Asia Pacific countries, organized by World Tourism Organization.

**Khadga Prasad Sharma Oli**, Deputy Prime Minister and Minister for Foreign Affairs, for Geneva, Switzerland, to attend the first meeting of UN Human Rights Council.

**PASSED:** House of Representatives Regulations 2063 passed unanimously, by the parliament.

**WON:** Nepalese team, the title of Elite Cup two-day cricket tournament, held in Malaysia, by defeating UAE in the final.

# Panama Canal Links Two Oceans

By DR. AB THAPA

Panama Canal provides a direct passage to sea going vessels to enter into the Pacific Ocean from the Atlantic side and vice versa without taking a hazardous circuitous route passing through the southernmost tip of the South America. Thus the Panama Canal handling a large volume of the world shipping by enabling the vessels to avoid traveling around the South America reduces the voyage by thousands of kilometers and many days.

It is said that as early as the 16th century, Europeans had dreamed of building a ship canal across the Isthmus of Panama. Spain had recognized the advantages of a canal across the Central American isthmus. Spanish kings had even considered using such canal to carry treasure extorted from their South American colonies back to Spain. The Inca Empire, which was highly developed and very rich, had stretched out from north to south over a distance of about 4000 km on the western coast of the South America. Spain had ruthlessly conquered this vast empire in 1532 and plundered it of its vast wealth. However, no attempt was made to construct such canal.

Panama Canal project became possible only in the 19th century, when heavy machineries became available to construct such canal. Originally, two routes came to be considered, one through Panama and the other through Nicaragua.

Impetus for selecting the route through Panama increased with the construction by the United States of the Panama Railroad in the mid-19th century, which closely followed the eventual route of the canal.

## Layout of the Canal

The Panama Canal consists of artificially created lakes, channels, and a series of locks, or water-filled chambers, that raise and lower ships through the mountainous terrain of central Panama. There are three separate canal locks, as well as other artificial waterways. The canal spans a total distance of 64 km from the Pacific Ocean to the Atlantic Ocean through the Isthmus of Panama. Because the Isthmus of Panama extends east-west, a ship sailing from the Atlantic to the Pacific through the canal actually travels from northwest to

southeast. The Panama Canal was built by the United States from 1904 to 1914.

The Panama Canal posed major engineering challenges, such as damming a major river and digging a channel through a mountain ridge. It was the largest and the most complex project of this kind ever undertaken at that time, employing tens of thousands of workers.

The canal consists of dredged approaches and three sets of locks at each end; Gatún Lake, one of the largest artificially created bodies of water in the world; and the excavated portion of the crossing, called Gaillard Cut. At Gatún, on the Atlantic side, the locks form continuous steps; on the Pacific side, a small lake (Miraflores) separates the middle and upper locks.

## Travel from Atlantic to Pacific

To travel from the Atlantic to the Pacific, a ship enters Limón Bay from the north and anchors behind a breakwater to await scheduling of its passage. When ready, the canal authorities send out a canal pilot to take the vessel through the locks. The canal employs highly trained and experienced pilots to handle the complex job of steering ships through the waterway. As soon as the pilot takes over, the ship is under canal jurisdiction. Very large or hard-to-manuever ships may require two or more

*Panama Canal project became possible only in the 19th century, when heavy machineries became available to construct such canal. Originally, two routes came to be considered, one through Panama and the other through Nicaragua. Impetus for selecting the route through Panama increased with the construction by the United States of the Panama Railroad in the mid-19th century, which closely followed the eventual route of the canal.*

pilots and assistance from tugboats.

The ship travels south-southeast about 11 km and enters the first lock at Gatún. Line handlers at the lock attach steel mooring cables that are controlled by powerful electric locomotives, called mules. The mules guide the ship through the locks and steady it while the chambers are filled with water. In three steps the ship is raised to the level of Gatún Lake, 26 m above the sea. It travels through the lake and Gaillard Cut, the narrowest section of the canal. It is then lowered through a lock to Miraflores Lake, and passes through two more locks before reaching the Pacific Ocean

## Size of Locks

The canal's 12 locks (3 sets of double locks at each end) have the same dimensions: 33.5 m wide by 305 m long. The

gates at each end are 2.1 m thick. Water enters and leaves each lock through a system of main culverts or pipes, which connect to 100 holes in the floor of each chamber. For each ship traveling through the canal, 197 thousand cubic meters of fresh water are used, fed by gravity flow from Gatún Lake. Smaller ships often go through the locks together to conserve water.

The ship drops the mooring lines at the top of the Gatún locks and proceeds under its own power for 37 km through the lake, following the former channel of the Chagres River. Gatún Dam, built adjoining the locks, flooded the river basin and formed the lake, which covers 430 sq km. The flooding created a number of islands, as the water covered all but the tops of hills. The waterway gradually narrows until the river turns to the east at Gamboa, flowing under a bridge of the Panama Railroad.

South from Gamboa, the canal follows a channel dug through the mountains, which was the most difficult part of the construction project. Called Gaillard Cut, this section measures 14 km and traverses the Continental Divide, a ridge made of rock and shale. Numerous landslides occurred both during and after construction, requiring frequent dredging to keep the canal open. The channel through the cut is 150 m wide, which is the narrowest part of the canal. Originally only 91.5 m the cut was widened in phases beginning in the 1930s to allow two-way traffic. In the 1990s it was further enlarged to accommodate larger ships.

The ship slows at the southern end of Gaillard Cut and enters Pedro Miguel locks. Again, cables and mules guide and steady the ship before it is lowered 9.4 m to Miraflores Lake. The cables are released and the ship crosses the lake, which is 2.1 km long and lies 16 m above sea level. The ship then enters the last two locks, also named Miraflores, and is lowered to the level of the Pacific Ocean. The final stretch of the canal carries the ship to the harbour of Balboa, where the canal pilot leaves the vessel. The ship sails into the Bay of Panama, an arm of the Pacific Ocean. Northbound ships anchor in the Bay of Panama while waiting for their turn to travel through the canal to the Atlantic.

The entire trip through the canal takes between 8 and 10 hours plus waiting time. The canal operates 24 hours a day year-round.

**Traffic Volume**

Very large volume of the world's ships, cargo, and passengers travel every year through the Panama Canal. In 1996 more than 15,000 ships made the crossing. From 1985 to 1995 the number of ships passing through the canal and their tonnage had substantially increased. About 14,000 ships, 400,000 crew members, and 300,000 passengers traveled through the canal in 1995.

A wide variety of general cargo vessels and specialized ships pass through the canal. The most common are bulk carriers for ore, grain, and liquids; automobile carriers; container ships; refrigerated ships; tankers; liquid-gas carriers; and passenger liners. Many naval vessels, fishing boats, barges, dredges, floating drydocks, and ocean-going tugs also use the canal.

The principal commodities shipped through the canal in 1993 were canned and refrigerated foods, chemicals, coal and coke, grains, lumber and wood products, machinery and equipment (including automobiles), iron and steel products, minerals, ores and metals, agricultural commodities, and petroleum and by-products. The single largest commodity was grain, mostly being shipped from the U.S. Gulf Coast region to Asia. Another important group was automobiles: About half of the cars shipped from Asia to the United States went through the canal in the mid-1990s.

The size of ships using the Panama Canal has steadily increased. About 27 percent of the vessels that use the canal are built to the maximum dimensions that can pass through it (a category called "Panamax"). This has prompted further widening of Gaillard Cut, so that the larger Panamax vessels may transit safely. However, some of the world's commercial and military ships are too large for the canal. Since the 1940s, new U.S. battleships and aircraft carriers have been built exceeding the canal's dimensions; so have some petroleum supertankers, huge container ships, and ore carriers. Despite this trend, planners anticipate steadily increasing demand for use of the canal for the next 20 years.

The Panama Canal was built in part for military reasons, to give the U.S. Navy rapid access to both the Atlantic and Pacific oceans. Many U.S. Army, Navy, and Air Force bases were built in the canal zone to defend the vital channel. However, since World War II the canal has been considered vulnerable to attack. A single bomb or a scuttled ship could disrupt canal traffic for a long period, and the jungles along the canal could be used by guerrilla forces. Therefore, the canal was considered less valuable as a military asset. The nearby bases, while continuing to guard the canal, became a center for U.S. military operations throughout Central America and the Caribbean. The headquarters for the U.S. military's Southern Command was relocated from bases in Panama to Florida in 1997. All U.S. military bases in Panama were closed before the end of 1999.

**Canal Administration**

The canal is operated by the Panama Canal Authority, a public Panamanian corporation. Before Panama took control of the canal in 1999, the canal was managed by the Panama Canal Commission, a U.S. government agency under the Department of Defense. The commission was established in 1979 to operate the canal during the 20-year transition from U.S. to Panamanian control, and it gave Panamanians a role in governing the canal for the first time. The commission was supervised by a nine-member board composed of five U.S. citizens and four Panamanians. After 1990 the canal's administrator was a Panamanian. The commission provided Panamanian employees with specialized training, and Panamanians formed more than 90 percent of the canal's workforce by 1996. Until 1979 the canal and adjoining lands had been run solely by the U.S. government as if they were U.S. territory.

*(Dr. Thapa writes on water resources)*

## PEACE TALKS

## Summit In The Offing?

Remarks by Maoist chairman suggests a summit meeting is in the offing

By SANJAYA DHAKAL

Two days after he returned from hastily arranged trip to New Delhi, Prime Minister Girija Prasad Koirala dispatched his confidante Krishna Sitaula – the Home Minister and chief government interlocutor in the ongoing peace talks – to picturesque village of Sikles in Kaski to meet with Maoist chairman Prachanda on Sunday (June 11).

After the two-hour one-on-one meeting between Sitaula and Prachanda (as reported widely by newspapers) at

Following the return of PM Koirala from New Delhi, political developments have picked up a pace. On the same day that he dispatched Sitaula to meet with Prachanda, Koirala also presided over a meeting of the top leaders of seven parties that decided to suspend the parliamentary session. “We made the decision to focus on peace talks,” said Madhav Kumar Nepal, general secretary of Unified Marxist Leninist (UML) who had proposed for the suspension of the parliament after forming special committees of the parliament. Nepal

conference must be held. It is not that the parliament must be dissolved. But it is also not that the parliament must be kept alive. We must be open,” said Maoist talks coordinator Krishna Mahara who had accompanied Sitaula to Sikles. “A new spirit has emerged since Sikles meeting,” he added.

As the Maoists seem to have dropped their demand for dissolution of the House of Representatives and holding of broader political conference, the next round of peace talks could be quite significant. Besides, the government has also made moves to address another important Maoist demand. The cabinet meeting early this week decided to withdraw all charges against the Maoist inmates. Likewise, the government has also withdrawn the Terrorist and Disruptive Activities (TADA) ordinance.

Till June 13, around 240 such detainees had already been released. Mahara said that the government has assured to release 350 Maoist inmates. He added that 250 others would still remain in detention.

The rapid developments seen in the last two, three days have re-injected enthusiasm over the successful conclusion of peace talks soon.

Now the only issue that could still pose problem for the smooth conduction of peace talks is the one concerning management of arms of the Maoists. This issue would still need to be ironed out before the two sides can go for elections to constituent assembly.

Meanwhile, in an interview he gave to Kantipur Television recently, Prachanda indicated that his party’s eagerness to join the mainstream of politics. Criticizing what he called as moves by parliamentary forces to take all the credit of the success of people’s movement, Prachanda said, “By now we should have already been inducted in the interim government.” In that interview Prachanda had vehemently opposed the existence of the parliament but after Sikles meeting he seems to have toned down his reservations against the House of Representatives – apparently satisfied with the decision to suspend its proceedings for the time being. ■



Sitaula (left) and Prachanda: Fruitful meeting

Annapurna Post

the foothills of Annapurna range, the tone and substance in the remarks made by the latter has changed dramatically.

Addressing a public meeting in Sikles, on Tuesday (June 13), Prachanda has said that the summit meeting (between him and the government) would be held soon. “After the country enters into constituent assembly following the summit meeting, the nation will be free from current situation,” he is reported as saying.

added that he has proposed holding of constituent assembly elections by October and framing new constitution by April next year.

Importantly, the decision to suspend the parliamentary session has been welcomed by the Maoists who had been hitherto demanding its dissolution. “When there is understanding on the final issue of constituent assembly, there is no need to be rigid on other issues. It is not that the broader political

# INDIAN ASSISTANCE

## Relief And Reconstruction

The visit by PM Koirala to New Delhi has resulted in considerable financial benefits

By A CORRESPONDENT

**T**he goodwill and positive feeling that Nepal has earned among the international community following the successful people's movement is beginning to show its results in terms of increasing financial aid.

The visit by Prime Minister Girija Prasad Koirala to New Delhi last week succeeded in bringing in much-needed economic relief to the country. Although media reports suggested that India was planning a "Himalayan Marshall Plan" for her neighbor, no such windfall was offered. But India did offer substantial assistance package and even agreed to help Nepal in many trade issues.

Addressing the House of Representatives on Monday (June 12), Finance Minister Dr. Ram Sharan Mahat said Nepal would receive assistance of Rs 11.34 billion for economic development from India. Dr. Mahat, who accompanied PM Koirala in New Delhi visit, had been saying that the visit would focus on economic package.

India agreed to provide an immediate budgetary assistance of Rs 1.6 billion. For a cash-strapped nation, this direct budgetary support – first time offered by India – would provide a big relief. That apart, India has also agreed to provide Rs 7.34 billion as soft loan (at 0.75 percent interest) for development of infrastructures as per Nepal government's priority. Dr. Mahat stated that India has agreed to increase the amount of assistance to Nepal from Rs

1.04 billion to Rs 2.4 billion in the current fiscal year.

Importantly, during the PM's visit a Nepalese business delegation, too, had accompanied him in order to push forth Nepal's perspective in various trade issues. Nepalese business community has been calling for waiver of four percent additional tax, quota restriction, non-tariff barriers, quarantine complications and custom hassles.

"We apprised them about the problems faced by Nepali private sector," said Chandi Raj Dhakal, president of Federation of Nepalese Chamber of Commerce and Industry (FNCCI), adding,



**Dr. Mahat:** Satisfied with assistance

"And they seem positive towards resolving them." Dhakal who led Nepalese business delegation said they were glad that India agreed to resolve problems seen in its bilateral trade with Nepal including issues like additional duty, custom duty, quarantine tests and so on.

One of the immediate gains for Nepalese business community was that

India agreed to waive four percent additional duty imposed on Nepali products, which was imposed by previous Indian budget.

In a move that could provide relief to the government, India has also agreed to waive Rs 1.6 billion dues that Nepal needed to pay for its past purchases of weapons. It has also agreed to ease the payment period for the dues to Indian Oil Corporation (IOC). The Nepal Oil Corporation (NOC) and IOC can now negotiate for the rescheduling of the payment procedure of the outstanding dues that totals around Rs 5 billion. This move will lessen the excruciating financial pressure being felt by almost-bankrupt NOC. These apart, India has also agreed to remove quota restrictions on air seat in flights between the two countries.

On the infrastructure development front, the loan assistance to be provided by India would be used to upgrade 1500 km of Hulaki road in Terai, construct 500 km of road in hilly region and rural electrification.

Earlier, in New Delhi, addressing Indian business community, Dr. Ram Sharan Mahat appealed them to feel free "to come forward and invest in Nepal in the light of fast improving political scenario." Addressing a conference of Confederation of Indian Industries (CII), he said, "The climate is fast changing. There is no reason why you should now keep away from investing in Nepal."

Furthermore, the PM's visit provided an important opportunity for Nepalese and Indian leaders including finance ministers to interact and share their

perspectives. In a climate of growing confidence, it is imperative for Nepalese side to continue talking with their Indian counterparts on a range of issues including developing Nepal as a transit economy. No more time should be wasted in taking advantage of the astounding economic growth that neighboring India is achieving. ■

# HOUSE OF REPRESENTATIVES

# Legislative

# Adventurism

The role of House of Representatives (HoR) is very crucial at this moment when the King has been pushed behind the scene from his active role. If the HoR, which is the only source of power, is dissolved in accordance with a demand of some intellectuals and political zealots, the country may face difficult consequences. Although some of its declarations were unrestrained and without check and balance, the HoR can still play the important role to make the present transition smooth and peaceful. It seems psychology of fear of present political instability is haunting the minds of the leaders of present legislature so the members of HoR are in a dilemma and confusion. The dynamism of the crisis is so broad that after the institution of monarchy, the legislature is feared to be the next victim unless its members follow cautious and constitutional means

By KESHAB POUDEL

**J**ust twenty four hours after passing a controversial regulation of House of Representatives – which aims to clip all the powers of the King - prime minister Girija Prasad Koirala appointed Amik Sherchan, chairman of United People's Front, a radical communist party ideologically closer with the CPN-Maoist, as deputy prime minister of the cabinet. Koirala expanded the cabinet following his goodwill visit to India. The inclusion of radical communist leader Sherchan in a high position seems to begin a new phase of adjustments and readjustments in politics.

This is the first experiment in the Nepalese politics when a leader of liberal democratic party and prime minister Koirala chose two communists as his deputy prime ministers.

After appointing Sherchan, who is not a member of House of Representatives, and who is a leader of a political front with just three members in HoR, Prime Minister Koirala has cut the size of the largest coalition partner CPN-UML and second largest partner Nepali Congress (Democratic).

At a time when Maoists, too, are demanding the dissolution of HoR and the new regulations nearly pushed judiciary into a confrontational level, the inclusion

of Sherchan, a close ally of Maoists, in the cabinet indicated that the coming process of new political adjustment and readjustment will be a difficult one.

The HoR is, at present, making itself controversial by taking unnecessary decisions to the extent that nobody is in a position to defend it. But in this changed political context, it is equally true that there is no replacement for the HoR.

“Because of its actions, those who are in favor of the parliament are silent - by unprincipled and irrational adventurism, by claiming the HoR above the constitution and above the sovereign people also, it has invited controversy. The sovereignty of the people is exercised either through



**House of Representatives:** In adventurous mode?

an upheaval or through periodical elections. One cannot expect people all the time dictating from the street. That would be a sheer mobocracy, which nobody desires. The other way is to exercise the franchise, which is not possible till the elections for CA is completed," said a political analyst.

"The present HoR should have a sense of self restraint as a caretaker legislature for a very short duration but it is the typical character of illiberal democracies of a developing country that whoever comes to power goes unrestrained without check and balance," added the analyst.

"The parliament especially the one which has been revived as consequence to popular movement supported by international community has to give legitimacy to its act and, to give it a legal terminology, to constitutionalize democracy. Democracy reflects popular aspiration and will of the people whereas constitutionalizing it legitimizes the democratic exercise of power. Unfortunately, despite strong suggestion of many well wishers, lawyers and experts, the House of Representatives has not given thought to legitimizing the exercise of its power," said eminent constitutional lawyer and senior advocate Kusum Shrestha.

Others argue that instead of adopting amendment procedure for introducing changes, the HoR is acting like an autocrat who claims that he is the state. This is an unconstitutional practice.

#### **Role of Judiciary**

Judiciary of Nepal has more than half a century experience of exercising its power of judicial review. The present adventures in the power foresaw a threat from it and, therefore, declared a humiliating provision to bend the judges to its authority by an oath-taking clause.

"Some of the upright persons in the judiciary risked their job and opposed the provision of humiliating formalities of oath-taking, which was totally unexpected for the zealots in the power who had to go for a reversal soon," said the analyst.

"We have allegiance to the constitution. The judges take the oath to protect the constitution and work under it. There is no question to take oath again in same constitution," said Supreme Court justice Anup Raj Sharma. "If they bring the new constitution and the new system, then the judges can take another oath. Since the constitution of the Kingdom of Nepal 1990 is still there, we don't have to prove allegiance over it again," said justice Sharma, one of the

judges of the bench which declared that constitution as above all authorities quashing King's order to establish the Royal Commission for Corruption Control.

"Commitment to the constitution is the hallmark of the independent judiciary. Thus, judiciary is committed only to the constitution," added Shrestha.

Others, too, backed the stand taken by the judges of the apex court. "There is no need for the judges to take oath in front of members of HoR. Judges can take their oath in front of people," said Shambhu Thapa, president of Nepal Bar Association (NBA). Once again the judges of the supreme court have been widely appreciated for their just and dignified stand.

The legislature had to bow down to the Supreme Court when the judges collectively declared to defy the oath because it could defame the independence of judiciary.

Many argue that HoR has neither strength of military force nor coercive apparatus of the state. Its strength lies in command of the respect of people and legitimacy of its acts.

Although the loggerhead between the House of Representatives and Supreme Court was averted following the last minute interventions and agreement between judiciary and legislature, it has already created distrust and mistrust between them.

Apprehensive of reprisals of the judicial review by the Supreme Court, the HoR withdrew its proposal to bend the justices to take the oath of allegiance to the House. The Supreme Court has developed certain stature in the popular estimation by its periodical test and threats in critical cases. Some of the judges have come out with a strong comment against the humiliating clause for the protection and preservation of the dignity of courts as well as their own.

"We are committed to the Constitution of Kingdom of Nepal 1990 and our allegiance towards it," said Supreme Court justice Anup Raj Sharma. Even the president of NBA Thapa challenged the House of Representatives. "If they have guts, they must forward impeachment of motion,"

said Thapa, adding, "Otherwise, members of the House should stop threatening the independence of judiciary."

Vocal leaders of the bar who had lead role in recent uprising also joined the anguish of the judges and warned the politicians to respect their commitment for independent judiciary. It seems there were some clever machinations to shatter the trust between legislature and judiciary but they have been averted for the time being. But it is not the end of the crisis.

#### Difficult Transition

The period between this constitution to the constitution to be made by the CA is a period of very difficult transition. If politicians of Nepal are not extraneously interfered, the stability provided by present constitution could be a dependable framework that helps in the successful reaching to a new constitution.

"This transition could be more convenient and predictable but things are not the results of internal forces only," said the political analyst. "It is logical and plausible that this constitution should continue as a support and a source of power to all. But the elements which had always been used for destabilization even to the extent of creating chaos and anarchy have started arguing for the dissolution of HoR and an interim arrangement about which no two persons have one opinion."

According to analysts, trouble-makers want to have interim constitution but there can be hardly any consensus about the source of that constitution. If HoR is dissolved, who else except the leaders of Seven Party Alliance could bring out the interim constitution. That will have no better legitimacy than this constitution, which was an outcome of popular movement of high credibility in 1990.

There is a problem of accommodating conflicting ideologies and programs of armed and unarmed political parties. "If there is a design to create problems only without any foreseeable solution, the logic of interim constitution could be understood well but persons who perceive the Pandora's Box of CA being opened are horrified by the idea of any other interim constitution instead of this constitution," added the analyst.

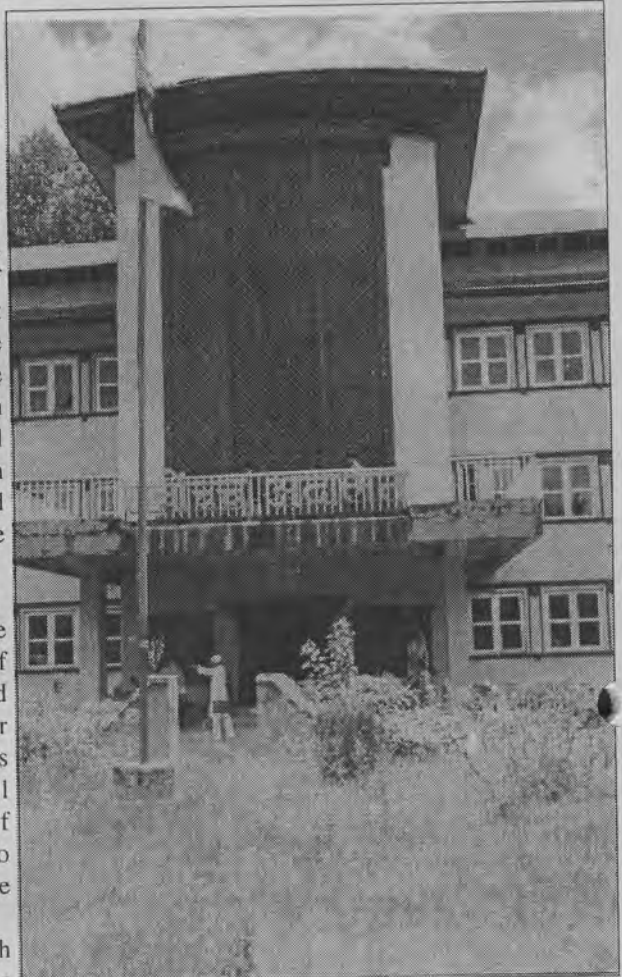
Whether it is possible or not, the CA has emerged as a solution of the present deadlock. The present constitution has, in fact, been already converted into an interim constitution. Till CA comes out with a form of particular constitution, it will be unfair to propose any other alternative model in this transition period. There is no logical ground to do away with this constitution and jumping into the darkness.

#### Declaration of HoR

In its effort to prove supreme, the House of Representatives amended its regulations taking over as much power as possible even asking all the heads of constitutional bodies to take oath of allegiance before it.

"They have acted with a misconception that the Royal declaration of April 24 had transferred its arbitrary power to the parliament. The whole spirit of declaration reflects that this reinstated HoR is above the constitution and, therefore, it is more powerful than its predecessor," said the analyst. "The term absolutism has been fully practiced by this HoR by humiliating terms of oath to the Supreme Court judges also besides assuming the executive and legislature powers absolutely. What happened because of the reckless actions of the King to the institution of monarchy has not made wiser the members of parliament becoming so arrogant and arbitrary."

By making a series of important announcements, the HoR members show their psychological tensions. A fear complex of present political instability is haunting the minds of the leaders of present legislature of the country. The dynamism of the crisis is so broad that after the institution of monarchy the legislature is feared to be the next victim.



Supreme Court: Guarding the independence

"The institution of the parliament is all the time sensitive towards the popular opinion for its periodical renewal and, therefore, it is more accountable to the people than any other constitutional instrument. The resolution of the House of Representatives was exceptionally misconceived derailment. Despite that this could be forced to follow fresh opinion of the people."

The present political combination in the legislature, if it continues, most probably might be reflected in the coming formulation of constituent assembly, and in that way may have an influence over the constitution made by it.

#### Act Against HoR

The force which acted against the King now has House of Representatives as its target. Then politicians were used against the King. Now they will alone face their extinction. To seal off their magic fate, leaders in the legislature in a



panic declared themselves as having all the powers in them.

"One by one, prominent leaders of the legislature have come out with their horse trading rescue deal with the unseen power center to have a respite for the time being for this house. But, there is no sign that this could be conceded. Amazingly even those media persons who had all the time popularized the issue of the agitation without discriminating whether it was rational or irrational, have suddenly come out so harsh and meaningful in their language, which suggest the people that the country has reached into a new realignment in which some of the radicals may be purged out from their long continuing political role in the nation's politics," said the analyst.

Even the leaders of SPA, who opposed the move to dissolve the HoR, are now showing signs of flexibility. "There is no question to prolong the life of the House of Representatives. We are ready to shorten the life of the HoR to pave the way for the free and fair elections of Constituent Assembly (CA)," said CPN-UML general secretary Madhava Kumar Nepal.

The Maoist leadership has also demanded for the dissolution of HoR. "The HoR does not represent popular will of the people. Sooner the revived house

is dissolved, better it is for the future negotiations," said Krishna Bahadur Mahara, spokesman of CPN-Maoist and convener of Maoist negotiation team.

After inducting Sherchan into the cabinet and decision to suspend session of HoR, CPN-UML's role has already been reduced. This is a long political strategy to change the political alignment. "A new realignment for the CA for new constitution may not have those communist radicals who were useful against the traditional institution of monarchy. Adopting a shrewd tactic of eliminating one by one, now the turn is of elimination of leftist radicals from the politics of Nepal whether they are of Leninist or Maoist commitment," said the political analyst. "With lock, stock and



Royal Palace: Shifting power balance

barrel, they are all to meet the similar fate which was due soon after the overthrow of Soviet style of communism."

Even prime minister Koirala showed certain change in his style. It is said that Koirala is not happy with functioning of radicals. According to a reliable source inside Baluwatar, Koirala was never so harsh in his words to anybody in recent times. Recently, he is said to have expressed his anguish to his senior colleagues in the party Sushil Koirala and Ram Chandra Poudel. His anger was against the resolution of the House in which the two Congress party toed the line of leftists radicals.

The problems of giving shape to the higher ideals in practice were a very big challenge to the politicians of the forefront during the last three terms of the parliament. As there are seen and unseen activities going on, it is inevitable that a new political process of adjustment and readjustment would proceed. These under-current current political activities seem to be haunting the minds of legislature.



MPs in the House: Assertive debates

# “HoR And Nepal Government Have Started Treating The “Declarations” As Supra-Constitution”

—BADRI BAHADUR KARKI

*BADRI BAHADUR KARKI is a former attorney general of the Kingdom of Nepal. Known for his principled stand and clear views, prominent constitutional advocate Karki spoke to KESHAB POUDEL on contemporary politico-legal issues. Excerpts:*

**Is the Constitution of the Kingdom of Nepal 2047 still the “Fundamental Law” or has it lost its original status in view of the HoR Declarations, 2063?**

It is a fact that the reinstated House of Representatives (HoR) has suddenly and *suo moto* converted itself into a sole constituent authority and promulgated a historic declaration; claiming that it was mandated by the People’s Movement II to do so. Among others, vide clause 9 (c), the Declarations says “to the extent of its inconsistency, all the provisions of the Constitution of the Kingdom of Nepal 2047 and any other provisions of law in force for the time being, shall be void.” Notwithstanding the constitutionality of the “Declarations” itself, for all intent and purposes, the HoR and Nepal Government (GoN) have started treating the “Declarations” as supra-constitution and, thereby, reducing the 2047 constitution to a supplementary document or an appendix to the Declarations.

**What would be the implications of this situation?**

This has created a very unusual situation fraught with the danger of complicated and far-reaching legal consequences. HoR’s steps are absolutely unusual in that all of a sudden the authors and faithfuls of 2047 Constitution have withdrawn their commitment and support to it. As a result, at the minimum, its status of the “Fundamental Law” has vanished. By informally conceding to take oath of allegiance to “Declarations” the judges of Supreme Court through the Full Court, it seems, have already committed to recognize and uphold the supra-constitutional status of the

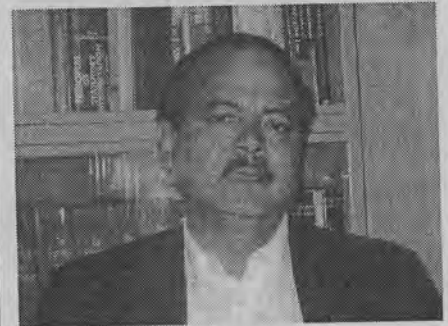
“Declarations”. In view of this, one can say that the 2047 Constitution, on and from 4<sup>th</sup> of Jestha 2063, has lost its majesty and fundamental status. Sooner or later the controversy will land in the Supreme Court for the authoritative interpretation or resolution.

**What could be the role of Supreme Court, then?**

In view of the overriding and sweeping provision incorporated in Clause 9 (e) of the HoR Declarations 2063, any inconsistency to or otherwise of any provision of 2047 constitution or laws shall be determined by HoR itself. This would mean that Supreme Court will have no jurisdiction to test the constitutionality of the said HoR Declarations. According to the universally accepted and practiced constitutional norms and conventions no “Declaration” of whatsoever nature or source have binding force in law. This would mean that said HoR Declaration would not and could not have superseded or voided the provisions of 2047 Constitution. The reinstated HoR had every right to amend all those provisions of 2047 Constitution, which the “Declaration” intended to scrap, by pursuing the “amending process/power” available to it under the 2047 Constitution.

**Why then in your opinion did HoR deemed it fit to take recourse to making the HoR Declarations 2063 instead of amending the 2047 Constitution itself and which would have helped avoid the controversy of constitutionality?**

Well, this is for the constitutional experts involved in promulgating the said “Declarations” to answer and explain. For myself, I would have preferred to the course of taking recourse to “amendment route” so as to avoid the controversy of legality or constitutionality of the “Declarations” vis-à-vis the 2047 Constitution. I can speak only in terms of my professional wisdom and accountability. So far as the political wisdom and political



responsibility of the HoR is concerned, it is for the political institutions and political leaders to speak and defend.

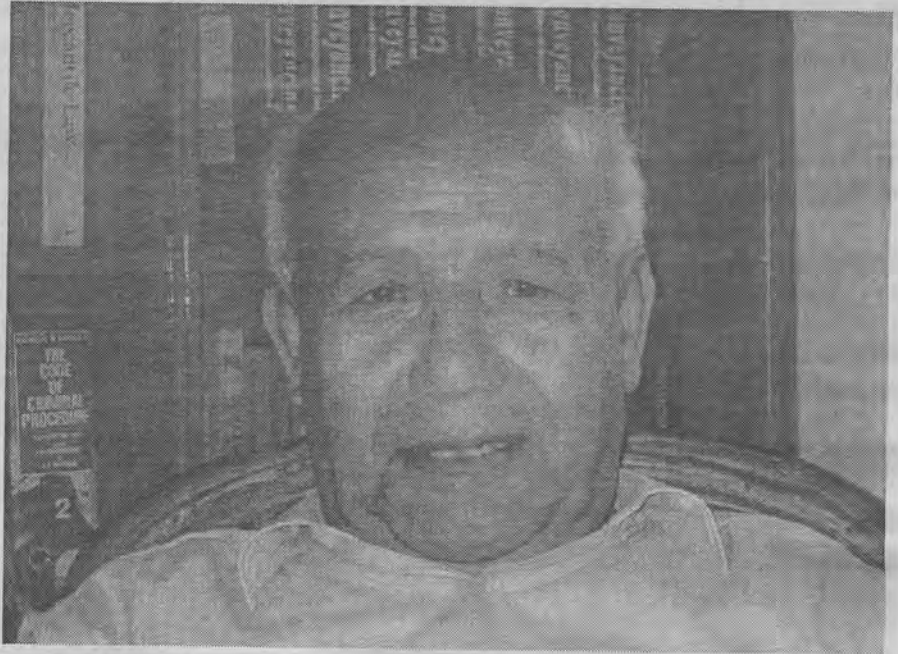
**In view of the supra-constitution status and nature of the HoR Declarations 2063, where does the Supreme Court stand now?**

With the promulgation and enforcement of the said “Declarations” Supreme Court’s power to scrutiny and declare, any legislative enactments and constitutional amendments made by the HoR under the provisions of the 2047 Constitution, null and void, would vanish. In this respect and context the Supreme Court will no more be in a position to exercise its extraordinary power of judicial review and, as such, lose its Supreme authority. This power would be exercised by the HoR through its Special Committee (a sort of Supreme Court of Parliament?). This would amount to a “political review” of constitutional provisions rather than “judicial review”. To that extent, the role and power of the Supreme Court shall be curtailed and limited. What is not yet discernible and clear as of now, is that what model of Government - Parliamentary or Presidential or mixed - Nepal would opt for future. Nobody is in a position to guess or discuss about this. This is a very-very unfortunate situation in that we are made to face the unexpected challenge of political and constitutional instability and uncertainty at the same time. Sooner we decide the better. In my view, it would not be sufficient to say that it will be the task and responsibility of the yet to be constituted “Constituent Assembly.” ■

# “Proclamations, By Themselves, Cannot Be Obligatory”

—MOTIKAJI STHAPIT

In a long conversation, senior advocate **MOTIKAJI STHAPIT**, 78, - a media-shy lawyer of long standing - has come out with substance in these following words on present constitutional problems. Senior advocate Sthapit - who had been appointed as Attorney General by three consecutive prime ministers Krishna Prasad Bhattarai, Girija Prasad Koirala and Sher Bahadur Deuba, has many things to share with the people. Introvert and studious, Sthapit spoke to **KESHAB POUDEL** on various constitutional issues. Excerpts:



**How do you explain the present situation?**

I don't know how to express my ideas, which I have at present. The present problem of the country is to carry on state affairs smoothly and peacefully.

**What are the challenges now?**

In such a state of affairs how to settle the constitutional problems, which have been so much confusing due to some actions by political actors. This is the main challenge.

**What are the ways to solve the present political problems?**

They had to move ahead with their declared objective, which was to restore the House of Representatives and activate the Constitution by ending King's direct rule. However, the way members of House of Representatives are conducting the things now show that they are completely in confusion. They themselves are making the situation complicated and confusing.

**What did they do wrong?**

They have lost the sight of their objective, which was the reinstatement of the parliament thereby going for the Constituent Assembly (CA). Their

declared objective was so simple and straightforward.

**How do you see the declaration of HoR?**

The declaration of HoR - which was the expression of the political proclamation- cannot have binding force unless they are incorporated in the constitution. Thus, without inserting the

The present constitutional confusion appeared following the political declaration of HoR. The House was reinstated according to the demand of People's Movement. The objective of the movement was to reactivate the constitution and to go for Constituent Assembly.

**What is the status of the declaration?**

The proclamation of HoR, itself, is not a constitution. As such, it has no binding force so it cannot compel anybody to abide by it.

**How do you see the present democratic process?**

We were slowly and gradually in the process of evolving democratic discipline, values and

cultures and rule of law but the actions following October 4, 2002 destroyed all our efforts to build democratic institutions. As a result, democratic moralities and discipline are weakening.

*The declaration of HoR - which was the expression of the political proclamation- cannot have binding force unless they are incorporated in the constitution. Thus, without inserting the proclamations in the constitution, the directives by themselves cannot be obligatory to any functionaries of the state.*

proclamations in the constitution, the directives by themselves cannot be obligatory to any functionaries of the state.

**When did the constitutional crisis begin?**

## HIV/AIDS

# Risk Reduction

An NGO engages in efforts to make condom easily available to persons likely to indulge in risky behavior that could spread HIV/AIDS

By A CORRESPONDENT

Ramesh Chitracar is glad about the latest initiative by an NGO called Nepal Youth Society (NYS). A taxi-driver by profession, Chitracar is pleased with the initiative to provide condoms in petrol pumps. "In the past, sometimes I had to engage in sexual intercourse without condom. And if I carried condom with me, that would have raised suspicion (in my wife). Therefore, it is good that NGOs have provided condom boxes in petrol pumps where it is made available

dance restaurants and look for commercial sex workers to fulfill their desire. According to Krishna Gopal, secretary of Taxi Drivers Association, many drivers engage in sexually risky behaviors and some of them even tested HIV positive when their bloods were examined.

With the objective of addressing the concerns of this vulnerable section, NYS has launched a campaign to distribute condoms free of charge and also educational materials like brochures and message letters.

The NYS has provided these materials as well as condoms in petrol pumps in Kalanki, Khasi bazaar Putaliadak and New Baneshwore. "We aim to raise awareness about this disease to the vulnerable persons. Initial response to our effort has been quite satisfactory," said Ganesh Man Pradhan, project officer of NYS.

The NYS has launched this initiative with the cooperation of World Vision

Nepal. The NYS has been implementing Behavior Change Communication program for HIV/AIDS/STI control program among migrant people since March 2004 with the financial support of World Vision International. The first program was targeted to the carpet workers in Madhyapur Thimi area of Bhaktapur district. Currently, the program is covering transport workers of Kathmandu valley as well as carpet workers of Bhaktapur. The core objectives of the program are to reduce risk behaviors of the target group and mitigate the consequences of the HIV/AIDS through behavior change communication. ■

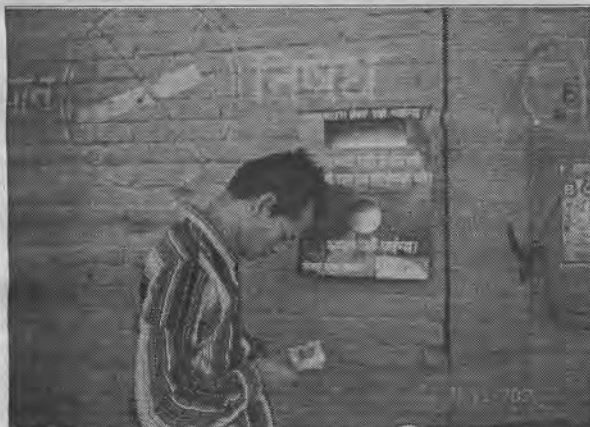
## "UN Role Only In Arms Management"

India has agreed only on UN being given a role in arms management and this has delayed the process of the government writing to UN requesting its role in the peace process, according to a news report in The Himalayan Times daily (June 14). "India politely disagreed on inviting UN for monitoring the ceasefire and witnessing the peace talks. It has, however, accepted UN role for arms management," said a top government source who had accompanied Prime Minister on his recent visit to New Delhi.

The UN, however, is eager to "monitor the ceasefire; witness the dialogue process as well as assist Nepal during decommissioning of Maoists' arms and demobilization," the source said. PM Koirala after returning from New Delhi on June 9 had said: "India suggested Nepal to invite UN only for management of arms and rehabilitation." India is reportedly opposed to the UN mediation between the government and Maoists because that "would give legitimacy to the rebels." New Delhi, rather, is learnt to have been seeking that the US and European Union join India for backing the Koirala government to limit the Maoists' demand.

Meanwhile, the Resident Coordinator of UNDP in Kathmandu, Matthew Kahane, confirmed on Tuesday (June 13) that the government is yet to write an official letter to UN for its assistance. "Prime Minister and the Home Minister have talked to UN about its possible role, but the government has not yet officially sent any request to us," said Kahane.

He said that UN can help Nepal's peace process in all the areas once the government sends an official request to the UN and if the Maoists accept it. Kahane also suggested that the government and Maoists sign a "ceasefire agreement" as the already signed Code of Conduct of Ceasefire, according to him, lacks clear procedure on arms management. ■



**Condom box in a petrol pump:** For reducing risk

free of charge and in a convenient manner," he said.

According to Shyam Shrestha of a petrol pump in New Baneshwore, around 200 pieces of condoms are consumed everyday from a box at his pump. He said that mostly the female sex workers, taxi drivers and rickshaw pullers have taken advantage of this service.

There are around 14,000 taxi drivers and 1200 rickshaw pullers in the capital valley. And they are said to be engaged in risky behavior as far as HIV/AIDS is concerned. Many of them stay away from their families for extended period. According to NYS, many of them visit

## CHILD LABOR

# Persisting Problem

The intensification of insurgency has put the children in further trouble

By A CORRESPONDENT

Following the intensification of insurgency, Thule Tamang, 14, was sent by his parents to the city to work as a domestic servant. Thule, a student of class six in a government school, has to take care of entire household works in a residence of a senior bureaucrat.

Thule's daily chores begin at early in the morning and ends at late night. From washing dishes to taking two small children to school and completing his own homework, Thule hardly finds any time for rest or play.

"Since I cannot go back to the village, I don't have any other option than to work as a domestic servant," said Thule. "I have to work very hard but I am getting opportunities to go to school." He is concerned that if he goes back to village, he might not get the chance to study even.

Thule is not alone in the valley who has faced these kinds of problems. More than 40,000 children have been working in different sectors including in transport sector as helpers.

Children are also involved in other worst kinds of child labor. Worst forms of child labor in Nepal include domestic child labor, rag picking, child workers in carpet factories, bonded child workers, survivors of trafficking, child porters, and child workers in quarrying.

According to a study conducted by CWIN, the number of child labor is increasing by many fold, particularly, in urban areas. More than 55,000 children workers are in urban areas and 22,000 of them work as domestic servants in Kathmandu. According to the study, every 1.5 household has a domestic worker. Interestingly, 28 percent of them are illiterate. More than four thousand children are now working as helpers in

the local buses and tempos. Similarly, a total of 42,000 children are working as transport workers in the country. About 3,900 children work in urban markets and bus parks.

There are 17,000 children born into Kamaiyas and 30 percent of them work away from home. Out of these children, 57 percent are illiterate. Around 12,000 girls are trafficked.

At a time when the country is going through political instability, the problem of child labor is going to increase alarmingly high. Despite beginning of peace negotiations, the rural areas of country are yet to feel respite.

In this unpredictable situation, children are still migrating to the urban areas. As children are low paid, they are prone to all kinds of hazardous labor. Recently, child sexual abuse and exploitation is also emerging as serious challenge.

The children working in local transport sector have their own story to tell. Aged between 12-14, the transport workers are in a difficult situation. Low paid and highly exploited, these children have to work in most hazardous situation.

## WORLD CUP

# Soccer Mania

Whether it is in the tourist city of Thamel in the capital or Pokhara or eastern town Biratnagar, the world cup football has brought a new life in Nepal. Coinciding with a relief from violence, the world cup soccer has given the people, mostly youngsters, a new enthusiasm in their lives.

Even some film halls are showing the world cup matches in big screen. There is a rush everywhere. One can see the rush of soccer fans in and around areas like Thamel where foreign tourists and local population share the program together.

The business sector is also involved in the process of promoting their products. Mayos Noodle and Dabur have announced a large number of awards that help people to take part in the World Cup Football tournament in Germany.

Along with various parts of the world, the World Cup mania is hitting the country. Following the defeat of two Asian teams Japan and Iran, Nepalese actually were disappointed but the win by South Korea against African team Togo has provided a consolation.

Another Asian team Saudi Arabia is yet to play its first round of match but South Korea - which reached to the semi final last time - shows that it still has the enthusiasm and spirit to repeat its previous success.

After Asian teams, a large number of Nepalese support England, Brazil and Argentina. Italy, France and Netherlands are also favorite teams in Nepal. As almost all these favorites of Nepalese have won their first matches, there is increased excitement.

Although Nepalese football team is still in the lowest rungs in the world soccer rank, the game is still the most popular in the country. Even though Nepalese team could not make it to Germany, former national captain and current president of All Nepal Football Association Ganesh Thapa is representing the nation as he has been appointed as a member in the FIFA Disciplinary Committee.

# Joint Press Statement Issued After PM Koirala's India Visit

The Rt. Hon'ble Girija Prasad Koirala, Prime Minister of Nepal, paid an official visit to India from 6-9 June 2006 at the invitation of His Excellency Dr. Manmohan Singh, Prime Minister of India. The Prime Minister of Nepal was accompanied by Hon'ble Mr. Gopal Man Shrestha, Minister for Physical Planning & Works, Hon'ble Mr. Mahantha Thakur, Minister for Agriculture and Cooperatives, Hon'ble Dr. Ram Saran Mahat, Minister for Finance, Hon'ble Mr. Rajendra Prasad Pande, Minister for Local Development, Hon'ble Ms. Urmila Aryal, Minister of State for Women, Children and Social Welfare and Adviser to the Prime Minister on Foreign Affairs, Dr. Suresh Chandra Chalise. The delegation also included senior officials of the Government of Nepal, a business delegation and a delegation of media representatives.

2. During his visit, the Prime Minister of Nepal visited Rajghat and paid homage to the memory of Mahatma Gandhi. The Prime Minister called on His Excellency the President of India, Dr. A.P.J. Abdul Kalam and on His Excellency the Vice President of India, Shri Bhairon Singh Shekhawat, who hosted a dinner in his honour. The Prime Minister of Nepal had a meeting with the Prime Minister of India, which was followed by delegation-level talks, led by the two Prime Ministers, on issues of mutual interest and concern. The Prime Minister of India hosted a dinner in honour of the Prime Minister of Nepal. Minister of Defence Shri Pranab Mukherjee, Minister of Home Shri Shivraj Patil, and the leader of Opposition in the Lok Sabha Shri L.K. Advani called on the Prime Minister of Nepal. The Prime Minister of Nepal had a meeting with the Chairperson of United Progressive Alliance (UPA) and the President of Indian National Congress, Smt. Sonia Gandhi as well as former Prime Minister Shri Chandra Shekhar.

3. The talks were held in an atmosphere of utmost cordiality and warmth. The two Prime Ministers shared their views and assessments of the situation in both the countries. They agreed that the restoration of democracy in Nepal provided a historic opportunity for a qualitative enhancement of bilateral relations between the two countries, which rest on age-old social, economic and cultural ties; shared faith in democracy, freedom and the rule of law; and pursuit of peace, stability and prosperity. They reaffirmed their commitment to impart a new dimension and dynamism in their relations based on the principles of peaceful coexistence, sovereign equality, territorial integrity, mutual respect and understanding.

4. The Prime Minister of India extended a warm welcome to Prime Minister Girija Prasad Koirala as the leader of democratic forces and conveyed his best wishes for his good health and continued leadership, as he leads Nepal at an important juncture in its history. He described the visit as being of great historical significance. He applauded the extraordinary courage and achievements of the people of Nepal in their successful struggle for restoration of multi-party democracy and commitment towards institutionalising it. The Prime Minister of India commended the recent initiatives taken by the Government of Nepal to bring about peace, stability and return to the path of economic recovery.

5. The Prime Minister of India reiterated that as a close friend and a neighbour, India wishes to see a stable, peaceful, democratic and prosperous Nepal. He offered India's full support to the Government of Seven Party Alliance under the leadership of Rt. Hon'ble G.P. Koirala, Prime Minister of Nepal, and to the people of Nepal in their quest to achieve these goals, and expressed confidence in their ability to overcome the challenges that lie ahead.

6. The Prime Minister of Nepal conveyed the appreciation of the people of Nepal to the people and the Government of India for the

support extended to them in their peaceful struggle for restoration of democracy.

7. The Prime Minister of India appreciated the initiatives taken by the Prime Minister of Nepal to consolidate the achievements of the People's Movement by finding a peaceful solution to the armed conflict, restoring political stability and moving towards economic reconstruction for the welfare of the people of Nepal. The two Prime Ministers agreed that the success of democracy lay in creating an atmosphere free from violence and coercion, and respect for the rule of law.

8. The Prime Ministers acknowledged the vital importance of accelerating economic rehabilitation and development in Nepal. The Prime Minister of India conveyed India's readiness to render all possible assistance to Nepal in that direction, in accordance with the priorities and wishes of the Government of Nepal. The Prime Minister of Nepal expressed appreciation to the Government of India for their generous cooperation in the socio-economic development of Nepal.

9. In this context, the Prime Ministers agreed to enhance the India-Nepal development partnership for expanding rural and economic infrastructures, developing education and healthcare facilities, and building human resources in Nepal. The Prime Ministers agreed to revive bilateral initiatives and mechanisms existing between the two countries in the areas of socio-economic cooperation. 10. The Government of India expressed its readiness to:

(a) Expedite progress on long-term mega infrastructure projects in the areas of roads, railway linkages, border infrastructure, water resources and construction of an oil pipeline, Special Economic Zone, airports upgradation, and other areas to be mutually agreed upon by the both governments.

(b) Extend immediately a one-time grant of I.Rs. 100 crore to the budget of Government of Nepal.

(c) Offer a soft credit line of US \$ 100 million for the execution of infrastructure development projects as prioritised by the Government of Nepal.

(d) Enhance its 'Aid to Nepal' budget for the current financial year from I.Rs. 65 crore to I.Rs. 150 crore annually.

(e) Waive the dues outstanding as on date owed by the Government of Nepal to the Government of India on account of defence purchases.

(f) Arrange immediately supply of 25,000 metric tons of fertilizers to Nepal at subsidized prices.

(g) Grant exemption to all exports of goods manufactured in Nepal into India from the 4% Additional Duty of Customs.

(h) Accelerate the release of all funds to Nepal under the Duty Refund Procedure Scheme.

(i) Double the number of scholarships provided by the Government of India for Nepalese students, including for girls.

(j) The Indian Oil Corporation will work out with Nepal Oil Corporation modalities for rescheduling the dues owed to it on account of oil supplies.

11. The Prime Ministers agreed that there would be early follow up to implement the above decisions so as to ensure that the benefits reach the people of Nepal, and economic cooperation between India and Nepal is further strengthened for mutual benefit.

12. The Prime Minister of Nepal extended an invitation to the Prime Minister of India to pay an official visit to Nepal at an early date. The Prime Minister of India accepted the invitation with pleasure. The visit will take place at a mutually convenient date.

(The statement was issued in New Delhi on 9th June 2006)

## BOOK

# Eastern Relations

Author Bamdev Sigdel explains Nepal's relations with Japan and China

Being close neighbors, China and Nepal have always maintained cordial and warm relationship. Although Japan is far away from the Himalayan Kingdom, its contribution for Nepal's economic development is immense.

Despite such importance, only a few have made efforts to highlight the importance of Nepal's relations with Japan and China. At a time when Asia's two major economic powers are moving ahead, Sigdel has made efforts to analyze

Ram Poudyal, Ph.D, professor, Department of Economics, Tribhuvan University, Chairman, Center for Policy Studies.

Thanks to the dedication and hard work of Sigdel, one can read about different aspects of economic and other relations of Nepal with China and Japan.

"This book is the outcome of several years of efforts of collecting information, assimilating data and writing it. The references, tables and other

materials were gathered from various libraries, institutions, line

agencies of HMG/Nepal and concerned persons as well as institutions of Nepal, India, Japan, China and the United States of America," writes Sigdel in his preface. "This study is based on secondary as well as primary data made available through various institutions."

The book consists of six chapters. The first focuses on Japanese economy, aid diplomacy and Japanese aid program to SAARC countries. The second and third describe Nepal-Japan economic relation, role of Japanese aid to Nepal, allocation of Japanese aid in Nepal, foreign aid, economic development and assessment of Japanese aid to Nepal. The fourth chapter analyses China's economic development and Nepal-China socio-cultural, diplomatic, aid and trade relation. The fifth chapter discusses the situation and prospects of Nepal-China investment and tourism.

Based on enormous data, Sigdel discusses all different aspects of the relations with the two countries. From

analyzing the historical background to Japan's emergence as premier aid donor, Sigdel also analyzes the contribution of Japanese aid in economic development of Nepal.

Likewise in Nepal-China relations, Sigdel reviews from Mao's perspective to the liberalized form of Chinese economy. In his analysis, Sigdel also discusses Nepal's traditional relations with Tibet.

From investment perspective to tourism, Sigdel also explains volume and sectoral distribution of Chinese aid and Nepal-China trade relations. At a time when Chinese economy is booming, Nepal can reap many benefits from it.

"The book would be helpful to both the general readers trying to understand Nepal's relation with Japan and China and also to the governments of respective countries to adopt policies that will further enhance economic relation between Nepal-Japan and China. We at the center are honored by the opportunity to sponsor Dr. Sigdel's this recent work," said Poudyal. ■

## *Nepal's Relation with Japan and China*

*By: Bamdev Sigdel*

*Published by: Centre for Policy Studies*

*Price: Rs. 300 or US\$ 12.00*

*(Soft cover)*

*Rs. 400 and US\$ 13 (hard cover)*

*First published: 2003*

all different aspects of the relations between the two countries.

The book provides a detailed description and analysis of impressive economic growth and performance of Japan in the post World War II period and China's process of opening up the economy to the outside world since 1978.

"Written as a sequel to Japanese Economy and Economic Diplomacy (published in 1997) to which I had the honor of writing a foreword, the present book is about Nepal's relation with two major world economic powers Japan and China. These countries stand as major partners of Nepal as seen from the perspective of historical relation and bilateral economic linkages," writes Sri

## SC Orders Stopping Of Smoking In Public Places

The Supreme Court (SC) has ordered the government to make appropriate laws to ban smoking in public places. Responding to a writ petition filed by Pro-Public, the apex court bench comprising of judges Anup Raj Sharma and Rajendra Prasad Koirala ordered the government to frame necessary laws within a year. The bench also instructed the government to take necessary actions to ban the advertisements of tobacco-based products from print media. The bench has also ordered the government to define what comprises of public places. The bench also instructed the monitoring section of the apex court to monitor the implementation of its order.

# Lessons from World History

By MADHUKAR S.J.B.RANA

Having accepted the SAARC Chamber's invitation in early May to speak on the topic 'trade and investment in services' for the very well organized Islamabad Round Table on 'SAFTA and South Asian Economic Union', sponsored by the Commonwealth Business Council, one came across economic historian William Woodruff's 'A Concise History of the Modern World' selling in the magnificently spacious Karachi Airport.

What a delightful intellectual treat it turned out to be reading it in the stunning ambiance and quiet of the Karachi airport. It is a magisterial endeavor that convinces us policy makers that learning from history is a must in order to understand the present and sense the future.

It is a provocative paperback that delves into 500 years in the life of humanity and examines how the modern world (up to 2004; Nepal getting citations in 4 pages of the 414 pages of main text) has come to be what it is today with fascinating turns and twists in the global power structures.

It is a story written with a broad stroke, like a master painter, that illuminates how Asia dominated the world in the 16<sup>th</sup> century; how Europe took over with its imperial order founded on the 'white man's superiority' beliefs and values and ruthless colonization of 4 continents, which eventually led to its own self-destruction through the two world wars; the rise of America as the sole super power and as the new vanguard of the West and its civilization; and how the pendulum of global power is swinging back with Asia emerging as a new global power house and, Islam as the world's fastest growing religion.

Yes, reading this great masterpiece in Islamic Pakistan itself—in the bustling mega city of Karachi with 13 million inhabitants with hardly a traffic jam; in the architecturally imposing and delightfully lit and landscaped Islamabad, and in the serenely beautiful Lahore— fosters new insights to the trials and tribulations being faced by Pakistan: As it struggles to modernize as a moderate Islamic nation living in peace with itself amidst the terror, militancy and pressures from all around its immediate neighborhood and beyond.

Woodruff seems to implicitly recognize that with the restoration of democracy in 1990 in Nepal the republican movement has been growing culminating in the victory by the pro-republican parties in the election of 1994. One may hypothesize, on hindsight, that this victory for the republicans brought the Royalists, Democrats and Republicans as three centers of power all seeking to exploit the loopholes in the constitution to gain ascendancy. While, not seeing any hope of power under the present Constitution, the Maoists rejected it outright in 1996 with the declaration of a "people's war" on the State. He predicts that in this tussle for power "If all order breaks down, either India (which arms and trains the Nepalese army) or China will likely intervene" (Ibid: P355).

While the prediction is valid, pre-emptive efforts have been under way in Indian diplomacy, most stridently since 2002, with

the implicit concurrence (and perhaps joint strategy-formulation) of the USA and UK to blatantly intervene in Nepal's internal affairs to prop up the democratic forces by curtailing the powers of both the King and Maoists.

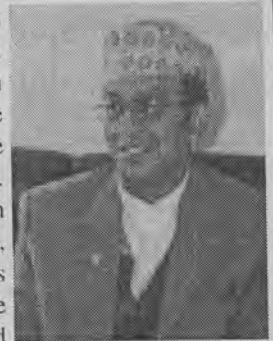
Insightfully, says Woodruff "An arms race is underway in China, India, and Pakistan... Japan is in the process of abandoning the pacifist doctrine imposed by the USA after the Second World War." (Ibid: P395). It is precisely this most dangerous arms race between 3 nuclear states that has forced India to resort to overt power play to assert its regional hegemony so as to keep Nepal tightly having achieved that with Bhutan, Maldives and Sri Lanka.

No doubt, the global order is going to be a multi-polar world. What is unpredictable and threatening to the smaller powers is the evolution of what Dr Karan Singh referred to (at a recent New Delhi seminar on 'Emergent Asia and South Asia') as the "multi-polarity in Asia within the multi-polar world". We are witnessing the pangs of this complexity as India seeks to assert its regional hegemony with the open support of the West that has sidelined China.

The Indian strategy over Nepal could backfire as law and order breaks down, elections fail to materialize, the economy does not pick up but slides backwards instead with rampant graft and corruption, and the rising expectations of the youth are vaingloriously dashed with mounting unemployment causing the non-democratic forces to resort to 'revolutionary nationalism' which, believes Woodruff, is an intangible force that threatens world piece owing to the vast disparity between the global rich and poor. Here witness the phenomenon taking shape in Peru, Bolivia and Venezuela on the very door steps of the USA. 'Revolutionary nationalism' could imperil India too with the national aspirations of the Sikhs, Bengalis, Kashmiris, Tamils (Ibid: P405) and, one may add, Nepalese and Assamese sharing the Union but not really psychologically belonging to it.

Further, the secular, rationalist humanism that has nourished the West is on the decline as "the world is witnessing a new search for meaning, for consolation, for refuge, for a total perspective, which can not be found in the materialism of communism, nationalism or Western modernism" (Ibid: P401). Judaism, Hinduism, Shintoism, Buddhism, Jainism, Christianity, Islam, and Sikhism and the power of the spiritual world is in its ascendancy. Witness the world wide popularity of the Dalai Lama, the Hindu Maharishis and Rishis and their enunciation of the 'art of living' philosophy and principles.

Dostoevsky said "if everything on earth were rational, nothing would happen". The quest for the soul, passion, emotion, pride, prejudice, sexual gratification and search for individual





identity are more powerful attributes of the human being than simply reason and logic. Not to mention events that are outside our control as acts of God or Nature which change the course of human history dramatically.

Religion is a global force to be reckoned with and will definitely impact the national politics of Nepal with unimagined foreign intervention as it seeks to debate its status as the world's sole Hindu state.

The very fact that the non-secular Vatican state welcomed the proclamation of secularism by the parliament is as ironical as it is revealing. From now on we shall be, as in India, not "casting votes but voting castes" as remarked by Lt General Dr B.S. Malik, President of CSIRD, in the robust e-debate on 'India as a Great Power' ([www.ipcs.org/newDebatePage1](http://www.ipcs.org/newDebatePage1)).

The world's power balance is highly unstable and has yet to find its new equilibrium in the wake of the collapse of the Soviet empire. The pending decline of America as a super power will add to the disequilibrium with the graying of Japan in the wake of the spectacular rise of rise of China and soon enough India, and possibly a unified Korea too, as new geo-political and geo-economic actors of great importance on the world stage. Not to mention the likes of the Islamic countries struggling, on the sidelines, to emerge as major powers pursued by Africa and South America, if they are able to unite as continental powers, to act as countervailing forces in the emerging multi-polar world.

'Live and let live' seems to be the best motto for world and regional peace. That should be found on Mahatma Gandhi's eternal values of peace and truth — ahimsa and satyagrah — nurtured by reconciliation and compromise to give space to all beings.

The world currently endangered by nuclearization, religious fundamentalism, inequality, ethno-nationalism, arms rivalry, and the unimaginable rise in criminal behavior through the parallel global economy (as manifest in money laundering, trafficking in drugs, arms and peoples, smuggling and counterfeiting of currency) with a possible scenario of a 'new class war' resulting from the digital divide in the information age portends a scenario of continuing crisis and conflict as a commonplace phenomena of international relations in the 21<sup>st</sup> century with persistent threat of global anarchy.

A philosophy of live and let live means to recognize that one begins to, in Woodruff's words "also questions whether Western forms of democracy should be thought of as universal ... (as) Democracy is not something that can be imposed from the outside by wishful thinking. If it is not to end in violence, it must be preceded by education and economic, legal and social change. It is not the vote that matters but the institutions that precede it, such as the rule of law, a stable infrastructure, social stability and security. The ballot box alone might end up with the rule of the mob led by a demagogue" (Ibid: P411) "... There will be no peace among us as long as we refuse to accept the fact that no nation, no continent, no race has a monopoly of truth; that all societies, all human institutions, have relative strengths and weaknesses that cannot be judged universally. It is wrong and dangerous for any nation to claim to know what everybody in all parts of the world ought to do.....The world is going to have to tolerate

different concepts of God, nature, morality, economics, government and society" (Ibid: P414).

What is so majestic about William Woodruff one might ask? The extensive quotes should provide insights. Nevertheless, to this author, it his vision that global politics impacts national politics particularly in the information age underscored by economic globalization. His supreme wisdom is borne out of 500 years of historical analysis which, in summary, says that international politics is all about real politic.

That the struggle for power whether military, money, intellectual or spiritual is what dictates the course of human history. An understanding of what is unfolding in Nepal is incomplete without an appreciation of the totality of the real politic being played out in the region and the world at large. Given this reality, we must all be alert to the fact that weak states invite aggression, especially a weak buffer state that is in the throes of anarchy and intellectual confusion.

*(Rana is a former finance minister)*

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## EXHIBITION

# People's Power

Artist Ragini explains People's Power 2006 through her powerful imagination

By A CORRESPONDENT

**H**uman emotion has many ups and down and it is very unpredictable in nature. When people participate in collective activities, the nature of human being is further complicated. Human behavior is full of emotion, dedication, sacrifice as well as opportunism. From politics to normal social life, every individual personality survives in these contradictions.

One of the precious things for human being is their own freedom to write, freedom to express and freedom to assemble. When someone tries to control these fundamental things, people express their anger through any means.

One of the most difficult tasks for any creative persons including artist is to collect the human behavior and express it through the colors. So, many avoid the pain of expressing the political theme.

Different people have perspectives of looking at people's power 2006. For politicians it has political meaning but artist Ragini Upadhyaya chose the theme to express her solidarity to the agitation launched to restore the freedom of expression which is one of the most precious elements for all creative persons.

A well known artist, Ragini has a uniquely powerful talent of expressing her feelings. Unlike other artists, Ragini, too, has certain political ideas so that she often involves in painting the political activities in canvas.

In her recent works, she chose Dharahara, the highest fountain of the city to show the height of aspiration of

people taking part in people's movement. From sacrifice of people to bloody oppression by the state, her paintings are full of the events related to the people's movement 2006.

Inaugurated by deputy prime minister and foreign minister K.P. Sharma Oli, the exhibition is first of its kind based on People's Power expressed in the streets of the capital in April this year. In her paintings, Ragini also explains opportunism in politics along with

drawing and acrylic to depict the various stages of people's power.

In her painting Arjun Ko Lakchya (target of Arjun, the mythical character of Mahabharata) Ragini draws the conclusion that Constituent Assembly is the ultimate target of People's Movement II. In the course of portraying various stages and ups and downs of agitation, Ragini used red colors to show how revolution surrounded the mind of people. From the family of martyrs to those of injured, Ragini also painted human trauma.

"The exhibition is full of pictures of struggle of human in quest to restore their freedom of expression and their rights," said artist Ragini whose imagination is quite powerful.

The blockade of roads, the public demonstrations, struggle against the state oppression, bloody life, Ragini



**Ragini and her work:** From the eyes of creators

humanity, love and other such contemporary issues.

From cautioning politicians to depicting the sacrifice of the people as a reminder to achieve the objective of People's Movement, Ragini's paintings are full of meanings. The combination of colors helped to clear the mind of artist Upadhyaya.

"Those who want to stop the time will destroy themselves. The people of the recent People's Movement proved it," said Upadhyaya who used itching,

depicted all the various phases of People's Movement II. Her paintings show that creative expressions can generate such a strong response.

The exhibition will last till next week and the money collected from the sales of the paintings will be donated to the victims of people's movement of 1990 and people's movement of 2006. The prices of her paintings range from Rs.15,000 to 250,000. Ragini has already sold more than a dozen of paintings in the exhibition site at NAFA Gallery Naxal. ■

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