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SPOTLIGHT

Dec 08-14, 2006

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Violence Against Women : Revolting Against Discrimination

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SPOTLIGHT

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Chief Editor And Publisher
Madhav Kumar Rimal

Editor
Sarita Rimal

Managing Editor
Keshab Poudel

Senior Reporter
Sanjaya Dhakal

Reporter
Thakur Amgai

Design and Layout
Jyoti Dangol (Singh)

Photographer
Sandesh Manandhar

Legal Advisor
Advocate Lok Bhakta Rana

Marketing
Navin Kumar Maharjan
Madan Raj Poudel
Bishnu Prasad Chaulagain

Editorial Office
GPO Box 7256, Maitidevi, Kathmandu
Tel (977-1) 4423127 Fax: (977-1)
4417845
Chief Editor's : 4435594,
E-mail : spot@mail.com.np
Internet : www.nepalnews.com/spotlight

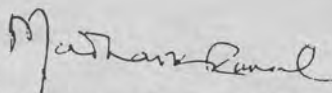
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The understandings and peace accord signed by the SPA government and the CPN (Maoists) do not seem to be producing anticipated results. Since both the signatories are working virtually under alien influence, they are executing policies, which are sure to endanger the integrity of the nation in the days to come. They do not seem to be in a situation to take or make decisions that would promote national interests. As long as the CPN (Maoists) were operating as proclaimed insurgents, despite the fact that they were enjoying the hospitality and security of their benefactors, many Nepalis were pinning their faith on their leadership thinking they might prove to be more patriotic and would not ride piggy back. But when the Maoist supremo started singing paeans of his alien mentors, their hopes were dashed to pieces. They have become like a crow in deep fog desperately trying to find an opening in the form of real patriotic leaders that will work only in their country's interests, not giving in to nefarious temptations. We know the rank and file in all the political parties are sincere and patriotic but are being led astray. That their leaders are promoting the interests of their alien masters has to be brought home to them so that they would know that they are being taken for a ride and should not follow their leaders blindly. The student community, especially, can play a very important and effective role in this respect. Whether rightists or leftists, they are being exploited to fulfill the vile interests of the political leadership. As such, it is high time the students woke up and came forward, unified, sinking their difference, as one big and powerful force to save the nation from becoming a vassal state. And this is time Nepal's friends too started to seriously think how they can help Nepal defend her integrity. Since the restored House of Representatives and the SPA government have been behaving more autocratic than an autocratic monarch and are pursuing policies irrefutably detrimental to the national interests, we are left with no option but to appeal to our friendly countries to use their good offices so that the poor country may avoid the civil war it will eventually face if not stopped in time. The anti national policies the SPA government is pursuing and the way the legislature is backing it can never be conducive to produce beneficial results for the country. The implicit concurrence shown by the CPN (Maoists) has generated only misgivings in the minds of patriotic Nepalis. The Judiciary could arrest the rot. But the behavior of the judges of the Supreme Court, too, does not inspire confidence in the people. But the overwhelming poor Nepalis, who are very patriotic, and Nepal's security forces who would not stay silent spectators to Nepal's destruction and her sliding down to a virtual colony, would not grudge to take any action to defend the country. We do trust freedom and independence loving countries, who are Nepal's good and sincere friends, would not hesitate to take appropriate steps to help honest and patriotic Nepalis defend their country's integrity. ■


Madhav Kumar Rimal
Chief Editor & Publisher



Plight of Nepal

The cover story "Citizenship Row" (SPOTLIGHT December 1) has shown how the new citizenship act could ultimately harm the national interest of Nepal. It is very hard for Nepal to resist the population pressure it feels especially from its southern neighbor. This kind of lax citizenship law will lead to influx of people from India submerging the genuine people of the country. It is a very sensitive subject and every sane Nepalese must be concerned with this new development.

*Sangita Acharya
Ghattekula*

Look at the Brighter Side

Apropos your cover story "Citizenship Row" (SPOTLIGHT December 1), I want to make a few points. First of all, the bogey of national disintegration that is so frequently raised whenever there is any talk of providing citizenship to Terai residents can be totally misleading. Yes of course, Nepal has genuine problems and fears regarding influx of people from other side of the border. But what have you done to your own people who have been living for centuries without recognition of their nationality. Will the perpetuation of this status-quo not lead to resentment among the people that can be misused by nefarious elements for the disintegration of the nation. In fact, not providing citizenship to genuine people could lead to disintegration of the nation. Nepal cannot remain integrated by mere wish of us Nepalese. We also have to demonstrate our willingness to integrate all our brothers and sentiments and pay respect to their sentiments. On the other issue of providing citizenship based on mothers' name, I don't understand the hue and cry. If a woman is a genuine Nepali citizen who is domiciled here, there is no reason for denying her the right to provide citizenship to her children on the basis of her name/descent. Anything less would just be considered as totally against the internally accepted and civilized practice of equal rights to all men and women. Let us not worry about these imaginary threats and, instead, be embroiled in another strife. If Nepal is to move ahead as an independent nation in

the comity of nations, it will have to find out ways for sufficiently and satisfactorily addressing the genuine grievances of the people. Therefore, the new citizenship act could provide a cause for happiness among the neglected lot. So let us look at its brighter side.

*Kailash Dhital
New Road*

Citizenship Matters

Our leaders must be very careful in implementing the new citizenship act lest the country turn into Fiji (Citizenship Row, SPOTLIGHT December 1). The concerns expressed by so many people about the weaknesses of the new act must not be ignored. The government as well as the Maoists must speak up clearly what they want to do and how they will prevent foreigners from obtaining Nepalese citizenship.

*Laxman KC
Manbhawan*

Unwanted Controversy

Many people tend to think that Nepal will face huge influx of Indians if citizenship provisions are made lighter (Citizenship Row, SPOTLIGHT December 1). But that argument sounds hollow given the current situation in our region. Look at how India is marching ahead on the path of prosperity. Along with China, India is now being looked upon as new economic powerhouse of the world. Its citizens are earning more and living better lives. So what is the incentive for

them to obtain citizenship of a poor and marginalized neighbor like Nepal? I don't think there would be influx of Indians as is feared by many.

*Bidur Thapa
Sanepa*

Mysterious Speed

The speed with which the parliament endorsed the new Citizenship Act is, indeed, mysterious (Citizenship Row, SPOTLIGHT December 1). The House of Representatives discussed and passed the bill on the single day. After the State Affairs Committee recommended the endorsement of the bill to the parliament, the MPs swiftly approved it. What more, the Speaker authenticated the bill the same day – turning it into an Act. Can anybody explain?

*Shiva Gurung
Baluwatar*

Sham Democracy

Your second editorial of december 1, 2006 though it is praise worthy but seems like a mockery of history and facts. How mobocracy can be called a revolution (Jana andolan)? Recent developments in Nepal are calculated moves by India. I want to draw your attention to reports in Indian media when Sikkim was annexed. Indira Gandhi, the then prime minister of India, had clearly mentioned Indian policy towards Nepal at that time. When she had told reporters, "we will take Nepal not by bullets but by ballots." How big a disgrace that there is not a single politicians who possesses the courage to defend the country's interest in face of Indian challenge. The one and only exception has been proved by one man — Narayan Man Bijukchhe that there is one nationalist at least. King Gyanendra too proved himself to be a dull nationalist. Bampanthis of this country have proved themselves to be not bampanthis but bahunpanthis. They have irrefutably proved that they too are only power mongers? Why any so called revolutionary party is not ready to face the people and go to the polls? They want power without taking mandate of the people but want to remain in power in the name of so-called revolution? Is this democracy or the OUTCOME of so-called revolution?

B.M.Dixit

Students Demonstrate Against Education Bill

Students demonstrated across the country on Saturday (December 2) protesting the new Education Bill. In the capital, they burnt tyres and blockaded traffic at many places demanding revocation of the bill. The House of Representatives, on Friday, had passed the bill which automatically turns temporary teachers into permanent. "The bill has ended entry of people into teaching profession through competition," claimed Ramesh Thapa, coordinator of TU agitation committee. Due to sit-in campaigns and agitation by temporary teachers, the government had, a month ago, decided to make them permanent. *Leading dailies report.*

UML Favors Republican Front

The UML general secretary Madhav Kumar Nepal has said that there is a need to float a republican front in order to ensure democratic republic in the country and to defeat attempts by certain elements to derail the elections of Constituent Assembly (CA). Addressing the sixth national convention of Democratic National Youth Federation (DNYF) – youth wing of the party – at Biratnagar on Saturday (Dec 2), Nepal said that since there has been agreement to decide the fate of monarchy through the first meeting of CA, there were efforts by certain elements to derail its elections. *Leading dailies report.*

Women Leaders Demand 33 Percent

Women leaders have warned that they would be compelled to launch agitation if the House of Representative's May 18 Declaration about allocating 33 percent reservation to women is not implemented when forming the interim parliament. Enraged at failure of parties to implement the reservation till now, women leaders of various parties have vowed that they would continue to press their party leaders for the purpose. Urmila Aryal, Minister for Women, Children and Social Welfare, said the political parties must keep the promise of providing 33 percent seats to women in the interim parliament. Likewise, UML leader Bidya Bhandari called on the leaders to allocate 33 percent seats to women in all

organizations including district committees of the party. Uma Adhikari of Nepali Congress (Democratic) said that they were prepared to go to streets to implement the decision of allocating 33 percent seats to women. Likewise, Maoist leader Pampha Bhusal claimed her party would allocated 40 percent of its seats in the interim parliament to women. *Compiled from reports.*

Baidya And Gajurel Released

Mohan Baidya aka Kiran and Chandra Prakash Gajurel aka Gaurav, two senior Maoist leaders, who were languishing in jails in the West Bengal state of India, have been set free on Thursday (November 30) after the authorities dropped all charges against them. A week after the signing of the Comprehensive Peace Agreement (CPA) along with which the Maoists have formally ended their decade-long People's War in Nepal, the two leaders were released. Both the leaders rank quite high in the Maoist hierarchy. Baidya is considered to be political Guru of Prachanda while Gajurel ranks high in the party's foreign policy section. They were facing charges under the Indian Penal Code for conspiring against India. Gaurav had recently been transferred to the jail in Jalpaiguri after he completed his three years of jail sentence in Chennai and was released on September 18. However, he was immediately re-arrested by West Bengal police who slapped fresh charges of treason against him and moved him to a jail in their state. Gajurel was arrested on August 20, 2003 from Chennai airport as he was about to board an airplane to London. He also faced charges of using fake passport. Another senior Maoist leader Mohan Baidya has been languishing in an Indian jail in Siliguri for the past few years. *Compiled from reports.*

Menon Busy In Consultations

Indian Foreign Secretary Shiv Shankar Menon met with Prime Minister Girija Prasad Koirala and deputy prime ministers duo KP Oli and Amik Sherchan on Thursday (Nov 30). "We discussed prospects of bilateral relationship," Menon said after his meetings with Koirala and Oli. During his meeting with Koirala, Menon expressed India's willingness to support decisions taken by Nepali people in every aspect, according to Dr. Suresh Chalise, foreign

affairs advisor to Koirala. He also held discussions on the ongoing peace process and the interim government and interim legislature to be formed. Menon is also reported to have informed that Indian External Affairs Minister Pranab Mukherjee would visit Nepal on December 17 to invite PM Koirala to the 14th SAARC Summit scheduled to be held in New Delhi in April. *Leading dailies report.*

Students Clash, 40 Injured

Student activists of Nepal Students Union (NSU) affiliated with Nepali Congress and the All Nepal National Free Students Union (ANNFSU-Revolutionary) affiliated with the Maoists clashed on Thursday (Nov 30) at Public Youth Campus. Around 40 students were injured in the incident and motorcycles parked at the campus premises were set ablaze. According to Pradeep Poudel, vice president of NSU, the clash erupted after the Maoist students organized a welcome program without informing the Free Students Union (FSU). Both student unions have hurled accusations against each other for inciting the situation leading to the clash. Poudel has urged to all student organizations to control hooliganism in all educational institutions. He said the Maoists are repeating their activities, "which could create problems in the political development in the country." Student leader of NSU Gagan Thapa, who was also injured, said, "We were trying to settle the problem through talks but they started attacking people in the college." The NC has issued a statement voicing serious concern over the incident. It has said the armed group of Maoist students attacked the students of NSU. *Leading dailies report.*

Assassination Bid On SC Judge

A miscreant, on Thursday (Nov 30), attacked the seniormost judge of the Supreme Court (SC), Justice Kedar Prasad Giri, with a knife after barging into his house at Ghattekulo in the evening. "He attacked my father with a knife after forcefully entering our house at 6.30 pm," said Justice Giri's son Sudip Giri, who is a DSP at Police Headquarters. The assailant has been identified as Prabhat Kumar Gupta of Birgunj. Gupta gained entry into Justice Giri's house saying he wanted to deliver him a letter. However, when justice Giri appeared, he attacked him. Justice Giri sustained injuries on hand and face while

fending off the attack. Gupta was overpowered by the family of the judge and handed over to the police. Justice Giri was taken to Bir Hospital and discharged after first aid. DSP of Kathmandu District Police Office Hanumandhoka said that Gupta had confessed before the police that he wanted to kill the judge. Gupta, who has been sent to Hanumandhoka Police Office, told the cops that he had downloaded the photographs of SC and Special Court judges from a website. The police have recovered the paper with judges' photos from him. In his statement to the police, Gupta said he had lost a case in the SC regarding a dispute with a tenant and wanted to pressure the judges to resign. However, the judges, whose photos he was carrying, were not involved in the judgment in that particular case. SC spokesperson Dr. Ram Krishna Timalsena said there was an urgent need to provide personal security to the judges. *The Himalayan Times daily reports.*

Turn Outstanding Dues Of Rs 10 Billion To Loan: Nepal

Nepal has requested the Indian government to turn Rs 10 billion of outstanding dues that Nepal Oil Corporation (NOC) needs to pay back to Indian Oil Corporation (IOC) into loan. This request was made by Hridayesh Tripathy, Minister for Industry, Commerce and Supplies to the visiting Indian Foreign Secretary Shiv Shankar Menon on Thursday. During the meeting with Tripathy, Menon is learnt to have assured that he will put forth Nepal's request regarding IOC's dues and facilitation of Nepalese trade at Indian cabinet. An official at the Ministry said that Nepal had requested to turn the dues into 'soft loan' once its financial position was not sound. *Nepal Samacharpatra daily reports.*

Bista Returns To Thapa's Fold

After over one decade, the former Pancha (Panchayat) politician Keshar Bista has returned to the fold of former prime minister Surya Bahadur Thapa's party. Although he had joined Thapa's Rastriya Prajatantra Party in the aftermath of 1990 change, he quickly shifted his allegiance to Nepali Congress. Subsequently, he left the NC and later on popped up as a minister in the royal cabinet. And now nearly eight months after the April change, Bista has returned to Thapa's fold. The Prajatantrik Nepal party headed by Bista has formally

merged into the Rastriya Janashakti Party (RJP) led by Thapa. Bista who was agriculture minister during the royal government, said that the merger was necessitated by the change that emanated from the people's movement and with the need to strengthen the multiparty politics and sovereign state. Meanwhile, Thapa has said that unity among like-minded political forces was necessary. "It is the need of the hour that there should be unified and organized force," he said. Thapa said his party can cooperate with any one who concludes that February 1 royal step was wrong, who embraces the House of Representatives Declaration and who sheds extremist thoughts. *Leading dailies report.*

Prachanda Promises 80 Pc Seats To Indigenous Community

Maoist chairman Prachanda has said that 80 percent of Maoist representatives in the upcoming interim government would be from ethnic and indigenous communities. Speaking at an interaction organized by the Broad Democratic Republican Front in the capital, Prachanda said that nearly 80 percent of Maoist MPs in the interim legislature would be from indigenous and ethnic communities. The Maoists will have 73 seats in the 330-member interim parliament to be formed after the introduction of the interim constitution, perhaps within a week. A taskforce led by senior Maoist leader Ram Bahadur Thapa 'Badal', which was formed to recommend names for the interim parliament and interim government, is said to have already finalized the list of the party's representatives. At one point of his speech, Prachanda said he would like to be known by his nom de guerre 'Prachanda', as his real name Puspa Kamal Dahal is evocative of bahunbad (Brahminism). Claiming that the aim of the decade-long war waged by his party was to turn the oppressed class into a ruling class and sideline the handful of ruling class people, Prachanda said the New Nepal would essentially be a republic. "Republicanism is the identity of the Maoists. Autonomous regions will be the characteristics of New Nepal," he said. *Nepalnews.com reports.*

CBS To Take Stock Of Employment

With a view to making the national planning process easy and effective, the

Central Bureau of Statistics (CBS), which works under the National Planning Commission (NPC), is going to conduct a national survey on labor force. For the labor survey, which is going to start from 2007, CBS will mobilize its workforce across the country. This is the second time that CBS is conducting a survey on labor force. According to CBS officials, the survey will cost Rs 50 million. According to labor survey conducted in 1999, the number of employed person were 9.4 million. That number is most likely to have increased by 2006. Meanwhile, the SAARC Regional Poverty Profile 2005 states that employment growth of Nepal in the 1990-2000 stood at 2.1 percent in the agriculture and 5.9 percent in non-agriculture sector. *The Himalayan Times daily reports.*

German Embassy Rejects NSC Allegations

Following allegations by Nepal Sports Committee (NSC), that German coach Gunter Lange was responsible for administering illicit drug to runner Rajendra KC, the German Embassy in Kathmandu has rejected it. "The Nepalese and the German governments had agreed on a common Athletics Long-Term project which started its activities in May 2003 and since then has been operating with great success. Since mid-2005 allegations were raised against this bilateral project and in particular against the German manager. Recently the German manager was blamed in addition to be the main culprit in a doping scandal. The National Sports Council Probe Committee published a report, alleging the involvement of the project and especially its German manager in the doping scandal without providing any proof. Therefore, the German Embassy in Kathmandu urges the National Sports Council Probe Committee to either produce hard evidence or to immediately withdraw the allegations which so far seem to have been fabricated in order to find a scapegoat for the doping scandal." The press statement by the Embassy adds, "The Embassy rejects allegations raised in the Committee's report insinuating that the German government conducts a sport doping research program through the above-mentioned bilateral sports project." *Compiled from reports.* ■



The visiting Indian Foreign Secretary Shiv Shankar Menon meets with PM Koirala

Kantipur

THE 15TH ASIAN GAMES STARTED IN QATARI CAPITAL Doha on Friday (Dec 1) amid a huge fanfare. A mixture of technological innovation and traditional culture, the ceremony was inaugurated by Qatari Emir at the Khalifa stadium. In what is seen as the largest game show after summer Olympics, the Asian Games is held every four years. This year, 50 Nepalese sportspersons are taking part in 14 events. Gold medalist in weight-lifting at the Tenth South Asian Games Kamal Bahadur Adhikari hoisted Nepali flag at the march-past ceremony. Nepalese sports authorities have expected medals in events like judo, taekwondo, wushu and karate. Over 10,000 athletes from 45 countries of Asia will be competing in 39 sports events in the Doha Asiad.

THE GREEN NEPAL PARTY HAS SERIOUS OBJECTIO ns to the newly enacted Citizenship Act 2006. It has facilitated granting of citizenship to all foreigners. The reconvened parliament has deleted clauses 8,9 and 10 of the 1990 Constitution, which had provided ample safeguard. In the long-run, foreigners acquiring new citizenship will sideline genuine citizens in grabbing all lucrative opportunities. The GNP demands that this act be presented to the new interim parliament (which will be formed soon) under the new interim constitution so that CPN (maoists) too may also participate in its enactment. Green Nepal Party has welcomed the weapons and army management agreement between the Nepal government and the Maoists under the supervision of the UN. The party hopes that the agreement will help to bring lasting peace and the process of purifying and strengthening multiparty democracy in Nepal.

THE NEPAL ELECTRICITY AUTHORITY (NEA) IS preparing to start load shedding in the current winter season from Monday. The NEA will impose two and a half hours of load shedding every week for the time being. The NEA authorities claim that due to the onset of winter dry spell, it will lose around 80 MW of production capacity. According to NEA, in the Kathmandu valley, every household will face two and a half hours of load shedding once a week between 5 pm till 7:30 pm. The load shedding time in rest of the country has been fixed

as 5:30 pm till 8 pm. The NEA will change the time schedule and load shedding duration in the coming weeks based on the volume of demand and supply.

WITH THE AIM OF REPLACING THE CURRENT national anthem – which is considered as a eulogy to the royal family - the National Anthem Selection Taskforce has proposed a new national anthem and submitted its recommendation to the Minister for Culture, Tourism and Civil Aviation. The taskforce led by eminent culture expert Satya Mohan Joshi has chosen a poem titled "Saya thunga phulko eutai mala hami Nepali(one hundred flowers woven into one garland of Nepali)" written by Pradeep Kumar Rai (who uses the pen name of Byakul Maila) from among 1272 poems and songs sent by people from across the country. The taskforce was formed to propose new national anthem after the May 18 declaration of the House of Representatives called for a new national anthem. "The new anthem has been chosen on the basis of set criteria such as expressing natural beauty, geographic diversity, cultural and national identity and feeling of the people," according to Joshi. The lucky writer Rai hails from Okhaldhunga. He said he felt "proud and happy." The selected national anthem will now be presented at the cabinet for final endorsement. And after it is endorsed, the poem will be decorated with appropriate music composition.

A NEPAL CHAPTER OF THE INTERNATIONAL ASSOCIA tion of Women in Radio and Television (IAWRT) has been formed. The Chapter headed by Bandana Rana was formed following the two-day National Conference last week on "Role of Women in Media." Rana is also an elected member of the seven-member international board of the IAWRT. "The objective of the national chapter is to provide a sharing of forum for women involved in radio and television and develop a strong link," said Rana, a well-known women rights activist.

EXPRESSING CONCERN OVER CONTINUED DONATION drive and intimidation by the Maoists even after the signing of Comprehensive Peace Accord, US Under Secretary of State for Political Affairs R Nicholas Burns has called on Maoists to immediately stop such activities. Delivering his speech on the US policy for South Asia at the Asia Society in New York Monday night, Burns said, "The United States does not oppose the Maoists participating in Nepalese politics as a legitimate, peaceful political party, but it is crucial for the long-term well-being of Nepal that the Maoists give up their arms and end their extortion. That has not yet happened. We intend to hold the Maoists to that standard." Stating that the US will be watching the Maoist's activities, he further said that violence and intimidation by the Maoists must end. Stating that the US welcomed the Comprehensive Peace Accord between the government and the Maoists, Burns said, "We hope this step will place Nepal on the path of lasting peace and democracy. We truly want the peace process to work and we pledge our full support. We support an agreement that safeguards the aspirations of the Nepali people. This means violence, intimidation, and criminal acts by the Maoists must end." Burns also urged the political parties to remain united. "It is incumbent on the political parties to show a united front." ■

“When a revolutionary party has become a revisionist one, they will also change their economic policies.”

Finance Minister Dr. Ram Sharan Mahat, addressing a program organized by Nepal Overseas Traders Association, claiming that economic reform programs won't be stopped come what may.

* * *

“The Maoists want to build an inclusive economy where all the stakeholders' interest will be considered.”

Prof. Dr. Maheshwor Man Shrestha, an economic advisor to the Maoists, accusing the “feudal economic policies” for ruining the country's economic situation, at a program.

* * *

“Republicanism is the identity of the Maoists. Autonomous regions will be the characteristics of new Nepal.”

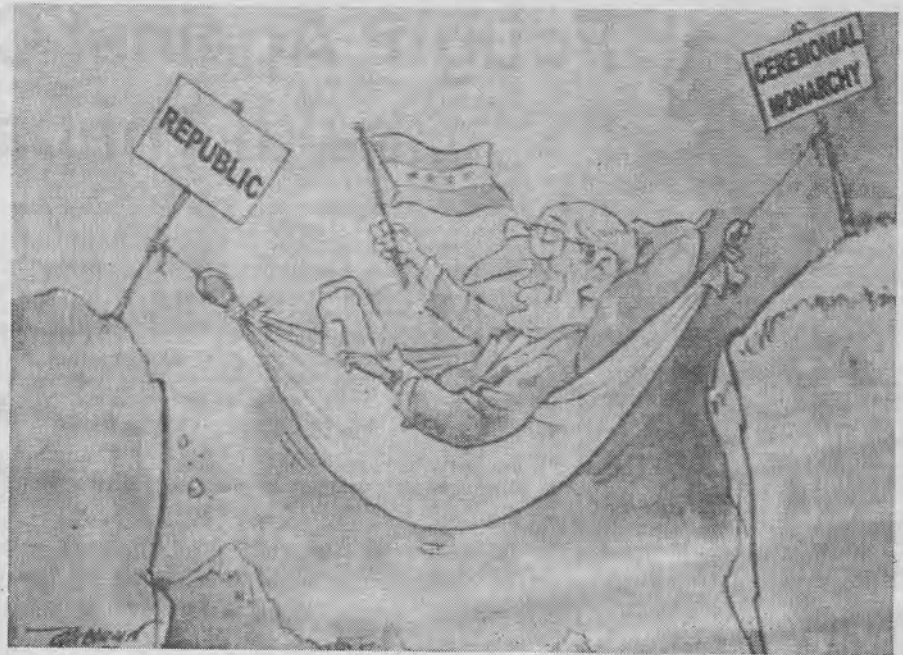
Prachanda, chairman of the Maoists, speaking at a public function.

* * *

“We have an open mind on it (treaty review).”

Shiv Shankar Menon, Indian Foreign Secretary, when asked if India was willing to review the 1950 Treaty, in The Himalayan Times.

* * *



TKP

“The United States does not oppose the Maoists participating in Nepalese politics as a legitimate, peaceful political party, but it is crucial for the long-term well-being of Nepal that the Maoists give up their arms and end their extortion. That has not yet happened. We intend to hold the Maoists to that standard.”

Nicholas Burns, US Under Secretary of State for Political Affairs, delivering a speech on the US policy for South Asia at the Asia Society in New York.

* * *

“It is the need of the hour that there should be unified and organized force.”

Surya Bahadur Thapa, former prime minister and president of Rastriya Janashakti Party (RJP), saying that unity among like-minded political forces was necessary.

* * *

“We were not afraid when we were labeled as terrorist when we engaged in People's War. And now we will not be afraid if we are labeled rightist when we have laid down our arms.”

Chandra Prakash Gajurel aka Gaurav, a senior Maoist leader, who was recently freed from a prison in India, addressing a public function in Kathmandu.

* * *

TRANSITION

SELECTED: A new national anthem, by the National Anthem Selection Taskforce. The selected national anthem is written by **Pradeep Kumar Rai** who uses the pen name of Byakul Maila from among 1272 poems and songs sent by people from across the country. The selected national anthem will now have to be endorsed by the cabinet.

RELEASED: **Mohan Baidya** aka Kiran and **Chandra Prakash Gajurel** aka Gaurav, two senior Maoist leaders, from jail in Jalpaiguri in the West Bengal state of India.

RETURNED: **Shiv Shankar Menon**, Indian Foreign Secretary, after completing his three-day visit to Nepal.

ATTACKED: **Kedar Prasad Giri**, a senior judge at the Supreme Court, by a miscreant.

MERGED: Prajatantrik Party Nepal led by **Keshar Bahadur Bista** into the Rastriya Janashakti Party led by **Surya Bahadur Thapa**.

CHALLENGED: The new Citizenship Act 2006, by an advocate **Amita Shrestha** who has filed the writ petition stating that the act is against the 1990 Constitution. The advocate has argued in her writ that the Act does not have the power to rescind Article 8, 9 and 10 of the 1990 Constitution. ■

Nepal Fought Against Colonialism: Bhakti Thapa

By MRS. LAXMI THAPA

Eighteenth century was a period of great political turmoil in the Indian subcontinent. The Mogul empire had virtually come to an end at the very beginning of this century. Disappearance of even some semblance of authority of the rulers at Delhi succeeding the mighty Mogul Emperors had devastating consequences for the Punjab and its surrounding areas. The colonial powers like England and France were doing their utmost to increase their presence by exploiting the weaknesses of the rulers of small states recently broken off from the Mogul empire. The British had been busy fighting the Marathas. General Lake had succeeded in capturing Delhi and Agra in 1803.

British Rulers Were Condemned

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

Plight of the People in North-West

To the west of the Sub-continent was the Iran under the rule of Nadir Shah described in the history as the most hated man of his age who massacred people in uncounted thousands and plundered the country. After his death an Afghan chief by the name of Ahmad Shah Abdali shook off control of Iran and burst into the plains of Punjab six times slaying, burning and plundering. The Afghan menace to Punjab continued until 1798. At that time Sikhs were not yet organized to protect that region from the Afghanistan invasions. The fate of the Lahore by that time was still undecided. The transfer of Lahore to the 19 years old Ranjit Singh took place only in 1799. According to some historians the Punjab had slipped to becoming prey to bandits and robber chiefs. At that time the peoples living in the Himalayan region must be finding themselves very insecure.

The Great Nepal

Enlightened peoples living in different parts of the Himalayan region must have sensed the urgency to be united. Because, without being awakened to the realization that the unification of the whole region is a matter of the utmost importance to the peoples across the Himalayan region, it would not have been possible in a very short

period to bring together under a common umbrella peoples living in a vast region demarcated on the west by the Sutlej and Bias rivers and on the east by the Teesta. The final outcome of such unification was the creation of the Great Nepal. Our country was able to rise from a scratch to be a formidable Himalayan power within a very short time. Nepal had gathered enough strength to move forward to protect the peoples dwelling in this vast region.

The pace of social integration was not too far behind. Such integration was taking place despite the political barriers. A Garwali historian describes one of such incidences when a local raja murdered the Khanduri brothers for supposed treason in marrying Gorkhali girls. A letter written by the king to the Bhakti Thapa several years before the outbreak of the Nepal-British War helps to explain how the army units under him were being filled up by the Garwalis. Many of those brave Garwali soldiers might have accompanied Bhakti Thapa when he, at the age of 74, led the historic counterattack on April 16, 1815 against far superior British force entrenched at Deothal.

Unification Campaign Stood the Severest Test

The process of unification of the Himalayan region had spread like wild fire across the Himalayan region. In 1792 a war broke between China and Nepal. It was the most unfortunate event for the newly emerged Great Nepal. Most of the troops stationed in the western part of the country had to be pulled back to defend the capital Kathmandu. The Chinese offensive was directed straight towards the capital. China has remained a major superpower all along and thus the Chinese attack might have at that time badly shaken the people living across the entire Himalayan region. There could not be other better opportunity for those opposed to the unification campaign to break away and again form independent states. But even during this period of great threat to the Himalayan unity except for few minor incidences nothing untoward happened that could seriously undermine the integrity of the Great Nepal. Thus the Himalayan unity stood the severest test.

British-Nepal War

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

The British actively began preparation for the war from the time when F.R. Hastings- Earl of Moira landed in India as Governor General and Commander-in- Chief in 1813. The actual declaration of war against Nepal is recorded as 1 November, 1814, though the war began from middle of October. The decision to declare war had been made six months earlier so the territorial dispute appears to be only a pretext. British force had marched into Nepal across a frontier of more than 1500 km to attack at several points at the same time. The eastern British flank was moving north from the Teesta area whereas the farthestmost western flank from the Sutlej river area. It was virtually a modern type warfare extended over a period of three calendar years and necessitating to protect the entire region bordering the enemy held territory. The British invasion force, in comparison with Nepalese, had absolute superiority in cavalry, pioneers, and at least the superiority of 10 times in infantry and 100 times in artillery. They also had the advantage of maneuverability in movement of their fighting force.

War Prolonged

British had expected a blitz-krieg victory. It is said that the Governor General Hastings had planned to win the war in one mighty sweep in one to two months in end 1814 but certainly before the Christmas. He was badly mistaken in his assessment. We Nepalese fought very bravely. In early months of the war the initial British invasion was completely beaten off. British offensive ended in

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

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

Battle of Deothal

The 16th April, 1815 should have gone down in the history of the whole South Asian Sub-continent as a day of great sacrifice in the struggle against the European domination, unfortunately even among we Nepalese only very few know about the significance of that day. It is also a day when the bravery of Nepalese people became a legend in the world. The courage and gallantry shown on that day by Nepalese might have badly shaken the determination of the enemy to subdue Nepal and turn it into an European colony. It was this very day when the 74 years old Bhakti Thapa led a counterattack against an enemy far superior in strength at Deothal to protect the honor of Nepal and its proud people.

For correctly evaluating the true historical significance of the day 16th April, 1815, it is important to know the sequence of events before and after the Deothal Battle. On that day Nepalese side had launched the counterattack. Bhakti

British had expected a blitz-krieg victory. It is said that the Governor General Hastings had planned to win the war in one mighty sweep in one to two months in end 1814 but certainly before the Christmas. He was badly mistaken in his assessment. We Nepalese fought very bravely. In early months of the war the initial British invasion was completely beaten off. British force stationed within the shelter of the fortress were not only able to defend their position against an invading enemy many times superior in strength but they even shocked them by their dreadful counteroffensive that used to be accompanied by big losses on British side.

Thapa at the age of 74 years had personally led that counterattack. It was a bloody battle. Bhakti Thapa laid down his life in the battlefield. Casualties on both sides were very high. It is said that a column of about 400 Nepalese soldiers had taken part in the attack and almost all of them were either killed or wounded

Needless to say that British were thoroughly shaken by the bravery of Nepalese in the Deothal Battle. Bhakti Thapa became a legend in the eyes of British. Historian CB Khanduri writes quoting various contemporary British historians "The euphemism of the BRAVEST OF THE BRAVES

had been used by Napoleon for Marshal Ney, whose bravery during the retreat from Moscow in 1812 was one of the highest. BRAVE LES BRAVE, said Napoleon of him. British then used this citation for the Gurkhas during and after the Anglo-Nepal War. Such was the bravery shown by Bhakti Thapa that the next legend of the Bravest of the Braves had been created on the day - 16 April, 1815 at Deothal."

The Great Nepal

"Until there was life in the body of Bhakti Thapa Nepal's territory was in a state of great expansion. Soon after his death the Great Nepal crumbled." This is an excerpt from the *sainikithas* which is based on the book "Vikramjit Hasrat, History of Nepal (Punjab: V. V. Research Institute, 1970)". Bhakti Thapa had laid down his life at the age of 74 in the battlefield at Deothal.

(The author writes on history)

PEACE PROCESS

Taking Time

Due to UN processes the monitoring of arms management has not started yet, pushing back other agendas like interim constitution

By SANJAYA DHAKAL

After the signing of the arms accord, the negotiators of both the government and the Maoists are currently having leisure time.

Although they did demonstrate urgency by meeting for a couple of times to discuss the interim constitution, that process seems to have lost steam as it is becoming increasingly clear that the monitoring of the arms and army management by the United Nations could take some time.

On December 1, the United Nations Security Council welcomed and supported the proposal of UN Secretary General Kofi Annan to send a technical assistance mission to Nepal to monitor arms and elections to the Constituent Assembly.

"The Security Council welcomes and expresses support for the SG's intention to send a technical assistance mission to Nepal with a view to proposing, following close consultations with the parties, a fully developed concept of UN operations, including UN political mission to deliver the assistance requested, and to dispatch

and advance deployment of up to 35 monitors and 25 electoral personnel," the office of Ian Martin, Kofi Annan's personal representative in Nepal said in a statement.

Following the initial approval by the security council, the Nepal plan is now being discussed by budgetary committee of the UN – in order to decide on the nitty gritty of the logistics, manpower and resources required for the purpose.

It appears that it would be weeks before the UN monitors will be on ground doing the actual monitoring. Ian Martin is currently in New York. Although he was scheduled to return to Kathmandu early this week, he decided to stay back to push through the procedures and planning and expedite the process, according to a UN official in Kathmandu.

Martin had gone to New York to brief his senior officials about the latest arms management accord and the request for UN involvement in the monitoring of arms management in Nepal.

The UN official said that of the initial pack of 60 monitors – including 35 arms management monitors and 25 electoral monitors – some might start arriving within

this week. "Since they are from various countries, they will not be arriving en bloc," the official said.

Further more, along with them an initial assessment team could also arrive to find out "exact need" by talking to both parties and to "clarify some issues."

The official said the initial pack of monitors could right away start monitoring. "However, it is not the responsibility of the UN to construct the cantonments or arrange the facilities there," he said.

As the arms management process is taking time, it has hurt other processes like promulgation of interim constitution. Even though November 8 agreement and CPA has already clarified many controversial issues like status of monarchy, election of CA, interim parliament and so on – thereby making it a lot easier for the two side to finalize the interim constitution – the delay in the actual start of arms management is said to be delaying the whole process since the government is of the view that the Maoists should join the parliament and the government only after their arms and army have been locked up in stores and sent to cantonments under watchful monitoring of the UN. However, as the Maoists are still in the first phase of building temporary cantonment sites and the UN is taking its time to send monitors, it remains to be seen when this process could actually start.

Given the fragile level of trust, Maoist leaders are already expressing their fury. "There are attempts to derail the elections for Constituent Assembly. We are aware of those attempts. We will be forced to make new decision if the interim constitution and interim government is not formed within mid-December," thundered Dinanath Sharma, a member of the Maoist talks team.

In fact, due to delay in the finalization of the arms accord, the timelines fixed by November 8 agreement about the formation of the interim parliament and cabinet and the promulgation of interim constitution have already been missed. According to the November 8 agreement, the interim constitution should have been finalized on November 26 leading to the formation of interim cabinet by December 1. ■



Maoist combatants: Changing role

Annapurna Post

ECONOMY

Will It Stay The Course?

It is unclear whether the economic policies will be altered once the Maoists join the interim government

By SANJAYA DHAKAL

The signals coming from the Maoist leaders are conflicting as far as how they will conduct their economic policies once they join the interim government is concerned.

At various public forums, Maoist leaders like Dev Gurung and Dr. Baburam Bhattarai have voiced carefully worded-down approaches of their party. Whether on the issue of privatization or economic liberalization or foreign investment, the Maoist leaders have not outright discarded the current policies. They have made right noises about the need to further improve these areas.

"We are not against domestic capitalists," Dev Gurung often says during public interactions. Dr. Bhattarai, in his interaction with private sector business community, does not fail to assure them about the Maoist intention of "helping the private sector in the interest of nation."

On the other hand, there are equally confusing signals emanating from the Maoist camp. Their campaign to collectivize agriculture is well-known. A recently elected chairman of Maoists' peasant wing Shiva Raj Gautam has publicly said that 'a radical and revolutionary land reforms' will be imposed once the Maoists come to power. He has said that the current Maoist policy for allowing up to 13 ropanis of land in Kathmandu valley and 10 bigaha elsewhere is only for this transition period.

In its recommendation sent to the Interim Constitution Drafting Committee a few months ago, the Maoists have stated that they want to fix a ceiling on private property.

With deep attachment to Marxist economy that calls for dismantling the

existing relations of productions – which they term as being feudal and responsible for perpetuating poverty among the masses, the Maoist leaders have a lot of convincing to do as they are poised to enter the government.

Talking to The Himalayan Times (December 4, 2006), Dr. Bhattarai said agriculture and radical land reforms top the Maoist agenda. Indicating towards bureaucrats, politicians and industrialists, he said, "Make no mistake, we will form a high-level commission of investigation and take everyone of these corrupt people to task. We will confiscate all the property that can be accounted for."

Another economist close with the Maoists Dr. Maheshwor Man Shrestha, last week, told at a program organized by Independent

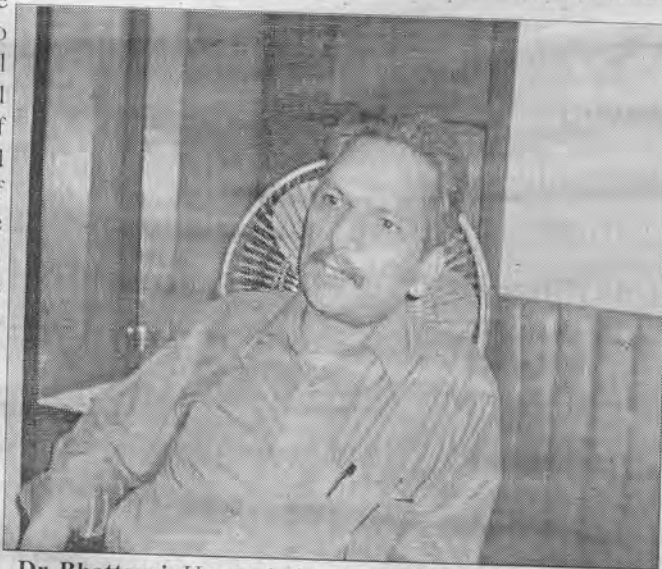
Business News that the Maoists want to establish an inclusive economy.

"The Maoists want to build an inclusive economy where all the stakeholders' interest will be considered," said Prof. Dr. Maheshwor Man Shrestha, an economic advisor to the Maoists. Accusing the "feudal economic policies" for ruining the country's economic situation, Dr. Shrestha claimed the Maoists want to hold discussion in an open manner and without prejudice with all the stakeholders including workers and industrial/business community. "The

Maoists aim to raise the standard of living of the people," he stated.

All these tough talks do not seem to have bothered the government as yet. Finance Minister Dr. Ram Sharan Mahat has said that the open and liberal economic policies of the country won't be changed even if the Maoists join the government.

Addressing a program organized by Nepal Overseas Export Import Association this week, Dr. Mahat said, "When a revolutionary party has become a revisionist one, they will also change their economic policies." He added, "It is not possible for a country who has already decided to walk on the course of reforms to turn back." Likewise, Industry and Commerce Minister Hridayesh Tripathy said the government including the Maoists would be further "open and competitive."



Dr. Bhattarai: Uncertainties remain

"The Maoists have understood what happened in the unitary economy and closed society like in China. The industrialists and business community should not suspect a bit," he said.

Only time will tell what the Maoists have in mind about the economic policies. Only time will tell if they will also undergo transformation in economic agenda as they have in political agenda by adopting multiparty competition. But if they, indeed, try to impose their ideologically-guided and outdated economic principles in this age of liberalization, it will be to the detriment of all.

TRPAP Tourism For Poverty Alleviation

After the completion of five years of implementation of Tourism for Rural Poverty Alleviation Program (TRPAP), the remote parts of Rasuwa district have shown how investing small amount of money to promote local culture, building infrastructures and making hygienic lifestyle can maximize the rural income through tourism. Although it has beautiful mountain peaks Langtang, Gosaikunda and others and has rich and unique ethnic Tamang culture, a large number of poor people in Rasuwa district, 100 kilometer north of capital, don't realize that these existing things can bring prosperity to them. As the TRPAP –whose first five years period was marked with political instability and intensification of insurgency- is on the stage of being phased out, it provides a model how tourism can be effective to reduce the poverty

By KESHAB POUDEL in Gatlang, Rasuwa

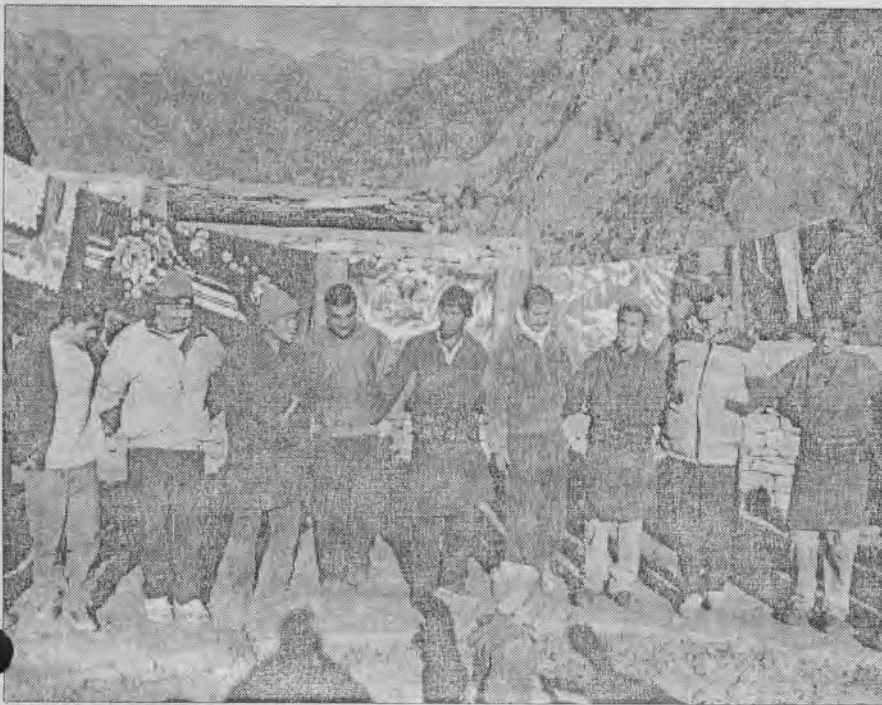
For Chersingh Tamang and his team of Gatlang village, they had never realized that attracting a small group of tourist can bring about Rs.3000.00 (45 dollar) a day. To earn this income, the villagers have to provide, lodging and fooding and show cultural performance.

Living under subsistence agriculture, this is a huge sum of money for local people generated without hard labor. For the poor residents of Gatlang village, tourism is slowly but steadily bringing about changes in their life styles and contributing to increase their annual income.

In the past, they used to sell some surplus products like bean, barely,

millet and sweet potato, there were no other ways for generating cash other than to go out side villages fro work. Tourism is now coming as savor to them.

This is the reason whenever a group of tourists come to live in their multiple communities building, almost all young and old villagers gather to ensure that the tourists' stay will be happy and peaceful.



Villagers: Mixture of culture and nature

According to Nepal's Human Development Report 2004, Rasuwa is regarded as one of the poorest regions with overwhelming majority of people living under absolute poverty line.

Due to nominal possibility to maximize the income through subsistence based agriculture and livestock, for centuries the villagers have been living in absolute poverty without any option to increase their incomes. Surrounded by beautiful mountain peaks of Lantang, Kerung of Tibet and Gosaikunda, nature has bestowed upon great resources to this village.

TRPAP's Contribution

For the people like Chersing of Gutlang village, the TRPAP has come as a savior. At a time when the country was embroiled in conflict, the TRPAP continued to receive overwhelming support from the local people and all political parties to develop the infrastructures and grass root institutions for tourism promotion. This is the reason villagers like those in Gutlang are able to generate additional income through the tourism.

Constructing Tamang Heritage Trail- which covers more than half a dozen villages of northern remote Rasuwa with the majority of population

living under absolute poverty line. TRPAP has made a significant contribution.

Supporting to develop a wide range of rural infrastructures like trekking trails, bridges, community lodges, water schemes and alternative energy systems, the TRPAP has already invested money to build physical infrastructures. The TRPAP also supported to develop appropriate institutional support in the respective districts and villages which can work in the future.

For many other villagers, TRPAP has been supporting to increase their income. Lawang Gyalpo Tamang has different story to tell as he has maximized his annual income through the loan received under a micro credit program. Tamang is now producing the trout fish worth of Rs. 200,000 (US\$ 3000) a year.

"I produce fish targeting the tourists coming to visit Dhunche. My trout fish has good market in Thamel, a tourist hub in Kathmandu," said Tamang. Others, too, are benefiting from similar approach. Many other groups are producing local handicrafts through the soft loan under the micro credit programs.

Unlike in the past, there are strong group of people who can mobilize

villagers in the area of tourism promotion at village level. Based on participatory approach, TRPAP's program is backed by community as a whole.

Based on pro-poor tourism program, TRPAP is currently running its program in six districts of Nepal - Taplejung, Solukhumbu, Rasuwa, Chitwan, Rupandehi and Dolpa. Launched in September 2001 with assistance from United Nations Development Program, United Kingdom's Department for International Development (DFID) and SNV-Nepal, TRPAP has shown that a successful community based sustainable tourism program can contribute to alleviate poverty in the remote rural parts of Nepal.

Implemented through the District Development Committee, the TRPAP implemented its entire program through the local community at the village level. "Since TRPAP have built all the infrastructures though the community participation, it is the local people who will protect them. The success of program is that local people are main beneficiary and stakeholders," said Chet Nath Kanel, training specialist of Tourism for Rural Poverty Alleviation Program. "This project has shown that tourism, if properly managed can contribute to alleviate poverty."

Income Generation Through Tourism

Not only in Gatlang, villagers in Chilime and Syaphrubeshi, Khanjim, Dhunche and Thamuchet have reasons to rejoice. Maximizing the income through promoting the tourism has become reality in the lives of rural poor.

Growing number of visiting tourists show that the village has much potential to attract tourists. In the course of bringing tourists in the villages, they have changed their life style cleaning their households making toilets and building the tap water supply.

For foreign tourists, the local Tamang folk culture and trekking along the Tamang trekking trail with beauty of Lantang, Gosaikunda and Kerung Himalayas of Tibet are life time experience. For the domestic trekkers, the natural hot water spring at Tatopani

and taking dip in Gosaikunda and Parbati Kunda are religiously significant.

"As law and order situation has improved, the infrastructures built under the TRPAP will be now fully utilized to achieve its goal to eradicate poverty," said chief district officer of Rasuwa. "The program gave us a lesson how to run successful projects. This is now our responsibility to replicate in other villages also."

In the last few months, the number of domestic tourists visiting Tatopani, a natural hot springs in Chilime has greatly contributed to enhance the income of the local residents.

"This year about 2000 domestic and more than 400 foreigners visited Tatopani," said Sonam Dorje Tamang of Chilime Village Sustainable Tourism Development Committee. "According to our experience, a domestic tourist spends Rs.500 (US\$8) for lodging and fooding per night. The numbers of visiting tourists have contributed to raise the

income of the people living in the trail of Tatopani," said Tamang.

Following the implementation of TRPAP, sustainable Tourism Committees were constituted to execute the programs and for social mobilization.

"Our studies have shown that a tourist stays on average for 10 days in the districts spending Rs.1200-1500 (US\$ 15-20) per day," said Ramchandra Shedhai, tourism consultant of TRPAP's Rauswa. "Similarly, domestic travelers also spend money contributing to increase the annual income of rural poor."

Despite such potential, the villagers, though they used to see a lot of tourists coming to Kyanjing and Bridim, had hardly realized in the past that the tourism could bring money to them as a supplementary to their subsistence based agriculture.

Situated just behind the Lantang and Goshaikunda Mountain range, the people living in the Gatlang, Chillime, Goljung,

Thambuchet and Bridang villages have rich tradition and culture. But nobody noticed in the past that these elements can contribute to reduce the poverty level in the village.

Living in unhygienic and dirty conditions, trekkers, though mostly traveled through nearby village, ignored them. Neglected from the mainstream tourism development, poor people or northern Rasuwa - whose daily income is less than a dollar - have now reason to rejoice. From domestic tourists who come to bath in natural hot water springs to foreigners coming to see the traditional unique life of



Chersingh Tamang: Upbeat mood

Tamang, all these growing tourism activities help to generate the additional income.

In the past, tourists coming to Lantang and Gosaikunda confined to Wangal, Khanjim, Bridim, Lingling and Timure. Other equally interesting places like Chilime, Thambuchet, Gatland and Goljung were out of the tourism picture.

"This year more than two hundred foreign tourists visited our village as trekkers and watched Tamang dance and culture," said Chersingh Tamang, chairman of Gatlang Village Sustainable Tourism Board. "Tourism generated the supplementary income to us."

Inhabited by ethnic Tamangs, many villages of northern parts of Rasuwa district have all kinds of potentials to attract tourists. From beautiful mountains to unique Tamang culture, one can find all kinds of rural tourist attractions in this area. Besides that, natural hot water springs and numerous ponds and lakes with religious importance are there to lure domestic travelers.

"TRPAP has already explored the number of new areas as a tourist destination. Stricken by rampant poverty, the villages like Gatlang, Shyaphrubeshi and Chillime are taking advantages," said Binond Singh, Local Development Officer of Rasuwa district. "By investing a small amount of money to build infrastructures, the tourism can



Tamang dance: Cultural attraction

economically transform the society of remote rural areas.”

After the implementation of TRPAP in 2001, along with Gatlang village, Dhunche, Syaphrubesi, Chillime, Goljung, Bridim and Thuman the villages have gone through the process of social transformation. Under the program supported by TRPAP, the villagers living in the remote north have many things to boast.

During the last four years, villagers have built institutions as well as infrastructures to attract tourism, most importantly, the hygiene conditions of Gatlang, Thambuchet, Chillime and Goljung has drastically changed.

“The water was polluted and the sanitation condition was so bad that the entire village was a public toilet resulting disease infection. Along with constructing the stone paved trail in the villages, TRPAP also supported to construct toilets and drinking water tap,” said Sonam Dorpe Tamang of Chilleme Village Development Committee Sustainable Tourism Board. “We convinced the people that clean and hygienic environment bring tourists and additional income.”

Although Langtang and Gosaikunda have been popular



Development of infrastructures: Towards tourism promotion

trekking areas for trekkers for long, only a few areas and limited number of population benefited from them. Gosaikunda – which is one of the popular religious sites for Hindus – attracts large number of domestic tourists twice a year but it has not made any significant impacts on the life of rural people.

Based on community mobilization, TRPAP has shown how pro-poor people oriented program help to reduce the poverty. “This kind of program need to continue for another few years till local stake holders are in a position to continue it,” said Tenzing Kesang Tamang Chairman of Langtang National Park Buffer Zone Committee. “TRPAP has done both the conservation and poverty reduction through the local mobilization.”

According to the report of Lantang National Park, 13166 foreign trekkers entered into the Langtang area in 2001 but the number declined to 4122 in the year 2005/06. Had the tourists arrival continued to climb at the pace of 2000/001, the situation would have been much better now in terms of transforming the local economy. Despite the intensification of insurgency and drastically declining the number of tourists, the villagers have something to boast anyway.

As people are uncertain whether TRPAP will continue or not but the program has taught a lesson to the policy makers and planners that tourism can help to reduce the poverty in the remote parts of the country. What is required is community’s involvement in the process of project implementation. ■



Tamang trail: Breath-taking experience

“TRPAP Was Designed As A Pro-Poor Tool To Reduce Poverty”

— RABI JUNG PANDEY

National program manager of Tourism for Rural Poverty Alleviation Program (TRPAP) RABI JUNG PANDEY is a well known person in tourism sector. President of Association of British Alumni in Nepal, Pandey led the TRPAP when the country had been passing through a most difficult phase amid intensification of insurgency as well as series of political instability. Pandey spoke to KESHAB POUDEL on various issues of TRPAP and its implementation. Excerpts:

As a national program manager, how do you see the first five years of project implementation?

Despite all difficulties in the last five years, we are able to achieve the goals set by the project. One can see what we have done in the project sites in the last five years. From building institutions to basic infrastructures, TRPAP changed the faces of many areas. Along with others, institutional mechanisms were built from the village to the central levels. Under the capacity enhancement programs, a wide range of stakeholders were given training. The number is over 13,000. Although the period between 2001-2006 was badly affected due to the insurgency in all TRPAP sites, we were able to build infrastructures, institutions through the participatory approach. This is a major success.

How do you see the achievement of first five years?

With the support from United Nations Development Program, SNV-Nepal and Department of International Development (DFID), this model project was launched in six districts. After completion of the first phase, Nepal has proved that tourism can be an effective tool to reduce poverty. Many districts have already expressed their willingness to replicate TRPAP's program model. In many other countries, TRPAP's model has already been replicated. One can see results of TRPAP in villages where we have launched the programs.

How project has supported in the area of poverty alleviation?

TRPAP aimed at contributing to achieve the single key strategic goal of poverty reduction of Nepal government through the sustainable tourism development, so program was designed as a pro-poor, pro-woman and environmentally sustainable. The project has built number of basic infrastructures like trekking trail, community halls and drinking water taps and human resources at the community level. Apart from that, we also provided training and supported protection and promotion of local culture. Micro-credit program was one of the successful programs.

How has TRPAP contributed in the poverty alleviation activities in the rural areas?

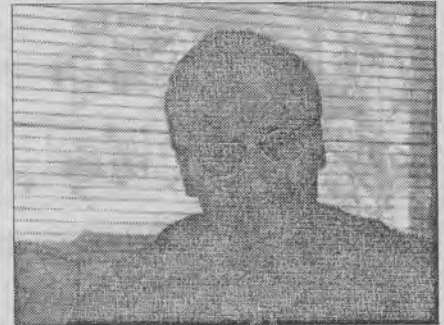
Just recently the final evaluation of the project has completed. According to the final evaluation report, TRPAP has already met 95 percent of the target. This evaluation team conducted the intensive visit of the project sites and met all stake holders. One of the major aims of the project was to address the poverty through the promotion of tourism. Our aim was also to support the sustainable livelihood by developing a model for sustainable tourism.

What kinds of permanent institutional networks have been set up for sustainable tourism?

We have set up local level tourism development committees at grass root, sustainable tourism unit at district level or district development committees. At the central level, there is a sustainable tourism unit at Nepal Tourism Board. This part is completed and all of them are now functioning properly. Even our micro-credit programs helped many people living below the poverty line to improve economic conditions.

What are other achievements?

We evaluated how the existing strategies, plans, rules and regulations look. TRPAP has supported the government to design these policies. TRPAP designed tourism policy, long term tourism strategy plan and formulated a strategy document for sustainable tourism marketing. We have handed over all these documents to the government.



What did TRPAP support in Sagarmatha National Park?

Under this project, another important area was to work within Sagarmatha National Park to formulate management and tourism plan. On our part, we have completed almost all goals set by the project. As a world heritage site, Sagarmath National Park, Buffer Zone Management and Tourism Plan, there are many other organizations which have also shown interest in it. It needs to be developed in integrated ways and conservation activities need to be taken together. Ministry of Tourism, Ministry of Forest and Soil Conservation, National Park and Wildlife Department and other NGOs and INGOS are working together. Our activities are focused on how to give benefits to the local people. Direct beneficiaries are local people and they are the stakeholders. In that sense, the project has achieved all the objectives. Now it is for the government to endorse them.

How hopeful are you about the utilization of tourism infrastructure?

Following the present political change, the number of tourist arrival has increased in all the sectors. This is a good sign. Tourism marketing is a long term process as it takes a long time. Our product cannot be sold in the market overnight but they will gradually receive the attention in market. Private sectors are also showing interest to sell the products along with Nepal Tourism Board. In all 48 village development committees of six districts, TRPAP has supported to build the infrastructures and develop necessary human resources. This is going to be asset for local people for a long time to come. ■

AIDS AND MDG

Missing The Target

Nepal is likely to miss its MDG target about reversing the trend of HIV infection by 2015

By SANJAYA DHAKAL

In all likelihood, Nepal could miss the important target of the UN Millennium Development Goals (MDGs) regarding reversing the trend of HIV/AIDS infection by 2015.

This year's 19th World AIDS Day was observed with regular and ritualistic fanfare. A lot of programs were held to promote the awareness about this disease.

However, there was a stark reality lurking behind all these happenings. Let's face it, Nepal is slowly but surely finding itself under AIDS trap. Out of the eight MDGs, the sixth goal of halting and reversing the spread of HIV/AIDS, Malaria and other major diseases is going to become a tall order for Nepal. The incident of HIV prevalence has, instead, been growing from 0.29 percent of total population in 2000 to 0.5 percent now.

The country already suffers from a concentrated HIV epidemic, "with prevalence estimated as high as 50 per cent among certain most-at-risk populations" according to the UNAIDS office in Kathmandu. Injecting drug users, sex workers, men who have sex with men and migrants have the highest risk of exposure in this context, although prevalence in the general population is currently estimated at 0.5 percent.

According to the office, the largest number of cases in the last 18 months was reported among the 30-39 and 15-24 years old. Recent estimates show that 46% of HIV cases are among seasonal labor migrants, 19% clients of sex workers and 20% are wives of partners of HIV positive men. Young people are particularly vulnerable to HIV and form

the largest proportion of most-at-risk populations.

"The vulnerability is further exacerbated by poverty, migration, gender inequality, ethnic or caste discrimination, political instability and civil conflict in Nepal."

In order to meet these challenges posed by the disease, various national responses have been made ranging from an initial focus on prevention concentrating on the coverage of key target groups, to treatment, care and support including STI treatment, voluntary counseling and testing (VCT). "By now, VCT services have been expanded to 65 points in the country from 9 points in 2004. The Antiretroviral Therapy (ART) that was introduced in 2005 has been scaled up to 7 sites by providing ART to about 500 people."

Despite these efforts the country is still not able to check the spread of the disease. "I cannot claim that the spread of the disease has been checked. Like other developing countries, we are also suffering from its spread," said Rajendra Panta, chief of the National HIV/AIDS and STD Control Center.

Furthermore, the social stigma that the disease carries has stopped a majority of people living with HIV from disclosing their status leading to a complicated situation.

In the year of 2006 alone, 4.3 million people were infected with the disease and 2.9 million died of it. "The latest global AIDS figures give us reason for concern and for some hope. Multi-drug and extremely drug resistant tuberculosis highlight new challenges in our collective response. The issue of women and girls

within the AIDS epidemic needs continued and increased attention. At the same time there is evidence of positive trends in young people's sexual behaviours—increased use of condoms, delay of sexual debut, and fewer sexual partners," says Dr Peter Piot, Executive Director of UNAIDS, in a statement issued on the World AIDS Day.

Likewise, UN Secretary general Kofi Annan has also called on all world leaders to decide and declare that "AIDS stops with me."

"The challenge now is to deliver on all the promises that have been made — including the Millennium Development Goal, agreed by all the world's Governments, of halting and beginning to reverse the spread of HIV by 2015. Leaders at every level must recognize that halting the spread of AIDS is also a prerequisite for reaching most of the other Goals, which together form the international community's agreed blueprint for building a better world in the 21st century. Leaders must hold themselves accountable — and be held accountable by all of us," Annan states in a statement.

"Annual investments in the response to AIDS in low-and middle-income countries now stand at more than eight billion dollars. Of course, much more is needed; by 2010 total needs for a comprehensive AIDS response will exceed 20 billion dollars a year," Annan states.

Estimates say there are at least 75,000 HIV/AIDS patients in Nepal. The country needs both political will and resources to overcome this challenge — especially at a time when indications are strong that India could become one of the epicenters of the disease in the coming years. Since Nepal has open border and there is huge people-to-people interactions with India, the country will face the double challenge of protecting its citizen from the disease — which has emerged as not only a challenge of health but also that of socio-economics. ■

“Ayurveda Stresses On Prevention of Diseases”

—MADHUSUDAN LOHANI

Kabiraj MADHUSUDAN LOHANI is a well-known practitioner of Ayurvedic medicine. Working at Naradevi Hospital, Kabiraj Lohani also served at Singha Durbar Vaidya Khana, an oldest manufacturing center of Nepalese traditional medicines. Kabiraj Lohani spoke to KESHAB POUDEL on various issues related to the use of Ayurvedic medicines. Excerpts:

How do you see the effectiveness of traditional medicines like Ayurvedic ones in present time?

These herbal-based medicines are very effective to prevent and cure many diseases including cancer, obesity, hepatitis and gastroenteritis and other many diseases. Experiences have shown that traditional herb-based medicines can cure every human disease. This is totally holistic in the approach with established principles in order to provide relationship between mankind and environment.

How do you see the possibility to develop Nepal as an exporter of traditional herbal medicines?

Since Nepal is a country of diverse geography from tundra to temperate climate, we can grow varieties of herbal plants in Nepal. Nature has given us many important plants that can be used to cure many diseases. Moreover, Nepal's cultural and ethnic diversity is also an asset as each group of people has a variety of knowledge on the use of herbal and traditional medicines.

It means you can treat all kinds of diseases?

Yes, Ayurvedic medicine is so rich, but one just needs to have patience. It stresses for prevention of any disease. Ayurvedic medicine needs to be taken very sensitively. We administer the medicine on the basis of environment, temperature and food habit. There must be combination of food and medicines. When you are administering the medicines for heart, you must not have fatty, oily and spicy food. Likewise when some one has problem in digestion, he or she must have to go for plain food. There must be combination between medicines and food to cure the disease.

Is it not complicated?

Even the modern medicines are following the natural ways now as ayurvedic medicines. It makes a lot of differences on hot and cold, oily and plain foods, spicy and normal. If you have cough or Asthma, you must avoid cold. Drinking icy water definitely harms such patient. For instance, a common and widely used medicine Triphala, a herbal formulation that provides overall support to the digestive system, is a combination of Phyllanthus Embica, Terminalia bellerica and terminaliz chebula. Triphala is effective in many ways but its effectiveness to cure the disease depends upon its combination. For instance, the effect of Triphala and honey and Triphala with hot water and Triphala with cold water brings three different results.

How important is the food habit to prevent infections?

Ayurveda has evolved along the relationship between human and natural environment. The food habit is

important during the period of medicinal intake. There is a need to strictly follow certain advice when one is under Ayurvedic medicine. The Ayurvedic medicine is administered under this guidance. Everything matters including cold and hot and winter and summer. The food determines the effect of medicines. For the people with gastroenteritis, spicy and oily food is harmful as it will affect the digestion. Similarly, the people with asthma, heart and gout have to take plain food. First and foremost thing is to control the constipation.

At a time when new disease like obesity, TB, heart and diabetes are rising, is there any medicine for them in Ayurveda?

Yes, there are many medicines. From common herbal medicines like honey to Triphala and Shilajit, all these medicines cure these disease. Along with them, there are still many other medicines in ayurveda to treat many of diseases. Even in the course of food making, many herbs are used like tarmac, jwanu and methi, jaifal and others.

Is there any herbal medicine for beauty?

There are a number of herbal medicines available in the country by which we can make perfumes and which can protect skin. The problem in Nepal is that the government has been investing virtually nothing to boost the herbal processing industry. It is unfortunate to say that we have adequate herbs to manufacture the ayurvedic medicines but our production meets less than 10 percent of total demands. We import more than ninety percent of ayurvedic medicines from India.

How is the state of ayurvedic medicine now?

Thanks to Ramdevji, an Indian yog Guru, the demands of ayurvedic medicines have gone up tremendously. I check up more than two dozens of patients in my clinic every day. People have come to realize that Ayurvedic medicines have also certain power to cure all kinds of diseases. In the past, people used to visit us when they lost all hopes from modern medicines but now it is gradually coming up as alternative medicine.

What is the doctrine of treatment of Ayurveda?

The doctrine of Ayurveda is based on three important things Bath (rheumatics), Pitta (gall bladder) and Kapha (Cough). If these three elements are maintained perfectly, human body can function normally. We will start our treatment looking at these elements. Unlike modern medicines, most of the ayurvedic medicines have little side effect as it can be used in accordance with the body nature.

Does Nepal have adequate herbs to produce all these medicines?

Yes, we have a lot of herbs but we don't have any processing units. For instances, we have a lot of salla, (pine trees) which is used to make the medicine to treat cancer, but Nepal sells it as raw material. Other tens of thousands of herbal plants are available in various ecological zones of Nepal. Again, they are exported on very nominal prices as raw materials to many countries of the world.

How these herbal plants are identified?

“It stresses for prevention of any disease. Ayurvedic medicine needs to be taken very sensitively. We administer the medicine on the basis of environment, temperature and food habit. There must be combination of food and medicines.”

In many places, the local people have basic knowledge about these medicines. They identify and locate these plants. For centuries, people used these herbal plants to cure and prevent the disease. People have knowledge which is passed from generation to generation. For instances, Tulsi (*Oscimum sanctum*) is very effective in curing the cold and other such problems. Every household used to plant Tulsi but now these practices are gradually vanishing. Similarly, the honey is very useful for health. Garlic, ginger and turmeric are some of the household herbs.

How the commercialization of herbal treatment is affecting the herbal plants in Nepal?

After the commercialization, there are high demands of these traditional herbal plants and the plants are widely exploited. Now even some herbal plants are on the verge of extinction because of their over use. Yarsagumba, which is used to stimulate human body and sexual organs, is virtually on the verge of extinction because of over exploitation. Even in Kathmandu valley, many herbal plants have already vanished along with urbanization. Yarshagumba has high demand in China and Japan. Dabur Nepal is exporting salla in big volume. There are many herbs which can be used as a raw material to manufacture perfume.

How old is our own history of Ayurveda?

Our history is very recent, it was about 150 years old. During the Rana period, Singha Durbar Vaidya Khana was developed as a main center to produce the herbal medicines. It was constructed by Jung Bahadur Rana. Vaidyakhana produced almost all medicines, perfumes and vitamins required in the palaces. The Vaidyakhana has well prepared literature of preparing ayurvedic medicines. In early days, Vaidyakhana was developed to supply the medicines to high class ruling family. At that time this was the only medicine applied in the country, and so the rulers gave high priority for its development.

Are there any demand of Nepalese ayurvedic and herbal medicine in western country?

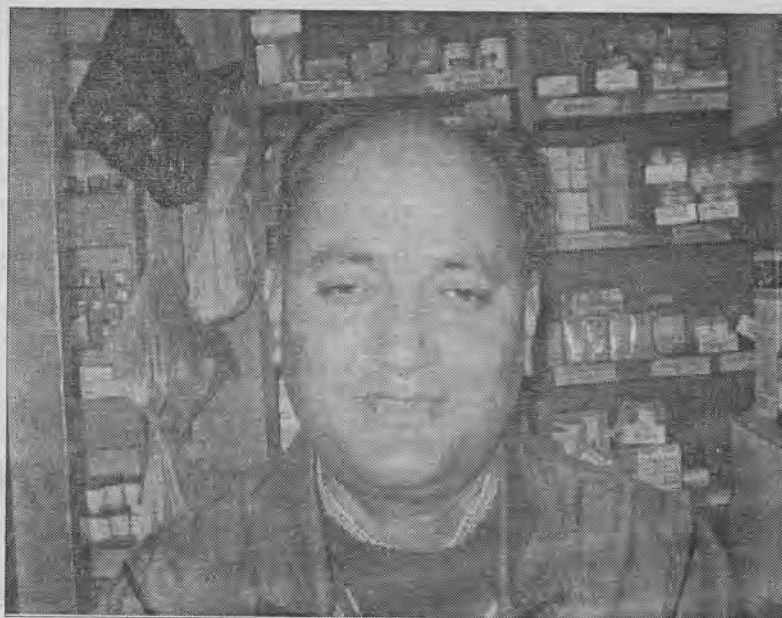
Actually, the demands of Nepalese herbal medicines are high in the western countries, particularly in the United Kingdom and United States of America. There are high demands of medicines related to gastric in these areas. The medicines related to enhance the sexual power and skin cure creams are also in high demand in the west. Since herbal medicines have no side effects, every one prefers it. We have also medicines to prevent the liver cancer and liver cirrhosis.

Are there only preventive medicines in Ayurveda? Don't you have curative medicines?

We have curative as well as preventive medicines. Unlike in modern medicines, our medicines need to be administered for a longer period of time. We have very effective medicines against the hepatitis. We have also chemical based medicines like Subarnavasma, Sankhabasma and others. They will react to the body. Ayurveda is the life and it shows how to live peacefully.

At a time when diabetes is creating a lot of problems, is there possibility to use Nepalese herbs to cure it?

Some of our herbs have effective cure for diabetics but we need to do more research on it. In the last few years, many new herbal medicines are also coming from India. These medicines are very effective to mild and newly



diagnosed cases of diabetes. The Shilajit is one of the best medicines available to fight against diabetes. Once again, we need to do more research.

How effective are medicines for joint pain and rheumatic problems?

There are many effective herbal oils produced from various plants. Because of lack of processing units, these oils are sent to neighboring India for further processing.

How many medicines are manufactured in Nepal?

Singha Durbar Vaidyakhana produces 130-135 varieties of medicines which includes the herbal, chemical based and others. Arogyabhawan also produces more than 90-95 kinds of medicines. These are only two major ayurvedic medicine producers in the country. We also use the medicines produced by these two companies.

In which area are the Ayurvedic medicines most effective?

It is very useful to treat the gastric as well as liver related diseases. Even our medicines are very effective in treating the rheumatic and joint pain.

What kind of patients do you see everyday?

It depends upon season. During the monsoon times, we have a large number of patients infected by hepatitis. In the winter, more patients are affected by joint pains and cold. Now there is high demand of Chyawanprash which is the effective medicine against the cold. I have foreigner as well as Nepali patients.

How do you see the role of government in promoting Ayurvedic medicines?

The government has done a very little to promote Ayurveda. There is no policy to promote and protect it. Even Singh durbar Vaidyakhana is in the process of collapse. The government must develop a long term program to encourage it.

How do you see the future of Ayurveda?

It has bright future and traditional herbal based medical practice like Ayurveda can be an effective alternatives medicines. What we require now is to have more manpower and investment on manufacturing sides. Looking at the present situation, I am confident that Ayurveda will revive in future. ■

“Our history is very recent, it was about 150 years old. During the Rana period, Singha Durbar Vaidya Khana was developed as a main center to produce the herbal medicines. It was constructed by Jung Bahadur Rana.”

VIOLENCE AGAINST WOMEN

Revolting Against Discrimination

With the restoration of democracy, women pluck courage to speak out against socio-cultural discrimination and violence

By SANJAYA DHAKAL

After the restoration of democracy in Nepal following People's Movement in April, Nepalese from all segments of life have started to come out against centuries-old oppression and demanding their rights be respected.

Women, too, have come out to speak against the horrors of the decade-old conflict, the violence they had to undergo and also against the deep-rooted socio-cultural discrimination they have been subjected to so far.

Rita Thapa, a lady from Chitwan in central Nepal, demands that she be recompensed for the horrendous episode she had to suffer from during the conflict.

"Three years ago, my husband was abducted and killed by the Maoists. I have two children. Now who is going to help me raise them? I have heard about peace agreement, but what does it have for women like me?" Thapa, who still does not use her original name for fear of reprisal, asked. Her husband, a simple wage laborer was killed on charges of spying by the cadres of Maoists who later admitted that he turned out to be an innocent person.

Then, there is the story of a Muslim lady from Kapilbastu in southern Nepal. Mumtaz Khan (again name changed) recalls an episode of three years ago when her husband – a poor logger – was grisly murdered when her third child was only three-day-old. Ever since, she has been living in a ramshackle shed by the side of a pond.

"My man was murdered and now I earn only Rs 50 (less than

75 cents) per day by working in agriculture field. How am I supposed to raise my children?" she asked.

Khan's story is not merely related with the consequences of violent conflict in the country. Her story also has links with the discriminatory socio-cultural and economic relations whereby a woman is paid less than half compared to men for doing the same job. And then, her children now face equally uncertain future since Nepalese citizenship laws are not friendly to single mothers as citizenship certificates are provided based on name of father.

Another lady belonging to freed Kamaiya community – poor and landless community who have recently been emancipated from shackles of bonded

labor – had similar stories to tell. Only difference in the story of Binita Chaudhary (name changed) is that her community had suffered from violence meted out by state security forces.

"During the conflict, security forces used to eye us with suspicions of being Maoist supporters. My husband Motiram Chaudhary was severely tortured by them on this baseless suspicion. He cannot work properly these days," she complained.

There are thousands of women like Rita, Mumtaz and Binita who have just started to speak out against the brutal human cost of the violent conflict that raged this Himalayan country for the last 11 years.

On November 21, the government of Nepal and the Maoists signed a Comprehensive Peace Agreement (CPA) officially ending the internal strife. In the agreement, they have also vowed to agree on the need "to specially protect the rights of women and children and the need to stop all forms of sexual exploitation and other forms of misbehavior on women and child labor and other violent act against children and not to include children below the age of 18 in any form of military force. The children who have already been affected shall be rescued immediately and adequate provisions shall be made for their rehabilitation."

How far the two sides will live up to their commitments will be demonstrated by the manner in which they help these conflict-hit women.

Socio-cultural violence

Although the plights of conflict-hit women are bad enough, no less are the plights of women who have been facing inhuman discriminations for centuries due to persistent socio-cultural practices and superstitions.

There are stories that could jerk tears out of eyes of everyone. Take for instance, the pain and miseries that a lady from Achham – a district in the mid-west hilly region – narrated regarding the barbaric tradition called Chhaupadi - of forcing women to stay out of homes in shabby sheds



Sitapati Chaudhary: Ensure equal pay

for a week every month when they menstruate. As per the religious and cultural beliefs among the people of the region, women become impure during those days and thus must remain isolated from others. They have to stay in unhygienic sheds away from their homes, are given only salt and bread to eat, and face risks of snake-bites and rapists who try to take advantage of their plight.

"We give birth to our sons. They stay with us and sleep with us when they are small. But once they grow up, even they do not touch us and give us water/food from far away," wailed Pashupati Kunwar.

For women who come from Dalit – or so-called untouchable caste – the problem is even worse. "When we go to local tea shops and restaurants, they give us tea in

separate glasses and we have to wash them ourselves," said Pinki Sarki from Doti – another mid-western district.

"Even in this 21st century, women face unimaginable discrimination and violence in parts of Nepal. It is only recently that they have been able to speak out against these practices," said Babita Basnet, president of Sancharika Samuha, a women communicators' group.

Economic Discriminations

Another dimension of discrimination against Nepali women is the economics. Women are generally paid less for the same job compared to men; and they get lesser opportunity to participate in productive economic activities.

"We work shoulder to shoulder with men but at the end of the day, they pay us Rs 80 (approx. \$1) compared to Rs 150 (approx. \$2) for men," said Sitapati Chaudhary, a freed Kamaiya from Kailali district. She said that men spend money on alcohol and beat women while the women will have to take care of home and children.

Nirmala Aire from Doti district reciting her problem asked the state to ban alcohol. "In our village, boys as small as 14 years old are found drinking alcohol that



Sita Bika: Tales of miseries

is so easily found at Rs 15 per pouch." Aire, a victim of domestic violence, said that men resort to physical violence against women when they are drunk. Aire, along with Chaudhary, called on the authorities to prohibit drinking.

Sita Bika, a Dalit lady from Doti district, complained that people from her community were being treated "worse than dogs." She asked, "Where is the state? Aren't we human beings?" Dalits are generally prohibited from entering into temples or houses of so-called high-caste community. People from high-caste community refuse to accept water from their hands.

For women of Dalit community, the discrimination is so deep and wide that every step of theirs is filled with inequalities. For instance, they cannot use public taps and if they are allowed to do so, they will have to wait till other women from high-caste have filled up their utensils. They are highly illiterate, working in the bottom of the economic ladder as low-paid agricultural laborers.

Time for Transformation

With the restoration of democracy and return of peace, political leaders have talked about building a new Nepal by

ushering in socio-economic transformation.

Such transformation can be meaningful only if they are able to do away with the causes for deep-seated discrimination against women. It is quite clear that without uplifting one half of the population, a new and prosperous Nepal is simply unattainable.

At present, Nepalese women are in a very disadvantageous position in the socio-economic ladder. The ratio of young literate females to males is 82 percent. In Nepal, the very event of giving life leads to death. Each year, some 4500 women die of complications of delivery. According to surveys, every two hours, one woman dies of such complications. According to

Census 2001, the Maternal Mortality Rate (MMR) per 100,000 delivery was 539 in the early 1990s – one of the highest in the world. Half a million children of school-going age are still out of school and over 60 percent of them are girls. In the last one decade of violent conflict, over 13000 people lost their lives – around one third of them women. Likewise, at least 200,000 people were internally displaced – more than half of them women and children. As such, women have borne the brunt of both violence and discrimination.

In this connection, Sandra Beidas, Head of Protection, Office of High Commissioner for Human Rights (OHCHR) Nepal, says that Nepal now faces a huge challenge to create a safe, supportive and protective environment in which women and girls can come forward, talk about what has happened and seek help.

Beidas urged for ending impunity for violence against women and girls, which she said is one of the most crucial ways of dealing with the problem. She also called for translating peace agreements and commitments "into clear policies, strategies and programs and with the resources to ensure their implementation." ■

RAYAMAJHI COMMISSION'S REPORT Perverted Opinion

Rayamajhi Commission's report sparks a new round of controversy

By KESHAB POUDEL

"I will expose all the hidden events, if the persons indicated in the report are not punished," threatened former judge Krishna Jung Rayamajhi. At a time when many people are questioning the legality of Rayamajhi Commission's report, chairman of the commission issued a threat to coerce the government.

Rayamajhi has shown his biasness from the first day of the formation of five member commission, which was divided at the time of presenting its report, against certain individuals and institutions.

Rayamajhi's recent threat against the government following the formation of high level cabinet committee under the chairmanship of deputy prime minister K.P. Sharma Oli is another indication of how biased he was while documenting the report.

Toeing the line of Rayamajhi, some communist-leaning human rights activists have

already demanded that the report should not be dumped like Mallik Commission report and some populist media, knowingly and unknowingly, are blaming then attorney general Motikaji Sthapit., a lawyer with a credible integrity, that he subverted the Mallik Commission Report of 1990.

But the stand taken by Sthapit was not what is being projected here. His opinion was based upon the law which

needed independent investigation for the prosecution. The government of that time had taken a political decision not to disturb the police machinery of that time. And as an attorney general Sthapit could not proceed by excluding the police machinery. Interestingly, none of the political parties questioned his report at that time.



Rayamajhi (right) presents report to PM GP Koirala: Role under question

Kantipur

In a country where the ruling party leaders are violating laws and constitution in accordance to their whim, nobody needs to read the laws and legal procedures. This is not the only case.

Though Rayamajhi Commission was constituted under a specific act known as Public Inquiry Act 2026 to inquire on the matter of public importance, Rayamajhi has been

speaking as if he has power to investigate, prosecute and punish like that of erstwhile high level Royal Commission for Corruption Control.

Past experiences have shown that success of such commission depends not only on proper selection of the head of commission but also on their devotion and dedication to discharge their role in public interest without fear or favor.

Unfortunately, from Chairman Rayamajhi to other members, all of them are politically motivated and biased persons. Nobody can expect impartial report from such commission, which has made every effort to harass persons in bureaucracy, civil service and army.

Rayamajhi - a lawyer-turned-judge - after his retirement was involved in the

popular uprising as a member of non-governmental organization. As such he was a biased person to head the fact finding commission. Rayamajhi was coordinator of Civil Society for Peace, which actively took part in Janandolan II. From the day of his appointment, Rayamajhi was biased against the persons whom he has to examine to prepare a report against their deeds and actions.

Time and again, he was issuing populist statements loaded with threats and vengeance. Ultimately, the report has come suggesting making a law of retrospective effect on crimes and punishment.

In the past, the seven judges under Supreme Court including then chief justice Bishwonath Upadhyaya and judge Krishna Jung Rayamajhi has written a decision whereby they have stated that such commission's role is only to work for fact finding. Submitting their opinion under the article 88.5 of the Constitution of Kingdom of Nepal in the issue of Dashdhunga accident, Rayamajhi had agreed with the opinion that the commission is just a fact finding body. But when his own report was submitted, Rayamajhi is violating those legal norms.

"Such commissions are ad hoc and are formed to enquire on the fact of public importance. This is a universal trend to constitute such commission," said a senior advocate and eminent constitution lawyer Kusum Shrestha. "Such commission's function is to work for fact finding. After completing its work, such commission submits its report to the government."

Lawyers argue that there require further investigation to finalize the prosecution. Even the government has constituted a high level committee to decide how the report can be proceeded with.

"We will prosecute the person indicted in the commission's report in accordance with the law," said attorney General Yagya Murti Banjade. "We have to wait now for the cabinet committee's decision on it."

According to the act, the evidences collected and acquired by the commission cannot be referred as evidence in the court. Thus, first and foremost duty of the act of such commission is to find an actual fact on the basis of evidence. After determining the fact, the commission may recommend its opinion.

In his own several judgments in the past, Rayamajhi had committed that time crime could not be prescribed by law of retrospective affects. He followed

different jurisprudence as a judge and now as an activist. There were two more lawyers in the five member Rayamajhi Commission, who were divided among themselves on this very matter of suggesting making a law for the act which was not punishable previously.

The government at present is no better qualified and equipped in law and the legal norms than the members of that commission to get rid of the public accusation like in popular case without considering its consequences. Knowledgeable persons in law and its practice in Nepal are horrified by the

trend it would trigger in making laws and delivering justice.

This is not only the court of this country but the courts of any country which have the same stand on this question. How can a person be punished when the act was not a crime when it was supposed to have occurred?

Though poor in economy Nepalese courts are familiar with the judicial concept of benefit of doubt and the presumption of innocence but the way former senior judge of Supreme Court delivered his judgment has surprised many. ■

Sundh Calls For Better Participation Of Women

The chief of the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) in Nepal, Lena Sundh, has urged all Nepali actors take action to put into practice the measures set out in Resolution 1325, both for the protection and promotion of the human rights of Nepali women and girls.

Addressing the Third National Consultation with Women Human Rights Defenders in the capital on Tuesday, she said that implementation of Resolution 1325 is important for the protection and promotion of the human rights of Nepali women and girls and to ensure that there is increased representation of Nepali women at all decision-making levels of Nepali institutions and mechanisms involved in the implementation of the Comprehensive Peace Accord (CPA).

"Women human rights defenders have an essential leadership role to play at the community and national level in this historic transition to peace and democracy in Nepal," she added. She further said that the early steps after the Jana Aandolan (People's movement) give us cause for concern that key Nepali actors have not yet seriously considered the lessons, which Resolution 1325 is based upon, as both the Seven Party Alliance and the CPN (Maoist) negotiating teams lacked women's participation.

She also expressed dissatisfaction over lack of representation of women of seriously under representation in key institutions established after the success of April movement, referring to the appointments at the Interim Constitution Drafting Committee, the High Level Commission of Inquiry (the Rayamajhi Commission), the Ceasefire Code of Conduct Monitoring Committee.

She also urged the Government to do better and ensure that women's representation is not merely tokenistic in the appointment of members at the National Human Rights Commission (NHRC). "Women's leadership and active participation in the peace process, at all levels, is good for peace in Nepal," she added.

Resolution 1325 also represents years of struggle by women activists in countries around the world, including Nepal, to ensure that action be taken to redress the conditions that result in women and girls suffering in conflict, and to make sure that women are able to participate fully as actors, and leaders, in conflict prevention, management and resolution. ■

PEACE AGREEMENT

“Thanks”

By DR. TULSI P. UPRETY

Nepalese people have once again begun to experience a normal living condition after the Peace Agreement. It is absolutely a breath taking event that the Maoist leaders signed the Peace Agreement with the government of Nepal compromising to lay down their arms and to participate in Nepal's democratic political system. There are many players who deserve “thanks” for this. Some of the obvious ones are government of India and some Indian political leaders, Maoist leaders, Seven Political Parties (SPA) and the people of Nepal.

It would not have been possible without the involvement and the *blessings* of the Indian government and its leaders, particularly those who have been closely associated with the Maoist leaders. For a successful consummation of this historical agreement, the Nepalese people should show their gratitude towards Indian government and “thank” them for **quietly pushing the Maoist leaders out of the Indian Territory and forcing them** to join the democratic political system of Nepal.

While appreciating India's role in the peace process, Nepalese people should also constantly remind themselves that the Indian foreign policy makers and some political leaders **were the main architect behind the Maoist problem in Nepal**. It is a well known fact that these Indian leaders provided shelter to Maoists for ten long years while the Indian government was quick to label the **Maoists as terrorists**. Simultaneously, they pretended as an innocent spectator when thousands of Nepalese were killed and country's infrastructures worth billions of dollars were destroyed. There is no doubt what so ever that they **intentionally encouraged, assisted, guided and used** the Maoist insurgents for politically, socially and economically destroying Nepal until their unspoken dirty foreign policy started backfiring on them. Philosophically speaking, one may think that among all the countries in the world, India would best understand the **law of Karma**; however her decision makers conveniently ignored it until ultra Leftist armed revolutionary began to hit the Indian establishment itself.

Although India's **double faced** foreign policy towards Nepal has mostly been that of a **bully**, which has hurt Nepal and her people over the years, this time around however, the Indian leaders played an important role in helping the Maoists and the SPA come to a peace agreement. In the past, India's foreign policy towards Nepal was guided by their “twin pillar” theory which put equal significance on constitutional monarchy and multi-party democracy. However, after Gyanendra took power away from the government and became an absolute monarch, it became difficult for India to continue to support the twin pillar theory. In addition, the Maoist rebels were becoming a force that could not be easily ignored by India. But the government in India was still not ready to accept the Maoist coming to the mainstream. This would go very much against India's twin pillar theory which they had supported for many years. After seeing Gyanendra's popularity decline, and having come to the realization that Nepali people themselves wanted to see a change and no longer accepted the

twin pillar theory, and also because of the pressure from the Leftist parties in India, the Indian government was now ready to accept the Maoists as a legitimate political force. And this is where India played an important role, by helping the Maoists and the SPA reach a peace agreement and thereby ending a political crisis in the country.

Maoist leaders deserve big “thanks” from all Nepalese for a number of reasons:

If Nepal indeed becomes a Republic, this will have been largely because of the Maoists movement. “Thanks” to the Maoists for finally coming to the realization that they were not going to accomplish their goals through an arms struggle and thus changing their strategy to participate in the democratic political system. This change in strategy was made clear by Prachanda when he said, **“Our experiences have shown that we could not achieve our goals through armed revolution so we have chosen the path of negotiation and formed an alliance with the political parties”**.

A big “thanks” also goes to the leaders of SPA for finally showing their united force in favor of peace and political stability for Nepal. This time they have risen above their self-serving behaviors of the past and have actually worked for the betterment of the country and her citizens. The public must also be credited for putting a constant pressure on our leaders to come up with the peace agreement. In the days to come, new laws will be passed and old ones will be amended. There has been a lot of talk of social and economical reforms to better the lives of millions who have been oppressed socially and economically. We have to make sure these laws and policies are actually implemented in the days to come. Difficult tasks still lay ahead of us. This time around we have the right set of conditions to put the **country and the Nepalese people first**.

New political atmosphere has further opened up the door for creating a “New Nepal” that is peaceful, politically stable, which is prerequisite to bring a sustainable economic development in the country. However, this political atmosphere may be squandered by some of the short sighted political leaders, who are already demanding and fighting for the post of premiership and other important portfolios in the cabinet even without thinking whether they are actually qualified for it or not. Such self centered behavior of these kinds of leaders in the past has been proven to be very costly for Nepal. Now, it is up to the citizens of Nepal to not just hope, but to also keep an ever vigilant watch over their leaders so that the past behaviors of personal greed and pettiness cannot even be entertained. Sandwiched between over a billion of Chinese on one side and over a billion of Indians on the other side, Nepal will remain **sovereign Nepal** as long as **her citizens** are the true protectors of their Motherland. ■

Dr. Tulsi Uprety has PhD in economic development from U. C. Berkeley, California. Currently, he is living in the United States of America and been involved in teaching and economic development projects. He can be reached by email at durgapur11@yahoo.com.

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