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The National Newsmagazine

SPOTLIGHT

Jan 05-11, 2007



Post Conflict

Reconstruction Challenges

**National Unity : Message of Covered Statue
Politics : Change With Continuity**

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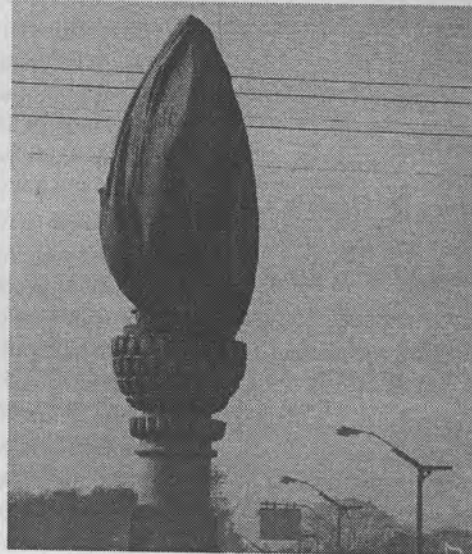


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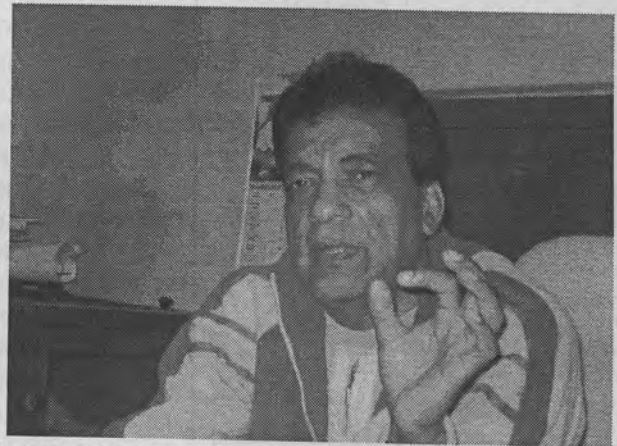
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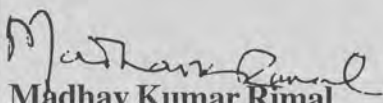
THE WEEKLY NATIONAL NEWSMAGAZINE

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Saddam Hussein's death by hanging him established that the law of the jungle still prevails in the world and the mightier always get their way. That his mock trial would end up this way was a foregone conclusion. The puppet Iraqi government has said that it was not an act of "revenge", which clearly stipulates that "revenge" carries a different meaning in their lexicon. The U.S. President George W. Bush has expressed his happiness and called it a "milestone" in initiating American democracy in Iraq. It seems he is not fully aware of the fact that democracy will take quite a long time to come to Iraq, if it ever comes. Moreover, it is for the Iraqi people to decide what kind of government they want. Apart from an insignificant number of states, most of the countries in the world did not approve of the brutal killing of the dictator. On our part, we are quite apprehensive that this avoidable misfortune will further widen the gulf of animosity between extremist Muslims and the Americans making the world a more dangerous and unsafe place for them. We are also quite skeptical that the peace process in the Middle-east will be badly affected for quite some time. As far punishing a criminal is concerned, there can be no two opinions. But to devastate a whole country, killing thousands of its inhabitants, sacrificing thousands of own young men and women and destabilizing the whole region with the possibilities of a more disastrous conflagration in the coming days are, indeed, strange ways of thrusting its own political system around the world. But, that could not be the only reason, neither the Shiite killings of 1991 that might have impelled the United States to mount the invasion of Iraq resulting in the ignominious death of Saddam Hussein. There must be much stronger reasons still secreted in a few hearts. For Bush to vindicate his unwarranted imperious action in Iraq, he will have to share the secret with the world, sooner or later.

★★★

The Seven Party Alliance government has lost all grips in the administration of the country. Neither their understanding with the CPN (Maoists) is bearing any concrete and positive results. Consequently, the country has turned into a bedlam, free for all, do what you want. Those in power want to stay there by hook or by crook. Those who are out are impatient to get in. Because this seems to be the best time to become rich quick. Prime minister Girija Prasad Koirala is a sick man wielding his authority inside his own premises at Baluwatar or in Biratnagar. He cannot even visit his office in Singh Durbar, the seat of authority. All other ministers are happy making public speeches not caring whether they are at variance. All the ethnic communities have not only become communal but want a share in the loot. The Terai group has turned violent and taken up the role of former Maoists of abductions and killings but adding a pinch of salt in the form of "Terai for Madhesiays only." The non-Madhesiays might have to loose their lives and properties. It is, of course, no secret who is goading them. The draft of the interim constitution is speedily turning into a scrap of paper with almost everybody denouncing it. When will the next draft be ready and who will draft it, no body knows. Even the leading stars of the civil society seem to be fishing in troubled waters. The country is heading towards doom. But like the proverbial silver lining, the millions of faceless Nepalis are still there. It is time they woke up and saw the true face of their leaders. It is time they took the leadership in their own hands. It is time they decided to launch *Jan Andolan III* to sweep away all anti-national forces and cleanse the political sky. We do trust all patriotic forces will unite and join hands without losing any time and save the country from going to utter ruin. And, of course, all the security forces of the country as well as the Maoists cadres too will not lag behind in the pious act and join the patriotic forces in the defense of their nation.



Madhav Kumar Rimal
Chief Editor & Publisher



Reconciliation Belongs To The Past

The idea of reconciliation propounded by BP Koirala belongs to the past ("Is National Reconciliation Irrelevant?" SPOTLIGHT December 29). It has already lost its utility. Perhaps, the idea was suitable at the time when BP Koirala propounded it. However, now Nepal has come a great distance. The spirit of the people's movement also gives the same message. Let the reconciliation exist where it deserves – in the museum.

Bikram KC
Khumaltar

No Leaders

There are now no leaders who believe in politics of reconciliation ("Is National Reconciliation Irrelevant?" SPOTLIGHT December 29). Everyone of the political leaders that we have at present are busy fighting the turf war to ensure their political utility. There are none who gives any attention to the immense risks posed to the national unity of this nation due to their political struggle.

Hem Gurung
Baluwatar

Relevancy Of Reconciliation

The cover story "Is National Reconciliation Irrelevant?" (SPOTLIGHT December 29) has thrown light into one of the most controversial concepts in Nepalese politics – the politics of reconciliation. It is the concept that has been misinterpreted or selectively interpreted by politician of every shade. This is apparent in the number of articles on reconciliation that have appeared in the newspapers in recent days. While some have called for urgent re-thinking or re-orienting of the concept in the light of new political development in the country, others have identified reconciliation as a defunct concept. When BP Koirala propounded it, the concept of reconciliation meant the coming together of the crown and the people for the purpose of national unity, democracy and development. However, there are very few takers even within the

party of BP Koirala about this particular interpretation of reconciliation at present. In fact, there are numerous leaders within Nepali Congress who are clamoring for the establishment of democratic republic. For them the reconciliation has become an outdated ideology. Although they stop short of criticizing the ideology or the ideologue, they have been quick to distort it to suit the exigencies of their politics. For them, the new age reconciliation would mean joining hands between the liberal democrats and illiberal communists. And their primary purpose is to discard the monarchy and usher in republic. On the other end of the spectrum, people close to the Maoists have also called for refashioning of the policy of reconciliation. They have also called for greater unity among the political forces to uproot what they term as vestiges of feudalism. But the true meaning of reconciliation has been lost in the middle. At this critical juncture, Nepali people want the healing hand of reconciliation to bring in durable and lasting peace, harmony and cooperation. They want to see the back of instabilities and conflicts. This is where the silent majority see the role of reconciliation. They, of course, do not equate reconciliation with blanket immunity to the culprits of the past. What they desire is the amalgamation of the political forces of the country – both the traditional and modern. Their coming together is certain to strengthen the democratic spirit and peaceful coexistence of the nation. Unfortunately,

there is neither a leader nor observers who are seeing the benefits of this amalgamation and reconciliation in the present day Nepal. In their rush to create a new Nepal, they have forgotten some of the beauties that existed in old Nepal.

Kiran Mainali
Bhainsepati

Fragile Process

The article "Still Too Fragile" (SPOTLIGHT December 29) exposed how vulnerable the whole peace process still is. Despite the passage of eight months of the overthrow of royal regime and signing of a numerous peace agreements, there is still the lack of trust between the government and the Maoists. This was evident when the Maoists launched sudden and massive protests against the appointment of ambassadors. It shows there is still a long way to go for our leaders before they can claim of having restored the lasting peace.

Himanshu KC
Ghattekula

Economy Under Focus

The write up titled "Ideology Vs Reality" (SPOTLIGHT December 29) clearly pointed out to the challenges facing the Maoists in the transformation of their economic ideology. The Maoists must jettison the globally rejected ideals of communism – at least in the sphere of economy. It has been crystal clear that applied communism is a great leveler – it makes everyone poor. If that is the idea of equity anyone has, then there is no use of reasoning. But if one wants to build an equitable and prosperous society, one has to discard the communist ideas.

Jit Bahadur Thapa
Patan

Correction Of Pronoun

May I draw your kind attention towards my feature article on Media Institutions (SPOTLIGHT December 29). It's obvious 'the Shepherd College of Media Technology' of the seventh paragraph has entirely misled the message as it was replaced with the pronoun 'it'. That paragraph is only about the CJMC.

Dil Bahadur Basnet
Balaju

Prime Minister Taken Ill

Prime Minister Girija Prasad Koirala has taken ill. He is having problems in his respiratory system. He is taking oxygen and resting in his room in Biratnagar. "He is not having big difficulties. He is only resting," informed Nona Koirala, sister-in-law of the prime minister. Reports say he has fallen ill due to extensive meetings and activities since he went to Biratnagar two days ago.

Nepal Samacharpatra daily reports

Freed Kamaiyas Grab Land In Tinkune

Claiming that the government failed to fulfill its promise of rehabilitating them, freed Kamaiyas – who have launched their agitation – have grabbed land in Tinkune, Kathmandu as a show of protest. The freed Kamaiyas – hailing from far wester districts – have come to the capital to stage what they call as decisive struggle. On Sunday, the freed Kamaiyas erected 50 plastic sheds in Tinkune ground. Although the government had promised to give land, wood and money to the free Kamaiyas, only 12000 out of 25000 freed Kamaiyas are said to have been delivered the promise. They have announced programs like picketing Prime Minister's Office and public demonstrations to pressure the government to meet their demands.

Leading dailies report

Bar Association Also Criticizes Interim Constitution

The Nepal Bar Association has criticized the finalized interim constitution for adopting executive supremacy. The meeting of the executive committee of Nepal Bar Association (NBA) held on Sunday (December 31) has pointed out to the flaws. The bar has concluded that the interim constitution needs to be amended as it has posed challenges before the independence of judiciary. "The constitution adopts executive supremacy. Therefore, the proposed statute should be promulgated only after it is amended to enable the legislative to check the excesses of the executive," the bar has concluded. The

bar has issued a seven-point declaration expressing its commitment to continue working in favor of fully democratic system for the purpose of vesting full sovereignty in the people. Likewise, the bar has also called for changes in the interim constitution to enable the retrospective effect of laws so far they are concerned with crimes against human rights. The bar has called for immediate publicizing of the Rayamajhi Commission report. The bar has also deplored the capital punishment against Saddam Hussein and has called for total ban of death penalty all over the world.

Kantipur daily reports

21 Days For Banks To Plan Recovery Of Bad Loans

The Parliamentary Public Accounts Committee (PAC) has directed all banks to formulate a plan of action within three weeks for recovering bad loans, which have crossed Rs 35 billion. The PAC, on Sunday (December 31), held discussion on the hurdles in recovering the non-performing loans with the governor of Nepal Rastra Bank Bijaya Nath Bhattarai, finance secretary Bidyadhar Mallik and outgoing Auditor General Gehendra Nath Adhikary, among others. "Such a plan of action will comprise, among other things, strategies to be adopted by the banks and value of collateral," said Chitra Bahadur KC, chairman of PAC. Representatives of the banks told MPs that the courts' "stay orders" were the major problem the banks were facing in their bid to recover bad loans. The bank employees are "being threatened" by loan defaulters, particularly in Nepalgunj and Birgunj, they said. "Stay orders are blocking the recovery of Rs 4.45 billion in principal and interests," said a foreigner working at the NRB. He added that 50 percent of total bad loans, which are owed by 20 bank defaulters, are difficult to recover. Rest of the bad loans can be recovered. *The Himalayan Times daily reports END*

PM Koirala Against Execution Of Saddam Hussein

The execution of former Iraqi

president Saddam Hussein on charges of crimes against humanity has set in motion varied reactions across the world. In Nepal, too, political leaders and human rights community have expressed their displeasure at the use of capital punishment. Prime Minister Girija Prasad Koirala told reporters in Biratnagar that he is against any kind of capital punishment against anyone. "At this time of civilization, it doesn't look appropriate to execute anyone. Nepal has already abolished capital punishment many years ago," he said. The Maoists, on the other hand, were quick to condemn the United States for the whole episode. They accused that the America's stooge government in Iraq had committed human rights violations by executing Hussein. The UML leader Bharat Mohan Adhikary also deplored the execution. Meanwhile, human rights community have flayed the use of death penalty claiming it violated a person's right to live. On Saturday, various student organizations and political activists took out rallies in Kathmandu, Pokhara and Biratnagar denouncing Saddam's executions. The activists of People's Front Nepal led by Chitra Bahadur KC organized demonstration in Ratna Park against the execution. "Bush is the world's greatest terrorist," said Govinda Singh Thapa, vice president of KC-led PFN addressing a corner meeting in Ratna Park. *Compiled from reports*

Koirala Criticizes Interim Constitution For Making All Powerful Prime Minister

Two weeks after the seven party leaders and the Maoists signed the finalized draft of the interim constitution, Prime Minister Girija Prasad Koirala has fiercely criticized some of its provisions, which make a PM all powerful. "If all power is vested in a PM, then he will become an autocrat," Koirala told reporters in Biratnagar on Friday (December 29). "I don't like the provisions of a prime minister appointing chief justice," he added. Koirala said that he was not satisfied with the interim constitution. "My dissatisfaction on this

issue was the prime cause for delaying the promulgation of the interim constitution. However, it was inked by top leaders of the eight parties." Koirala further said that he had already expressed his dissatisfaction on this issue. "Constitutional and legal experts also are against unlimited rights to the Prime Minister. Their protest is appropriate." He said, "I believe that the powers of the PM should be reduced. However, I, too, have inked the interim constitution." Koirala added that the interim constitution had lost checks and balances. He, however, made it clear that the interim constitution would be promulgated after the management of arms. On the issue of the King, Koirala said his party still favored ceremonial monarchy but added that he will respect the verdict of the people during the Constituent Assembly. Koirala also said that he had already talked with Prachanda and the latter has agreed to let the restoration of police posts without any obstruction. *Compiled from reports*

Nepal Says Maoists Are Crossing Limits Of Injustice

After visiting the injured student activists close to his party, the general secretary of the Unified Marxist Leninist (UML) Madhav Kumar Nepal has accused that the Maoists are crossing all limits of injustice. He made these remarks after visiting pro-UML student activists who were attacked by the Maoists and are currently hospitalized in Kathmandu hospital. "I urge Prachanda to visit these injured students. The Maoist leaders talk one thing with us while their cadres are engaged in anarchic activities," Nepal said. *Leading dailies report*

Nepal, China Border Talks To Continue

The fourth session of the joint border meeting between Nepalese and Chinese authorities ended in Kathmandu on Wednesday (December 27). During the meeting, the two sides agreed to continue discussions on incompatibilities of new data of the boundary markers with old data of the map attached in the 1979

Protocol. The meeting also exchanged views on marking of the elevation of Mount Everest after the Chinese side came up with new height measured by its experts recently. The Fourth Session of the Joint Inspection Committee (JIC) on the Third Joint Inspection of Nepal-China Boundary was convened in Kathmandu from 25-27 December 2006. "The Nepalese and Chinese delegations were led by Pradip Kumar Khatiwada, Joint Secretary at the Ministry of Foreign Affairs of the Government of Nepal and Li Qingyuan, Senior Advisor on Boundary Issues at the Ministry of Foreign Affairs of the People's Republic of China respectively," states a press release by the Ministry of Foreign Affairs. "During the meeting, the two sides reviewed and summed up the fieldwork of the Joint Inspection Teams of Nepal and China that was carried out from April to September 2006." "The surveying and mapping experts of the two sides had discussion on the development and improvement of Geographical Information System (GIS) of Nepal-China boundary in the sidelines of the meeting." The meeting also decided to hold the fifth Joint Inspection Committee (JIC) meeting in April 2007 in China. *Compiled from reports*

Nepal To Be Listed Under EPS From February

South Korean government is going to enlist Nepal under EPS (Employment Permission System) from February, 2007. Nepali workers will then be able to seek employment in South Korea under this system. A team of South Korean officials had recently visited Nepal to study the appropriateness of enlisting Nepal under EPS. With the new system in place, Nepali workers in South Korea will be able to enjoy all kinds of employment-related benefits and facilities as per the Korean Labor Act. "We have already made all the arrangement and even set up a separate EPS section in the department to facilitate the process," said Keshar Bahadur Baniya, director general of the Department of Labor and Employment Promotion. This system is based on

government to government agreement and could further increase quota for Nepalese workers to go to South Korea – which has been one of the most attractive overseas working destinations. *Nepal Samacharpatra daily reports*

NA Money Under Risk

Around Rs 2 billion investment of welfare fund of Nepali Army (NA) is under risk as they have been deposited in banks and financial companies termed as 'problem-ridden' by the central bank. The officials of Nepal Rastra Bank (NRB) have alerted the NA officials about the risk of their money. Last Friday, NRB governor Bijaya Nath Bhattarai informed about the risk to NA chief General Rukmangad Katawal. Around Rs 5 billion of the fund have been invested as deposits in several domestic banks and finance companies. The NRB has also advised the army not to deposit its money randomly in problematic banks. It has advised the army to invest only in those banks with more than 11 percent capital adequacy ratio. Meanwhile, army spokesperson Brigadier General Ananta Thebe said that the army will give serious attention to the problem. "This is the money of the trust and we are serious about its safety," he said. *Kantipur daily reports*

ADB Helps In Education

The Asian Development Bank (ADB) has agreed to provide a loan assistance of Rs 2.124 billion and a grant assistance of Rs 141.6 million to the government for the implementation of Education Sector Program-I and the Capacity Development Project, respectively. The agreements to this effect were signed on Thursday between the government and the ADB, the Finance Ministry said. The objective of the ESP is to support the country's medium to long term education sector reform and restructuring in a phased manner, while the Capacity Development Project is aimed at developing the capacity of the Ministry of Education and Sports and other key stakeholders to prepare the 1-XII school sector reform and restructuring. *The Himalayan Times daily reports* ■



Nepalese Muslims celebrating Bakr-Eid at Jame Masjid in Kathmandu *Gorkhapatra*

PRIME MINISTER GIRIJA PRASAD KOIRALA appreciated the role played by Nepali Army in the international peacekeeping. "Nepali Army has enhanced the prestige of the nation at the international level through peacekeeping efforts. I am proud of NA and I have faith in it," said PM Koirala. The prime minister also appreciated the NA's role in development. "Together we can work for the welfare of the nation," he told the delegation of senior NA officials led by Chief of Army Staff General Rukmangad Katawal. The delegation of NA officials met with PM Koirala today at the latter's official residence in Baluwatar in order to hand over the cheque of Rs 7.5 million collected by the NA to help in the disaster relief operations.



PM Koirala accepts cheque from army chief Katawal for relief fund *Gorkhapatra*

IN ORDER TO CHECK THE growing incidents of rhino poaching, the government has decided to install thirteen additional security posts in and around Chitwan National Park. "In the last two weeks we have decided to add ten security posts inside the park and three outside it," said Tikaram Adhikary, planning officer at the Department of National Parks and Wildlife Conservation. "We are trying to bring the level of security to the past (before conflict)," he said.

LESS THAN A MONTH AFTER IT had resumed, the construction of Middle Marsyangdi Project has once again suspended thanks to the Maoist threats against contractors. Reports say that the pro-Maoist workers threatened the contractors with their lives and forced them to sign a paper recognizing them as legitimate trade union members. All the eight contractors of the project have stopped work from Saturday (December 30) and they have returned to Kathmandu. The 72 MW strong project is being constructed with the help

of German government. The project has already been delayed by three years. The Maoist spokesperson Krishna Bahadur Mahara, on the other hand, refused to accept that Maoist workers had obstructed the project. Meanwhile, the local people of Melamchi area have also stalled the work of Melamchi Drinking Water Project once again.

THE BHUTANESE PRIME MINISTER Khandu Wangchuk who also holds the foreign affairs portfolio, has accused that the refugees in camps in Nepal are all Maoists and engaged in terrorist activities. He said repatriating Bhutanese refugees would be like importing readymade terrorists. Speaking in the Bhutanese parliament, Wangchuk made these allegations and vowed that his government will not talk with refugees. In Kathmandu, deputy Prime Minister and foreign minister KP Oli has raised strong objections over his remarks saying they were negative and could affect not only the refugee repatriation process but also the bilateral relations. "Serious attention of Nepal government has been drawn by these remarks," he said. Likewise, refugee leaders Tek Nath Rijal and Balam Poudel have sharply rebuked Wangchuk's allegations saying that it only exposed the intention of Bhutanese government.

EVEN AS THE LEGAL EXPERTS have raised eyebrows over the provision in the interim constitution whereby the Prime Minister will appoint the Chief Justice, the acting Chief Justice of the Supreme Court (SC) Kedar Prasad Giri has said that he sees no problem in the provision. "It is the compulsion. Since the Prime Minister has been given the role of both head of government and head of state, this (CJ appointment provision) was natural," he told reporters today in Lalitpur. Likewise, Giri also said that there would be no problem for him to take oath of the interim constitution. "For me personally, it is okay. Anyway, we had also taken oath of the earlier constitution," he added.

AFTER THE HEALTH MINISTRY agreed to meet their demands, the doctors have called off their strike and resumed regular service in hospitals across the country from Friday (December 29). During the talks between government officials and representatives of Nepal Medical Association (NMA) on Thursday, the government agreed to expedite the approval of Health Entrepreneurs Security Act. The government has also agreed to deploy security personnel to strengthen security in health facilities.

THE HOUSE OF REPRESENTATIVES, on Thursday (December 28), passed a bill related with voters' list following day long discussion at the State Affairs Committee (SAC). Home Minister Krishna Sitaula presented the bill at the parliament, which was passed by majority. Meanwhile, People's Front Nepal (PFN) faction led by Chitra Bahadur KC has opposed the bill saying it lacks provision to allow Nepalis living overseas to cast their vote in the upcoming Constituent Assembly elections. Although political parties had said they were in favor of letting the overseas Nepalis cast vote, the chief election commissioner Dr. Bhoj Raj Pokharel said that the Election Commission will not be able to complete necessary preparations if the CA elections are to be held within mid-June next year. As per the bill, armed personnel of Nepali Army and Maoists could also cast their vote in the CA polls. They will be authorized to cast their votes in the 204 seats reserved for proportional election – out of the 425 seats in total. They will have temporary voting rights to cast vote from the barrack or camp where they are staying. ■

“Giving all power to the prime minister can result in the latter becoming an autocrat.”

Prime Minister Girija Prasad Koirala expressing dissatisfaction over the provisions of the proposed interim constitution, talking to reporters, in Biratnagar.

“Urge Prachanda to visit these injured students. The Maoist leaders talk one thing with us while their cadres are engaged in anarchic activities.”

Madhav Kumar Nepal, general secretary of the Unified Marxist Leninist, accusing the Maoists of crossing all limits of atrocities by attacking student activists close to other parties.

“It is the compulsion. Since the Prime Minister has been given the role of both head of government and head of state, this (CJ appointment provision) was natural.”

Kedar Prasad Giri, acting Chief Justice, reacting to the provisions of the proposed interim constitution.

“The Maoists must allow the restoration of police posts and give access to the secretaries of the VDCs if the constituent assembly election is to be held on time.”

Krishna Prasad Sitaula, Home



Minister, addressing security personnel in Pokhara.

“We have only agreed to allow the restoration of police posts in certain areas. The full restoration of police posts can begin only after the formation of interim government.”

Krishna Mahara, Maoist spokesperson, in Radio Nepal.

“No immunity should be extended to loan defaulters who are trying to usurp

the money of common people.”

Chitra Bahadur KC, chairman of parliamentary Public Accounts Committee, in Annapurna Post.

“Giving the responsibility of head of state to the prime minister (in the interim constitution) was due to the need of the hour.”

Ram Chandra Poudel, general secretary of Nepali Congress, in Gorkhapatra.

TRANSITION

FORMED: A three-member judicial investigation committee, headed by Purushottam Parajuli, judge at the Appellate Court in Butwal along with two members including Dron Raj Regmi, deputy attorney general, and Sukha Chandra Jha, additional chief officer at the National Investigation Department, to probe the incidents of violence, looting and arson in Nepalgunj.

NOMINATED: Dolakh Bahadur Gurung, secretary at the Election

Commission, and Dr. Ayodhi Prasad Yadav, assistant professor at Saptari Bindeshwori campus, as Election Commissioners by the constitutional council.

RETIRED: Gehendra Nath Adhikary, the Auditor General, after crossing the age limit of 65 years.

BEREAVED: Dr. Ram Sharan Mahat, Finance Minister, and Dr. Prakash Sharan Mahat, central leader of Nepali Congress (Democratic), of their mother Dol Kumari Mahat, who died at the age of 70.

SUBMITTED: A draft of the Amendment of the Working Journalists Act, by the task force led by former judicial council secretary Kashi Raj Dahal, to the Minister of State for Information and Communication Dilendra Prasad Badu.

AWARDED: Sumanta Raj Pandey, the university topper in the master's level in Nepali, with the Lekhnath Pratibha Puraskar.

Shri Om Shrestha, a youth essayist, with the Shankar Lamichhane Essay Award of this year, by the Shankar Lamichhane Essay Society.

INDUS AND GANGES DISPUTES:

Nepal's Water Right

By Dr. AB Thapa

There is a big confusion in our country about what the correct national policy should be on the international water right issues. It would not be an exaggeration to say we are now virtually in a total chaos. Perhaps due to complete lack of our awareness of the water right issues, we even did not hesitate, in one of the recent UN sponsored international legal forums, to move resolutions that would put to an end the genuine rights of the upstream riparian countries like ours.

International Water Law Making Process

The Article 38 of the Statute of the International Court of Justice provides that the Court, whose function is to decide in accordance with international law- both in general and international water resources- such disputes as are submitted to it shall apply international conventions, treaties between states, customs, general principles of law, etc. Thus it is necessary to analyze the reasons behind various past international disputes related with water particularly in our subcontinent that would give a clear picture about the stand of each country on matters of international water right issues. The Indus and Farakka issues are two perfect examples. Such study would help Nepal to develop a good strategy for protecting our own water rights without offending others.

The Indus Dispute

The Indo-Pakistan dispute on the Indus arose immediately after the partition in 1947.

M. Zafrulla Khan, the Pakistan representative in the Security Council presented about it during a Security Council debate on the 16th December 1952. The partial text is given below:

"The partition of the Punjab cut across the river system of the Province.....The partition line was so drawn that two of the rivers - Sutlej together with its tributary Bias, and Ravi - while originating in India, later on flow into Pakistan....On April 1, 1948.... India turned off the waters of these rivers which used to flow into Pakistan.."

India's position on the water right principle she is subscribing to has been clearly stated in the Indo-Pakistan Agreement on Indus (Interim) signed on the 4th May, 1948. It is stated: *"...the propriety rights in the waters of the rivers in East Punjab (India) vest wholly in the East Punjab.."*

West Punjab(Pakistan) disputed India's contention. Its view being that in accordance with international law and equity West Punjab had a right to the waters of the East Punjab rivers. Finally India and Pakistan came to an agreement. The Indus Treaty was signed on September 19, 1960. The Indus Treaty provided that the waters of the contentious rivers Ravi, Beas and Sutlej would be for the exclusive use of India. However, India would have to pay Pakistan some compensation for the construction of projects to tap other rivers in Pakistan to replace the supply from the above three rivers.

The Indus Treaty

India had been subscribing all along to the principle that

water belongs to the country where it originates. India turned off the waters which used to flow into Pakistan to irrigate lands. India took such action according to N.D. Gulhati (the Indian negotiator for the Treaty on the Indus) because the East Punjab (India) was anxious to establish its exclusive ownership. In the final treaty on the Indus the principle of establishment of right due to prior appropriation of water was ignored. The Treaty went in favour of a principle based on the sovereignty of a state over its national domain. The Indus Treaty might have set a precedent for the future. But in the Article-XI a special provision to restrict its use has been made. So it could not become a law. The Article XI of the Indus Treaty has been presented below:

1. *It is expressly understood that*

(a) *this Treaty governs the rights and obligations of each party in relation to the other with respect only to the use of the waters of the rivers and matters incidental thereto, and*

(b) *nothing contained in this Treaty, and nothing arising out of the execution thereof, shall be construed as constituting a recognition or waiver (whether tacit, by implication or otherwise) of any rights or claims whatsoever of either of the parties other than those rights or claims which are expressly recognized or waived in this Treaty.*

Each of the Parties agrees that it will not invoke this Treaty, anything contained therein, or anything arising out of the execution thereof, in support of any of its own rights or claims whatsoever or in disputing any of the rights or claims whatsoever of the other Party, other than those rights or claims which are expressly recognized or waived in this Treaty.

2 *Nothing in this Treaty shall be construed by the Parties as in any way establishing any general principle of law or any precedent.*

3 *The rights and obligations of each Party under this Treaty shall remain unaffected by any provisions contained in, or by anything arising out of this execution of, any agreement establishing the Indus Basin Development Fund.*

The Ganges Issue

India needed a greater part of the Ganges flow in the dry seasons for flushing the silts into the sea from the port area in Calcutta. India must have considered that it is allowed to take up a scheme to divert the flow because of her sovereignty right over the domain. However, the Ganges is a navigable river. The diversion would have violated the International Barcelona Convention on the regime of navigable waterways. This convention was ratified by British Empire that included India also in 1922. India to free herself to undertake the Ganges diversion scheme, denounced the Barcelona Convention to take effect from 26 March, 1957. Soon after that India commenced the Ganges diversion scheme at Farakka in 1960s.

Very recently the Treaty of the Ganges water at Farakka has been concluded between India and Bangladesh. This Treaty has a similarity to the Indus Treaty in one important matter of great interest to us. It contains at the very beginning in the preamble of the Treaty itself a statement that this Treaty will not affect the rights and entitlements of either country other than those covered by the Treaty and will not establish any general principles of law or precedent.

Precedent or General Principle of Law

The Indus Treaty and the Treaty of Ganges could not be construed as establishing law or precedent because of the provision in the treaty to restrict such use. However, these treaties can help us to come to some important conclusions. We can infer from these treaties that in the absence of imposition of restriction, a treaty may be construed to imply the following:

It can set a general principle of law. It can service as a precedent for similar cases in future. Any one of the Parties can invoke a treaty, anything contained therein, or anything arising out of the execution thereof, in support of any of its own rights or claims whatsoever or disputing any of the rights or claims whatsoever of the other party.

The revised Gandak and Kosi Treaties do not have any provision to restrict their application in similar other cases. So they can serve as a precedent for similar other cases in future. So far as the transboundary river treaties are concerned, the Kosi Treaty is the latest. Thus the Kosi Treaty could serve as a precedent to Karnali and other transboundary rivers.

The Kosi & Gandak Treaties of 1950s

India is the downstream riparian of all the rivers flowing across the boarder from Nepal. Our country will have to deal exclusively with India in water issues. Fortunately both Nepal and India not only have a common cultural heritage that binds them together; but they subscribe also to similar principles in water right issues. Both the countries believe that water belongs to the country where it originates, and the existing consumptive uses of the waters of a river cannot in anyway deprive the upstream riparian country of her right to consumptive use of the same waters. Because of such similarity it had not been too difficult even to amend the existing agreements on water resources with India that were detrimental to Nepal's interest.

After 1951 Nepal had signed two treaties with India on water resources in 1950s. They are the Kosi Treaty signed in 1954 and the Gandak Treaty signed in 1959. Soon after their signing Nepal realized that both these treaties were detrimental to Nepal's interest. Particularly the Gandak Treaty was the most harmful. The Article 9 of the Gandak Treaty that curtailed Nepal's water right is presented below:

"His Majesty's Government will continue to have the right to withdraw for irrigation or any other purpose from the river or its tributaries in Nepal such supplies of water as may be required by them from time to time and His Majesty's Government agrees that they shall not exercise this right in such manner as is likely, in the opinion of the parties hereto, prejudicially to affect the water requirements of the Project (it is the Gandak Irrigation Project) as set out in the schedule annexed hereto."

The monthly water requirements provided in the schedule were either very close or exceeded the river flows during few months of the monsoon season. This treaty would have virtually ended the future prospect for irrigation development in the Gandak Basin within Nepalese territory.

Revised Gandak & Kosi Treaties

The Kosi and Gandak Treaties were binding upon Nepal. The Vienna Convention on the Law of Treaties states that every treaty in force is binding upon the parties to it and must be performed by them in good faith. It requires the consent of both the signatories for changes and amendments unless there is a special provision for it in the treaty. Nepal succeeded in convincing India that both the treaties should be amended to protect Nepal's vital interest.

The Gandak Treaty was revised on 30th April, 1964. The Article 9 of the revised treaty is presented below:

"His Majesty's Government will continue to have the right to withdraw for irrigation or any other purposes from the river or its tributaries in Nepal such supplies of water as may be required by them from time to time in the valley. For transvalley uses of Gandak waters separate agreements between His Majesty's Government and the Government of India will be entered into for the uses of water in the months of February to April."

The revised treaty is a big improvement over the previous one. This treaty has reestablished Nepal's full right to draw water for irrigation or any other purposes in the large valleys which are many in number in the Gandak basin. Similarly, the three Terai districts on the west of the Gandak river can also be brought under year round irrigation even without transvalley conveyance system. Thus a new agreement with India might not be required in future.

The Kosi Treaty was revised on 19th December, 1966. Nepal's full right over the Kosi river has been established in the revised treaty. The Article 4 (i) of the Treaty related with the water rights has been presented below:

"HMG shall have every right to withdraw for irrigation and for any other purpose in Nepal water from the Kosi river and from the Sun-Kosi river or within the Kosi basin from any other tributaries of the Kosi river as may be required from time to time. The Union (it indicates India) shall have the right to regulate all the balance of supplies in the Kosi river at the barrage site thus available from time to time and to generate power in the Eastern Canal."

Why a Treaty is Necessary?

Our mega projects are too big for our exclusive use. It is necessary to enter into an agreement with India to recover full benefits from any of our mega projects. The Government of India must agree that the hydroelectric power produced in Nepal would get unhindered access to their market. These projects, on top of the power benefit, would provide significantly large downstream benefits to India. Nepal has every right to seek a fair share of the downstream benefits. We can draw a lesson from the Columbia River Treaty between the United States and Canada that provided Canada 50% of downstream benefits accrued from the use of regulated flow of the Columbia river in the United States.

(Dr. Thapa writes on water resources)

Change With Continuity

The lesson of Nepal is that the change with continuity has long-lasting impacts

BYKESHAB POUDEL

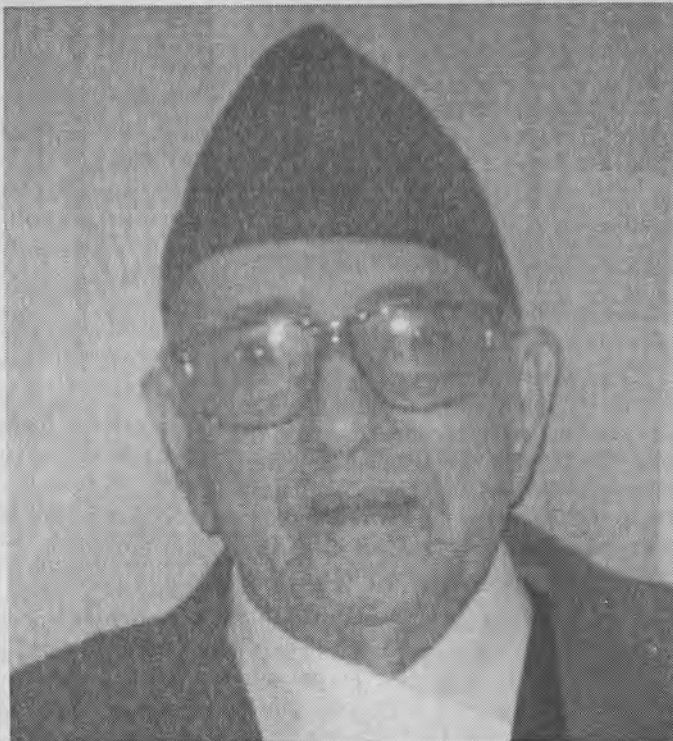
“These unlimited powers make the prime minister an autocrat. So, I am not satisfied with this interim constitution. My dissatisfaction on this issue was the prime cause for delaying the promulgation of the interim constitution,” said prime minister Girija Prasad Koirala, who is leading the seven party government which has already destroyed many democratic norms and institutions in the last seven months.

Prime minister Koirala expressed his resentment saying that he has different things in mind. Brother of B.P. Koirala, Girija Prasad Koirala, whose personal belief in democracy is unquestionable, declared that he did not want such executive power to become a Jung Bahadur.

In whatever circumstances prime minister Koirala signed the document, his inner conscience had different views, which he expressed at his home town Biratnagar. ‘I believe that the power of prime minister should be reduced,’ said prime minister Koirala.

This is an indication of reality of Nepalese society, which always prefers to see change with continuity rather than a drastic change removing all old orders. In depriving the King from exercising his power, seven + Maoist party have put all the power in prime minister making another autocrat.

“Nepal has gone through several ups and downs and upheavals in the past but none has been able to depart drastically with the hard realities of the country. In every step of the state craft, it requires concessions and compromise with contrary interests. The basic trend of Nepalese politics is a compromise between heterogeneous interests which is internal as well as external too. The



PM Koirala: Change Vs Reality

country has always lived therefore with continuity despite momentous changes,” said a political analyst.

Other oppositions also demanded the need to reduce the rights of prime minister. “There are so many flaws in the interim constitution. When there are flaws, complaints and grudges are obvious,” said CPN-UML leader Jhalnath Khanal, who participated in the whole process of constitution-making hoping to strip the monarchy off all power.

“All those euphoria generated by the street demonstrations, shouting and slogans have come to the phase of materializing all these things. The realities and apparatus available in the country had serious impediments to the

reckless and lopsided actions prime minister wanted. Leaders of the time of agitation had reached to the height of hysteria while instigating the mass to overthrow the regime and all its edifices,” said an analyst. “The armed insurrectionists had reached into the point of desperation and defeat. The agitation gave them honorable

opportunities to get involved in it and claim for a due share. Similarly, political parties with democratic ideals too had exhausted all these means and capabilities, which they failed to achieve. There was unseen regional interest also in need to change the situation favorably.”

“And there was the regime led by absolutist trend though the monarch who also had no will and people to maintain

the control over the power for long. The international forces and particularly from democratic west too had enormous pull and pressures to bring a qualitative change in the country through compromise and concessions. The culminating effects of actions and reactions of all these forces have brought Nepal to a present cross road for its betterment.”

“Any mistakes and miscalculation by any of the forces may create a serious maladjustment which may lead to a disaster to all. It is just an incident of history that a person suddenly and unexpectedly too empowered with all those powers and functions of the state which was previously exercised by the despotic Rana Prime ministers. The

difference was that Rana had army of their own whereas Koirala has an organized political party behind him. But, the real capability in him is not what he appears at outset," said the analyst. "In fact, Koirala is a small fry as a person with hard nut of the power around him as he does not know how and who is running the affairs of the state."

Although it took more than two weeks, Koirala opened his mouth against the document signed under his leadership. Whenever Koirala needs rejuvenations, he flies to his own home town Biratnagar and ventilates his inner feelings free from all bondages and restrictions of the state. "He is supposed to have dictated the interim constitution as it was reported in newspapers.

However, one wonders after knowing his views what mechanism and who was there to dictate a leader like him to sign the document on which he was not at all convinced about the interim constitution," said the analyst.

"Several points, which were finalized at Baluwatar, were missing in the next morning," said CPN-UML leader Jhalnath Khanal. "There are several translucent flaws in the interim constitution."

It is the time tested lesson of the history that no single power or person has ever a dictating role in the events of Nepal's history and that limitation is much more in the present in the context of the country as well as world situation.

Nobody is capable of undoing hard reality of Nepal.

The lesson of this latest upheaval in Nepal is that none of the political forces capable of dictating terms are in its favor. There is a misconception that traditional forces have lost everything including the monarchy. Had that been so, either the King would have gone away like Reza Shah of Iran or Zahir Khan of Afghanistan or it would have been eliminated like King Nicholas II of Russia.

The monarchy is yet a functioning reality though not in official transaction but in the hearts and minds of common



Parliament: Institution of continuity

people. Similarly, the other extreme an outmoded ideology of Mao would not have a substantial role in Nepal. Maoists have been used as a facet for the time being to promote certain interests of some undesirable force at large.

"We backed the agitation and we were part of it. The interim constitution was drafted in accordance with the wish of people to place prime minister as undeclared head of the state," said CPN-Maoist leader Dev Gurung.

They assessed their strength and entered into a compromise with hope to get a foothold in the popular and

competitive politics of Nepal. "From one extreme to other, there has been inner awareness of some hard realities of Nepal - that is Nepal is capable of change but definitely with continuity of its vitalities," said the analyst.

The criticism against interim constitution, which has virtually monopolized the power in the hand of prime minister, is reflection of that hard reality. Prime minister Koirala seems to realize it at his latter stage when he fell sick again. Although the extremists have their own way of looking at society, Nepal's hard reality is - change with continuity. ■

Operation Reconstruction

Even seven months after signing the final ceasefire agreement, the government and Maoists are yet to agree on reconstruction and rehabilitation works. The move of government to restore the police posts and Village Development Committees keeping in mind the holding of the elections for Constituent Assembly has been thwarted by the Maoists who oppose the idea. At a time when the government is scrambling to rehabilitate ruined Village Development Committee Buildings, Police Posts, health posts and mail offices, the Maoist opposition indicates there is still a long way to go before the rehabilitation and restoration of physical infrastructures can begin. The infrastructures can be restored but one cannot predict how rehabilitation of internally displaced population will be completed

By KESHAB POUDEL

Maoists have locked up offices of five Village Development Committees in Sunsari District preventing the VDC secretaries from entering the village. Similarly, Maoists lit a fire in an area police office in Nawalparasi and Rupandehi and other areas.

Maoists officially declared that they will physically oppose the restoration of police stations and rehabilitation of secretaries of Village Development Committees (VDCs). This Maoist move sent a message how uncertain the whole rehabilitation and reconstruction work is.

"We will not allow the rehabilitation and restoration of police posts and Village Development Committee till the formation of an interim government with our participation," said CPN-Maoist leader Dev Gurung. "Our party will physically oppose any unilateral move of the government."

The government, however, accused the Maoists for breaching the agreement opposing the move to restore and rehabilitate the police posts and

secretaries at Village Development Committees. The government argues that these restoration and rehabilitation of VDC secretaries and police posts are pre-requisite to begin the massive reconstruction works in the village and rehabilitation of internally displaced population.

"We need restoration of police posts to assure internally displaced population about their own security. The VDC secretaries are essential to collect the voter lists and the information regarding the damaged structures," said Home Minister Krishna Prasad Sitaula in a meeting of State Affairs Committee of House of Representatives. "Once all police stations are restored and VDC secretaries rehabilitated, we can tell about the total cost of damaged infrastructures."

The recent dispute between government and Maoists on restoration of police posts has sent a wrong message in the district rehabilitation and reconstruction work. In many districts, the telephone connection is yet to be restored and restoration process of other infrastructures has slowed down.

Thanks to the destruction and damage of telephone towers and telephone exchange building, many remote districts are disconnected from the rest of the country and people have to wait for long time to call their relatives. Similarly, the damage in health posts buildings denied rights of people to their basic health care.

In many areas, school children do not have school buildings and destruction of electricity lines and heavy mechanical equipments are stopping the development activities in the remote parts of Nepal.

"Though Nepal Telecom reassures us that they will start the process of repair of telephone exchange in Rasuwa, they are yet to begin the maintenance," said Chief District Officer Hari Prasad Mainali of Rasuwa district. "We have already restored the police posts in the districts but it is uncertain whether they will be safe or not."

"In Rasuwa district, almost all police posts were destroyed and couple of school buildings, telephone tower and some health posts need to be restored," said Mainali.

In absence of VDC secretaries, the



People gathering at health camp: Infrastructures are absent

complete assessment of the damage and destruction process has been stalled. "Once the VDC secretaries are allowed to work in the villages, then only real picture of damage and destruction will surface," said Binod Bahadur Singh, District Development Officer.

Damage and Destruction

Almost all ministries and departments have suffered from the damage and destruction worth billions of rupees of basic infrastructures during the last twelve years period of insurgency. Ministry of Home incurred highest damages followed by the Ministry of Local Development during the period.

Although it initially started with a low intensity concentrating in the rural parts of Nepal, the conflict intensified since 2001 and covered almost all areas of national life. Along with causing direct losses, the indirect economic cost and human cost of conflict is incurable.

Published by the World Bank, Nepal Country Assistance Strategy 2004-2007 states that the insurgency has increasingly challenged the fragile economy – the costs have been estimated at 8-10 percent of GDP including damage to infrastructure e.g. over 1/3 of the 3,900 VDC buildings have been destroyed; lost economic activity due to bandhas – i.e., strikes – that have been taking place with

greater frequency and generally low level of economic activity caused by decreased business confidence and low tourism.

According to the report, furthermore, there have been large direct impacts on the livelihoods of millions primarily rural based individuals, for which killing, extortion, confiscation, forced recruitment, and infrastructure destruction have created fear and resulted in migration, decreased agricultural production and a decline in living standard – it is estimated that approximately 300,000 people have migrated to the Kathmandu valley in recent years.

Just three years after the first World Bank report, the Asian Development Bank 2005 July report attempts to measure the economic costs of conflict, focusing on the impact of continued decline in development expenditures on gross domestic product growth.

According to Asian Development Bank, economic performance has been affected through different channels. More than 12,000 lives have been lost and physical infrastructure worth at least US\$ 250 million have been destroyed. Conflict related disruption such as strikes, security checks, blockades, shutdowns and extortion – have

search of work. The private investment has declined from 15.4 percent in 1996 to 12.6 percent in 2004 as private investors have desisted from making investments and foreign investors have stayed away.

Development expenditure declined at a rate of 4.2 percent during fiscal year 2002-2004 compared with a growth of 10.4 percent during the period between 1991 and 2001. The government security expenditure almost doubled from 1.6 percent of GDP to 3 percent of GDP in the same period.

Cost of Conflict

Although many studies have already been conducted, it is yet to be clearly known the total cost of conflict in terms of material and infrastructure damage but the loss in terms of human loss is incurable.

Just last week, the State Affairs Committee of House of Representatives summoned ministers and other senior officials from various ministries to enquire about the overall damage the cost of conflict and rehabilitation and reconstruction work. However, the senior officials of ministries have expressed that they are collecting the detail information about it.

National Planning Commission is now collecting the information from different line ministries about the budget they require for restoration and rehabilitation work. According to NPC, different ministries have demanded Rs. 2.57 billion for renovation and reconstruction.

According to NPC, Home Ministry has suffered heavy damage and it demanded Rs.1.10 billion for reconstruction and rehabilitation. The Ministry of Local Development is second highest sufferer in terms of damage of infrastructures as it demanded Rs 680 million for reconstruction and rehabilitation. Similarly, Department of Road incurred the damage of 116 million rupees and Ministry of Agriculture and Cooperatives demanded Rs. 266.5 million. Ministry of Information and Communication required Rs. 125 million rupees, Nepal Electricity Authority demanded Rs. 150 million. Department

of Irrigation demanded Rs.39 million, and Ministry of Education and Sports demanded Rs. 44 million.

Similarly, the Department of Sewerage incurred Rs. 6 million loss; District Development Committee of Manang incurred Rs.10. 9 million. Department of Water Induced Control has demanded Rs 1.1 million. Ministry of Works and Physical Planning (Emergency housing construction in Dipayal) demanded Rs. 11 million. Similarly, the Ratneshowr High School Gorkha demanded Rs. 3.5 million for reconstruction of school buildings and Kamaiya Rehabilitation road project Kanchanpur demanded Rs. 3 million.

“The government has already sanctioned the budget in accordance with the demands of these agencies. We are in the process of collecting damages incurred by other various ministries and government offices. The final report will be published within a few months,” said Shyam Sunder Sharma, spokesman of National Planning Commission. “The NPC will compile all the reports coming from different ministries.” The report from major ministries like Ministry of Health, Finance Ministry is yet to be received.

Scene of Devastation

Passing through the east west highway and any remote parts of Nepal, one can see the devastated school buildings, VDC buildings, police posts, health posts and other such infrastructures.



Newly restored police post: Changing scene installation and wires placed in and



Barbed wire: Reminder of Conflict

In many areas, remnants of heavy mechanical equipments like dozer, roller and tipper are found abandoned in the highways. Even in border areas, the custom counters and police check points were devastated. One can see the remnants of destruction of infrastructures in all parts of the country.

Thanks to the damage in the telephone tower, many parts of the far-western region are disconnected from the rest of the country. The VSAT technology introduced to replace the system is very undependable and slow.

Whether it is in near by Rasuwa district or far away Doti, every one had to pay price for the communication. “Our communication system was just restored. Otherwise, it is very difficult to make contact with health posts of rest of district,” said Dr. Gopal Gnawali, acting director of District Hospital Dadeldhura. “In our district, a couple of health posts need to be restored and reconstructed.”

Security Investment

From airport to main office buildings, the place were turned into a major fort as the bunkers were made in different parts of the main

around such buildings.

The government has spent enormous budget to protect the government officers and major installation of national importance. Country may require a huge amount of money for the removal of bunkers and other such obstructions. According to the study, the security expenditure went up from 1.6 to 3 percent of GDP between 2001 to 2004.

Although the peace deal has already been made and Maoists are competing for pluralist politics, one is yet to see the beginning of the reconstruction and rehabilitation drive in the country side. As all political forces are still busy in political dispute, it is uncertain how long the people will have to wait to see the return of normalcy in the country.

From Syaphrubeshi of northern border town to Gaurifanta of southern border town in far western region, the devastated and ruined buildings of police stations to health posts, schools and other public properties continue to remind Nepal’s 12 years long painful story of insurgency.

Although the process of reconstruction and rehabilitation is yet to start, the common people of Nepal have shown their zeal to rejuvenate the nation showing that they have capability to bring the normalcy back in the country. ■

NEPALGUNJ RIOTS

A Chilling Episode

By instigating the hills-plains divide, nefarious elements attempted to ignite communal riots in Nepalgunj

By SANJAYA DHAKAL

For a country that is just coming out of the decade-long insurgency and violence, the incidents that occurred last week in mid-western border town of Nepalgunj was the last thing it wanted to see.

Although some suspect the hands of 'reactionary' forces in the whole episode, the fact that the hills-plains divide could so easily be exploited and made to create chaos exposed the challenges lying before this country as it moves towards building a new Nepal.

Perhaps, as an indication of the seriousness of this episode, Prime Minister Girija Prasad Koirala has said that the incident of communal riots in Nepalgunj were the saddest in the history of Nepal.

"All of us must learn lessons from this sad incident," he told reporters in Biratnagar. PM Koirala said all political parties must rise above their partisan interest in the interest of the country. "I appeal to the leaders of the eight political parties to become alert about such activities, which show that the regressive and reactionary forces have not been finished," said Koirala.

The Prime Minister hinted that the riots were aimed at disintegrating the country, when he said, "I will not let these incidents aimed at disintegrating and finishing the country succeed."

The whole thing started on December 25 when the Nepal Sadbhavana Party (NSP-Anandidevi) – which is a key partner of the ruling Seven Party Alliance (SPA) – organized Terai bandh demanding that the electoral constituencies be freshly demarcated based on population. They wanted this provision in the interim constitution.

In forcing the success of their bandh, NSP-A activists allegedly used force and vandalized vehicles and shops in Nepalgunj city area.

The following day incidents took a chilling turn, when enraged transporters and local people started their vengeful



Goodwill Rally: Mending fences *Annapurna Post*

acts. In a matter of few hours, Nepalgunj city burnt. Shops were looted, communities were targeted, and shops/buildings set to fire.

Nepalgunj continued to witness violent riots, vandalism and arson the whole day on December 26 even though the administration had clamped curfew since 11 am.

The curfew continued throughout the night and also the following day. There were reports of violence and vandalism even during curfew hours.

Alarmed by the scale of violence, the political parties then got their acts together and began to assemble a peace rally. The violence left one person dead and over one dozen injured. But the losses in properties were yet to be fully assessed.

On December 30, senior leaders of the eight parties descended in Nepalgunj to try to placate the situation and appealed to the local people to maintain calm and restraint.

Home Minister Krishna Prasad Sitaula suspected there could be "infiltration by anarchists." Likewise, Maoist spokesperson Krishna Bahadur Mahara said that regressive elements could be involved in the violence with the aim of derailing the elections of Constituent Assembly elections.

Fortunately, the riots died down and

there were no major human losses. But it has left a big scar in the face of exemplary communal harmony that had been existing among various communities living in this country of 24 million people.

The leaders of NSP-A, subsequently, tried to escape the blame. "We cannot even imagine of hurting the communal harmony," said vice president of the party Bharat Bimal Yadav.

Another NSP-A leader and Commerce Minister Hridayesh Tripathy added that his party was not involved in the actions of December 26.

As usual, the government formed a three-member judicial investigation team to probe the incidents of riots and violence in Nepalgunj. The three-member team is led by judge at Butwal Appellate Court Purushottam Parajuli and its two members include deputy attorney general Drona Raj Regmi and additional chief officer at National Investigation Department Sukha Chandra Jha. The team will study the causes and effects and recommend action against guilty persons related with Nepalgunj incident within 15 days.

The incidents in Nepalgunj are too serious to be ignored. The government, the political parties and the civil society must join their hands to clip the attempts by nefarious elements to flare up communal violence. ■

“We Don’t Have Manpower To Use All The Facilities And Equipments”

DR. GANESH BAHADUR SINGH

Large number of women living in the rural parts of the region still give birth at home without any trained medical practitioner. Providing the incentive of Rs.1000 for a woman delivering child in hospital and health posts has drastically increased the number of women coming to the health posts and hospital for the purpose.

Acting medical superintendent of Seti Zonal Hospital Dr. GANESH BAHADUR SINGH, a gynecologist, has been working in far western region for more than a decade. Dr. Singh, a general surgeon, has performed many surgeries particularly related with uterine prolapse among aged women of remote parts of Seti and Mahakali Zone. The hospital covering more than 10 districts of far western region, Seti Zonal Hospital remains the hope for many patients. From taking care of pregnant women to treating the patients with encephalitis and malaria, Seti Zonal Hospital has been providing all kinds of services. Dr. Singh spoke to KESHAB POUDEL recently at his official room in Dhangadhi. Excerpts:

How do you see the facilities available in the hospital particularly in relation with RH?

Well, our hospital has almost all facilities for general treatment and emergency surgery. For the women, we have separate maternity ward where we have facilities even for treating complications during the delivery. It is unfortunate to say that we don't have manpower to use all the facilities and equipments. It is one of the busiest hospitals in far western region providing service to 300-350 patients in Out Patient Department and emergency but in terms of manpower it is worst. Being a referral hospital for 9 districts, there is rush of patients almost every day but the number of doctors are inadequate to treat them.

What kinds of patients come to this hospital?

We see all kinds of patients in hospital. From patients of typhoid and malaria to encephalitis, all kinds of patients visit the Hospital. I have seen many patients who cannot afford to buy even cetamol for controlling fever. As a government hospital, we have to treat all kinds of patients. At a time when medical science has made a lot of progress including the human body transplant, I have to encounter patients who are dying due to lack of general medicines. We have been surviving in scarcity but we are able to provide best kinds of services to poor patients of the region.

What is the state of medical staffs in the hospital?

Out of positions for 19 doctors, there are only 10 doctors now. Similarly, there are only half the number of staff nurses, nurses and other health assistant working now.

How are you managing the hospital with such a limited number of staffs?

It is very difficult to run the hospital but we have to run it. Almost all of us are overburdened. In some cases, the patients have to suffer because of non-availability of services because of lack of doctors and specialists.

Why doctors and other medical staffs don't want to work here?

As you know, this hospital is far away from capital with very limited facilities. This area is less preferable to doctors and other medical staffs. For other medical staffs, this area is easier to get permanent. So, most of the medical staffs join this hospital to get permanent positions. Numbers of patients are increasing day by day but specialized doctors and other medical staffs are getting lesser.

Aren't there other ways to fill the vacancies?

Hospital management committee can hire the doctors and other medical staffs but there are no such persons in the region.

How effective is the service?

This hospital is supposed to provide all curative services. As I told you that there are very few manpower to handle the equipments, the service quality suffers. In terms of equipments and other facilities, the hospital has everything but we are not in a position to provide all the services.

How do you see the trend of giving birth of children under the supervision of trained medical practitioners in the region?

Although the number of patients visiting for post natal and pre-natal care in the region has increased a lot, it is still too low and negligible. Large number of women living in the rural parts of the region still give birth at home without any trained medical practitioner. Providing the incentive of Rs.1000 for a woman delivering child in hospital and health posts has drastically increased the number of women coming to the health posts and hospital for the purpose. For the women living in rural parts of the region where maternal mortality is still higher, it is yet to make difference. So far as my hospital is concerned, there are eight to ten deliveries in a week.

How do you see the cases of uterine prolapse?

Uterine prolapsed is rampant in the rural and remote parts of Seti Zone. We get number of referral cases for surgery of uterine prolapsed from district hospitals and health posts.

How regularly the Hospital performs the surgery for uterine prolapse?

As you know, it requires specialized surgeon to perform the surgery. Actually, I am supposed

to perform operation for the uterine prolapse. Because of administrative and managerial burden, I am spending very less time in performing the surgery. After appointment as a medical superintendent, I have to spend a lot of time in hospital management. Out of 100 cases diagnosed, 10-15 persons require the surgery. Genital prolapse is common in the region.

Why there is such a high prevalence of this disease in far-western region?

There are many factors responsible for it. Carrying heavy loads, excessive child and numbers of pregnancies are mainly responsible for high prevalence of uterine prolapse in far western region. Delivery in the home is another important reason. There is no rest for women after delivery as all women do hard work in the region. Other important factors are age and no nutrition.

In which parts of the region, the number of uterine prolapse is higher?

Definitely, the number of such cases is higher hill than the plain areas. In remote parts of Achham, Doti and Bajura, uterine prolapse is common and most of the women suffer from uterine prolapse in young age. In these areas, some cultural practices like chaupadi is rampant and women are isolated from the family for ten days after delivery of baby. During that period, there are various cases of infections.

How frequently do you visit remote parts of the district?

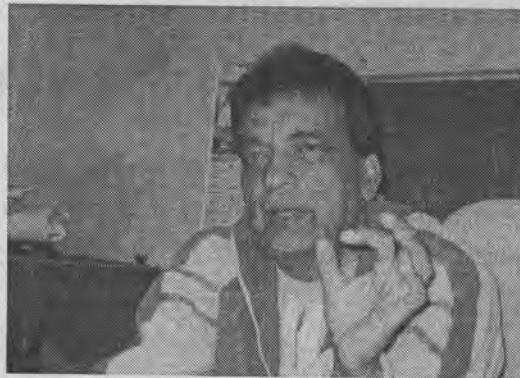
We organize health camps in various health posts in remote parts of the region where we also perform the surgery for uterine prolapse and other reproductive health. We have to encounter many painful stories of women suffering from uterine prolapse. Many women hesitantly disclose their problems to the male gynecologists like me. Many women disclose when the cases are too severe.

What will be the cost for surgery of uterine prolapse?

It costs about Rs. 5,000 to Rs. 10,000 to perform the surgery. For poor women, we have been performing the surgery free of costs. Every week, we perform two to three uterine prolapse surgeries. As patients want to perform surgery during winter, there is always rush in this season.

How do you see the health consciousness in the region?

People are very much conscious about their health. Because of growing activities of NGOs and INGOs as well as increasing the number of educated children, health awareness among women is rising. Compared to other mountain districts of Seti Zone, the people living in Kailali are very much conscious of health. Women know that they don't have to face any risk delivering in hospital. This is the reason even rural folks admit pregnant women in the hospital at the time of delivery. In the last five years, the situation has drastically changed in the area and people are



aware about their health and health facilities available in the region.

As you said, the services for the surgery of uterine prolapse are irregular in Seti Zonal Hospital. Then, where do the patients go?

Most of the patients visit Nepalgunj or hospitals in nearby Indian cities. Although the patients have to pay higher cost in performing surgery in these areas, they don't have other options.

How do you see the status of morbidity in Reproductive Health (RH)?

Morbidity is very high in the region including the post delivery urinary problems. We have been making efforts to address these problems.

Is the medical service affordable to the poor people?

We charge very nominal fees to the outdoor patient in the hospital. Except certain amount for laboratory and other charges, the check up is free. In many cases, even we provide free medicines.

How do you see the medical structure in the region?

The government health structures are composed of various centers. In the village level, there are Female Community Health Volunteers; there are health posts in village development committees, primary health centers in the constituencies and District Hospital in all the districts and Zonal Hospital as a referral unit. As a referral hospital, we have to provide all kinds of services.

What do you suggest to improve the services in your hospital?

I have already told you that we require all kinds of manpower in the hospital. If we have adequate doctors and specialists and other medical staffs, we can provide best of the best service in the door steps. I think the government has to formulate the long term policy so that all the district hospitals have at least doctors and nurses to provide services.

What inspired you to be here for such a long time?

I want to provide the services for needy population of this region who are deprived of medical treatments in their own region. ■

here are many factors responsible for it. Carrying heavy loads, excessive child and numbers of pregnancies are mainly responsible for high prevalence of uterine prolapse in far western region. Delivery in the home is another important reason. There is no rest for women after delivery as all women do hard work in the region.

MESSAGE OF THE COVERED STATUE

Call For National Unity?

Although the main statue of King Prithvi Narayan Shah was damaged and it remains covered, one cannot do away with his historical contribution in unifying Nepal in the modern shape

By KESHAB POUDEL

For some, the idea along with his statue seems to be the most hated object. Even if they dislike him, no one can outright reject his efforts of unifying Nepal in the present modern shape.

Although just a week after the restoration of House of Representatives in April, a group of miscreants destroyed some part of the statue of King Prithvi Narayan Shah, the founder of modern Nepal, in front of Singha Durbar secretariat, nobody has shown any interest to renovate it.

In the present power politics, no one is in position to condemn the acts of vandalism nor are they in a position to pursue the idea of renovation of damaged statue hailing his role in the process of national integration. At a time when so called nationalist communists and their anti-national rivals are sharing the power together, their common enemy is now the 238-years long evolutionary process of Nepal.

Prithvi Narayan Shah himself described the original character of people of valley during his time. In his words, conspicuously lacking was the loyalty to throne and to the ideals of the country whereas passion for power was much in evidence in the people of Kathmandu valley.

"This three-cited Nepal is a cold stone; it is great only in intrigues. If possible he wanted to avoid this," stated L.F. Stiller S.J. in his book Prithvi Narayan Shah in the light of Dibya Upadesh.

Whether one likes it or not, it is a historical fact that King Prithvi Narayan Shah unified Nepal in the modern shape integrating many smaller city states existing south of great Himalayas. Thus, no one can change the fact of the history.

Although he shaped the modern Nepalese state, one of the main statues

of King Prithvi Narayan Shah, which is lying in front of the Central Secretariat complex, has been covered by red cloth



Covered Statue: Desecration of Unity

for the last seven months.

Everyone sees the statue covered by red cloth but it has not come into public debate: by whom and for how long and for what purpose the statue will remain covered. There is neither the debate in support of the present action nor against it.

As it is the character of the mass of the people as silent majority which is not expressing their views through slogan

long years of unified nation. But there is no demand from any side of the public opinion to get the statue removed or demolished but at the same time nobody has the guts to demand its restoration in the previous position.

"The motive behind that act of saboteur is mysterious and unknown too. But the history cannot be destroyed by demolishing or destroying such statues or memorials. The name and role of Prithvi Narayan Shah has definitely been immortalized in the pages of history of Nepal," said a political analyst.

For decades, every year on Poush 27 (this year it is on January 11) of Nepalese

shouting agitation like the cadres of political parties do who allegedly destroyed the statue for his crime of unifying Nepal and for the crime of giving them independent identity.

From a section of leaders from mainstream liberal democratic parties to communists of all brands including CPN-Maoists and CPN-UML are condemning consequences of 238 year

calendar, the country used to observe the national unity day by paying highest tribute for unification of this country. However, the present Loktantrik government cancelled official respects to the nation-builder without any reason.

In his book "Heroes and Builders of Nepal", historian scholar late Rishikesh Shaha writes, "Prithvi Narayan Shah's valor, statesmanship and administrative qualities fill Nepalis with a sense of pride and glory. As a result of his foresight and wisdom, a synthesis of Hinduism and Buddhism exists to this day in Nepal." The strong nation he created was to be for a long time the only free and independent Hindu nation in the world. "The emergence of Prithvi Narayan, as a strong monarch in the prevailing chaos and uncertainty at the time of the breakdown of the tribal area, was a major factor in the growth of Nepalese nationalism. It was the Gorkhali conquest that gave this country unity and strong central government."

"In the history of modern Nepal, Prithvi Narayan Shah will be always remembered as a man who unified Nepal. Prithvi Narayan Shah has a legendary role not as a mere conqueror but he had higher objectives and ideals to promote by unifying small and weak regimes at the time when East-India Company was expanding very rapidly in rest of India. With the process of unification, Nepal increased its capability to withstand the colonial expansion by that to maintain continuity of its independence," said the analyst. "The role of any person in the history can be evaluated and judged by taking into consideration of time and circumstances in which the person played the role. The unification of Nepal was completed two years earlier than the French Revolution in which equality, fraternity and brotherhood was popularized in the streets. It was years before the American war of independence and more earlier than Karl Marx came out with outstanding thesis of class struggle. As King Prithvi Narayan was earlier than these epoch making events and ideals, he was to be judged in his own context."

After unification, he described Nepal as a garden of all castes and creeds. "This will not be my little painfully acquired Kingdom but a garden of every sort of people. If everyone is alert, this will be a true Hindustan of the four jats, greater



King Prithvi Narayan: Nation-maker

lesser, with thirty-six classes," said Shah in his Ditya Upadesh.

In fact, he was much progressive in the context of his own period when he declared from his throne that Nepal is a garden of all caste and creeds. "By that declaration he pronounced a concept of commonalities of interest of the people in state affairs. And thus, the state is the partnership of all the people whatever cast, creeds, ethnicity and identity it has," said the analyst. "Theoretically, it was not a subjugation imposed by a conqueror or imperialist internally, though it was easier to preach than practice in the adverse realities of that time. But those declarations definitely have eternal appeal even to this age."

On the question of preservation of Nepal's independence, he was a visionary to declare that Nepal has to exist as a yam between two boulders. "This country is like a gourd between two boulders." "Herein he shows his fundamental appreciation of the fact that a small nation such as Nepal, lying as it does between the two great and relatively powerful nations, has a very delicate position to maintain," writes L.F. Stiller, S.J. in his book Ditya Upadesh

According to the analyst, that far sighted observation of Nepal's strength as well as limitation has yet remained undisputed. Prithvi Narayan Shah's expression on Nepal's geo-strategic position is still valid as it was.

"The progenitor of the present ruling dynasty in Nepal, Bada Maharaja Prithvi Narayan Shah, once aptly described his newly conquered Kingdom in the central Himalaya as a root between two stones," writes late Leo E. Rose in his book Nepal Strategy for Survival.

Among others, he was a man who believed in the will of people. On the

question of imbibing the popular opinion, he had conceded to accept a particular person as a prime minister who was popular than a person of his own liking.

"This was a lesson to all his successors that the wishes of the people must be respected than that of one's personal liking," said the political analyst.

"I was in mind to make Biraj Bakheta Kazi. But Kalu Pande was thought to be wiser and, and Kalu Pande was made Kazi. When I consulted the wishes of people and found that people wanted Kalu Pande as Kazi. He is with whom the people are pleased, he it is who is made Kazi. I consulted the wishes of the people and found that the people also wanted him. If Kalu Pande is made Kazi all the people will be pleased. I was advised," said Prithvi Narayan Shah in his Ditya Upadesh

Though his statue is covered by red cloths, the statue in front of Singha Durbar public road will always be there reminding the people all the time that Nepal has very rich heritage in state crafts, self governance and popular sovereignty. The King was not supposed to be absolute ruler in the words of Prithvi Narayan Shah. The King has always to live and act in accordance with the will of people.

"That moment of history when one compared his own cotemporaries elsewhere particularly in this region, there is no other comparable visionary and guide of nation. He was greatest of the time in a small Kingdom in Nepal who remained as a pride symbol to the posterity forever," said the analyst.

Other historians and scholars, too, agree that Prithvi Narayan Shah was a great man. "At a given time in history, under given circumstances, Prithvi Narayan Shah did rise above his fellowmen. Not all that he did was perfect. Some of the acts he placed were clearly wrong and appeared so even to him. But when the accusations against Prithvi Narayan Shah and his failures are placed together in one side of the scales and weighed against his achievements, the scales show clearly that he was a great man," writes Nepalese historian father Stiller.

Even though the statue has been damaged, his lessons remain as eternal guidance to the nation. The statue may be destroyed at the whirlwind of the political situation but the fact of history is indestructible. ■

NATIONALIZATION OF EDUCATION

Boon or Doom?

The government needs to think carefully before rushing to any decision regarding nationalization of education

By DIL BAHADUR BASNET

Educational divide in an underdeveloped country like Nepal experiencing a period of transition and a fluid situation of law and order undoubtedly brings doom. Where there is a distinct gap between haves and have-nots, private schools without restriction from the state do not deserve existence. So, this is the right time for the private schools to prove themselves either entirely social service institutions or merely business enterprises.

But the current statistics depicts that 35 percent of children are admitted to private schools. If the state can guarantee guardians and their children for quality education with well-trained teachers along with well-managed community schools, that percentage shall dramatically go down. Well then, does the present government have guts to improve the prevalent devastating scenario of community schools before nationalizing the private schools? Certainly not. Hence, premature decision to nationalize or collapse private schools without concrete solutions to potential circumstances is sure to invite an unprecedented disaster as this step will further cause employment problems, loss of national resources, and brain drain too.

Since the state is the composition of both community schools, run with a fund allocated from national budget including taxes of people, and private schools, run through the investment made by founders and the fees collected from guardians, the state on the one hand has to win the hearts of school founders, teachers and staff by treating them proportionately, and on the other to ensure children for world-class education and to satisfy guardians without psychological burden!

"Community schools should not fall

behind the private schools in terms of quality education," observed Narayan Pd. Kaphle, Under Secretary, at the Ministry of Education, and Sports (MoES). He added, "It's not possible to nationalize the private schools as their contribution to education cannot be ignored. However, their monopoly in charging fees but indifference to meeting school objectives and rendering facilities to needy students, and teachers and staff needs to be corrected at once."

Focusing on the equal access to education irrespective of classes, Jhan Bahadur Dawadi, Vice-Principal, Manasalu Public High School, Nayabazaar rightly says, "Dual education system should not exist side by side as we support nationalization of private schools but all the well-to-do families must educate their children in the community schools so that our resources are prevented from being flooded to other countries."

According to Jabeen Parveen, Principal, Baby Angel English School, Dallu, which is not a member of any school association, "Apt compensation against the collapse of schools is better than nationalization, if there are no other alternatives."

"There are adequate experiences private schools can share with community schools and vice versa," Mahasram Sharma, Director General, of the Department of Education views, "We ought to have wider spectacle to demarcate the duty of state in education."

Interestingly enough, Mohan Gyawali, Chairperson, Nepal Teachers' Association criticized, "Students, teachers and staff are being exploited in private and boarding schools. They are brainwashed with 'hire and fire' technique."

Revolutionary outlook remarked by Lekhnath Neupane, President, ANNISUR (Maoist-affiliated student wing) is worth noting in the sense that it cannot help drawing the attention of all irresponsible authorities. "Nationalization of education can be successful only if political commitments are fulfilled," said he.

But, raging over the authorities, Vice-Chairman of N-PABSON Pankaj Singh Rathaur has recently urged the government to pledge the investment on private schools to ward off the founders from being accused of money-minded.

Yet there is a perspective of Umesh Shrestha, Chairperson, PABSON, who highlights, "Education should be purely service-oriented rather than commercial. Not more than 3000 schools out of 8 to 9 thousand schools are registered with Company Act."

The PABSON has recently assured dedication towards the operation of educational institutions in a republican system so as to deliver teaching-learning process as required by the state. It has also issued 17-point memorandum to convince the state, teachers and staff, and the students and their guardians.

One cannot deny the fact that the role played by private sector in the uplift of education, fortification of national capital, support for employment, and preclusion of brain drain is laudable. So, from the devolutionary angle, all the private schools with respective infrastructures need to be preserved to relieve from the existing mayhem.

It is time the government recalls what had happened during 1971 when the then government nationalized all the private-run schools to offer innovative education. As that very idea couldn't sustain, the private sectors were subsequently summoned for cooperation. If the government is once again playing a drama without adequate homework in nationalizing or closing down of private schools in the name of their transformation, it will do nothing more than adding a fuel to fire. ■

(Basnet is an internee)

ON INTERIM CONSTITUTION

By Yubaraj Ghimire

It was a prolonged exercise that finally gave Nepal an interim constitution. But the document, sadly, makes Nepal's vision of democracy incomplete and ignores the principle of separation of powers. In fact, during the interim phase of governance that will end in June, if elections to the constituent assembly are held as scheduled, the prime minister will enjoy the powers of an 'absolute dictator'. Worse, the constitution not only takes away all the immunity the king as head of state had enjoyed and transfers it to the PM, it also empowers the council of ministers to grant amnesty to convicts, regardless of the nature of their crime.

India's minister of external affairs, Pranab Mukherjee, on his recent visit to Kathmandu, skipped making comments on the interim constitution, which had been finalised a day before his arrival here. It is difficult to say whether he did this out of wisdom or because the constitution was so faulty in itself. In any case he was wise to withhold comments.

Let's examine the process of appointing the chief justice, judges of the supreme court and other constitutional posts set down by the interim constitution. The appointment of a constitutional council is provided for the purpose, with the PM as its head. The chief justice and the speaker of the interim parliament, besides three ministers nominated by the PM, will be members of this council. And the PM, given the power of the head of state vested in him, will approve the nomination. In the case of appointing the chief justice, the law minister will act as member of the council. In short, the chief justice will be a helpless minority voice in the advocacy of an independent judiciary.

Nepal will remain without a designated head of state as the constitution is silent on it. While the king has been stripped of that status — the fate of monarchy will be decided at the first meeting of the constituent assembly by a simple majority vote — it empowers the PM to discharge all the administrative functions that the head of state was performing.

In fact, Nepal's transition from an absolute monarchy to an 'absolute prime ministerial system' is fraught with risks that will have a direct bearing on the country's promised move to peace, democracy and development. Koirala, despite his considerable presence thanks to the role he played during the pro-democracy movement, is

someone who has on many occasions during his many tenures as PM earlier, acted vengefully and misused the state's authority to harass rivals. His past is not free of the taint of corruption and his family members are known to act in an extra-constitutional manner. With the constitution legitimising him as a PM with absolute power, will he undergo a transformation? It will also be unfair to expect the PM, essentially a party person, to act in a non-partisan manner while discharging the role of a head of state.

Well-known constitutional experts who have consistently fought for the independence of the judiciary and for fundamental rights have already begun to criticise the interim constitution as an 'unholy deal' struck by politically ambitious players.

The interim constitution pledges to end the culture of impunity of the past. It lays the blame for this at the door of the 238-year-old system of monarchy. To fix responsibilities for the excesses, killing and other kind of atrocities witnessed over the past 11 years of conflict, the interim constitution provides for the formation of a truth and reconciliation commission — an idea copied from South Africa. But the very clause that follows smacks of a conspiracy to punish the guilty selectively. "No matter what may have been written here, implementation or absence of it will not be questioned in any court."

Another clause empowers the PM to grant amnesty in any nature of conviction. Which clearly means if anyone from the seven parties and the Maoists is found guilty, he or she will not have to face punishment.

In brief, the interim constitution is 'of the parties, by the parties and for the parties'. Mercifully, the period during which it will be in force is brief. Elections to the constituent assembly should be completed by June. But this short span could turn out to be a period — backed by the interim constitution — to practise the politics of hatred, intolerance, revenge and impunity, something that goes against the spirit of the project for which Nepal's people had came out on to the street in droves during those stormy 19 days of popular uprising in April.

While the political parties, including the Maoists, may have won the first round, the people certainly have lost it. ■

(The article appeared in the Indian Express on December 20. The author can be reached at yubaraj.ghimire@expresseindia.com)

BOOK

Personal Experience

Senior lawyer Dr. Shanker Kumar Shrestha's new story book compares lives in Nepal and America

By A CORRESPONDENT

Every one particularly the young people have dreams of going to the United States of America but no one realizes the life and difficulty one has to face while living and studying there. America is known as a place of opportunity as well as challenges. This is what one can read in Dr. Shrestha's book.

Living far from their birth place as new immigrants, Nepalese have been facing different kinds of social trauma, psychological difficulties as well as other social and cultural shocks. For some, however, it has become a place of their dream.

As a story writer and poet, Dr. Shrestha's mind is able to discover inner difficulties of the people and their experiences. In his simple Nepali language, the author is able to describe all his meetings and experiences.

At a time when the world has become a small and narrow place, people living in different parts of the planet are enjoying the rapid and huge cross-traveling and migration. In the globalized world, Dr. Shrestha's observes the essence of the new change.

Dr. Shrestha is an experienced writer as he has written dozens of short stories, poems, essays and travel experiences. This is the first of its kind book where he plays with words to describe the life in America.

The book consists of 15 short

stories and all of them have different tastes and different plots and various characters. Along with writing on American life and society, Dr. Shrestha also mentions the legal system and political process in America. He discusses the political debate in the presidential elections as well. From evolution of democratic process to legal system, Dr. Shrestha also explains experiences he gained in his visit.

Like all the people around the world, Dr. Shrestha was also impressed by the surroundings of New York City which in his word the city of global looks and global culture. Dr. Shrestha also describes the social and physical characters of other cities. One of the important aspects of his observation is how Nepal became globalized. In his two visits to the United States of America in a span of two decades, Dr. Shrestha has seen dramatic changes in terms of presence of Nepalese in United States. In his first visit, he didn't have enough time to mix up with society.

Many Nepalese visit United States of America annually but only a handful of people has written about the life, culture and society in America comparing it with Nepalese culture and life. Dr. Shanker Kumar Shrestha has made efforts to narrate his impression.

Although this is a collection of

stories written about his visit to America, Dr. Shrestha's book is full of interesting events and observations of places in America and the social and cultural importance. Dr. Shrestha first visited America many years ago when he was with the government. The book was written after his recent second visit.

Written in Nepali, this book is interesting to read. For those who are going to America, this book also gives a glimpse of knowledge about the life, society, culture and other important aspects of America. ■



Nepal Dekhi America Samma
(From Nepal to America)
Collections of Stories
Author: Dr. Shankar Kumar
Shrestha

Published by: Pairavi Prakashan
Price: Rs. 100.00 US\$ 10
Pages: 124

MARTIN CONCERNED OVER RESTRICTIONS

Ian Martin, the Personal Representative of the UN Secretary General, has expressed concerns about the complaints he received from two political parties about the obstruction in their activities.

The two parties had complained to his office regarding organized efforts to restrict their political activities.

"The RPP led by Pashupati SJB Rana has complained that its members are not being allowed to hold positions, that Rana himself had been prevented to speak in Sindhupalchowk. Likewise, RPP-Nepal led by Rabindra Nath Sharma has complained about attacks against its workers in Pokhara and in Baluwatar," Martin said.

"I must stress that the right of all political parties to carry out peaceful activities throughout the country is essential for the credibility of the electoral process, and the credibility of the electoral process is essential for the credibility of the constitution-making process," he said, addressing a press conference.

"Whether it is royalist or not, each political party is entitled to carry out peaceful activities," he said.

Martin informed that complaints involving allegations of violations of international human rights standards are well within the mandate of OHCHR to investigate. Martin also expressed concern regarding recent events in Nepalgunj and in the eastern Terai.

Referring to the stepped up violent activities by the Janatantrik Terai Mukti Morcha (JTMM), Martin said he had found the government also quite serious about this problem.

The JTMM in recent weeks have intensified their activities. After killing a bus passenger in Saptari, the JTMM (Jwala Singh) faction cadres also killed another person named Krishna Neupane

in the same district.

The JTMM (Singh) also attacked a vehicle belonging to Kantipur publications and abducted Govinda Upreti, father of film star Nikhi Upreti, from his house in Sarlahi district.

The growing activities of the JTMM, on the one hand, and the restriction of political parties who do not belong to the SPA and the Maoist camp from carrying out their peaceful activities could put a dampener on the prospects of free, fair and fearless Constituent Assembly (CA) elections.

As far as the JTMM is concerned, Prime Minister Koirala has informed that he is in touch with them and wants to settle it through negotiation once the Maoists are brought to mainstream.

However, so far as the restriction on other political parties are concerned, the provisions in the proposed interim constitution could institutionalize their restrictions. The constitution states that any new party that wants to register with the Election Commission will have to produce 10,000 signatures.

A noted political leader and former minister Prakash Chandra Lohani has written in one of his recent articles that the new provision is aimed at effectively barring political parties other than the eight parties from entering the fray at the CA elections. Such undemocratic provisions could ultimately hurt the credibility of the whole process and undermine the beauty of the current peace process in this country. ■

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ARMS MANAGEMENT

Slow But Steady

The process of arms management is taking longer than expected, but things have started to move with the arrival of UN monitors and recruitment of ITF

By SANJAYA DHAKAL

Even as the peace process seems to have slowed down a bit with the long time being taken to initiate the process of monitoring of management of arms and armies, things have finally began to take shape.

This week, altogether 11 UN monitors have arrived in Kathmandu. And they are expected to shortly take up their jobs in various cantonment sites.

Meanwhile, the joint selection committee of the Maoists and the government has recruited the commander of the Interim Task Force (ITF). The ITF consists of ex-Gurkha soldiers who will maintain the 24-hour presence in the weapons storage site till the UN monitors take over the job fully.

The committee has recruited Bhim Bahadur Gurung, an ex-Gurkha who served in Indian Army, as the commander of the ITF. Likewise, Karna Bahadur Pradhan has been recruited as deputy commander of the task force.

The joint selection team is recruiting 111 ex-Gurkha soldiers for the purpose. Around 577 ex-Gurkha soldiers have applied for the positions. The selection team – comprising of senior Nepali Army (NA) officials and Maoist commanders – is conducting interviews of the applicants. The selection team includes three members from Nepali Army including Brigadier General Shiva Ram Pradhan, and Colonels Ganesh Bhandari and Subarna Mahat. The Maoist members of the team include three commanders Pasang, Prabhakar and Baldev.

“We will complete their selection within four to five days after which they will be sent to their area of operation after a brief training,” said Pasang, Maoist commander and a member of the joint selection team. He added that within ten days, these ITF members will have started their job.

On the other hand, the first batch of UN monitors arrived in the capital on December 28. Six UN arms monitors arrived then. These monitors are expected to start their jobs from January 7.

Addressing a press conference on December 29, Ian Martin, Personal Representative of the UN Secretary General, said that the six monitors – who hail from Canada, Guatemala, Indonesia, Jordan, Uruguay and Yemen – will join the four military advisers from Finland, Norway and Switzerland and will be operational from January 7 after a short period of training.

He had then informed that more monitors will be arriving in a matter of few days to bring the initial group to 15. “Soon after we expect the arrival of further 20 monitors, bringing the total to the 35 agreed by the Security Council,” he said adding that after mid-January, the full group will be operational.

In the first week, the monitors will start registration of weapons followed by that of combatants. “UNDP will be assisting the monitors in the registration process with technical expertise and personnel,” Martin said. He also said that

the UN will be bringing in two helicopters to facilitate the monitoring job. They have to monitor seven main cantonments where weapons will be stored and 21 satellite cantonments where Maoist army will be present. Likewise, they are also expected to monitor similar amount of weapons storage by NA.

He said the recruitment of ex-Gurkhas personnel will enable the 24-hour presence at weapons storage sites earlier than the UN deployment on its own could permit. The UN had taken part in discussions between the government and the Maoists, leading to the formation of Interim Task Force (ITF) of ex-Gurkhas.

“The ITF will be phased out as the deployment of the UN monitors reaches the required strength,” Martin said. He also informed that many of the 25 electoral advisers will arrive in Kathmandu by mid-January.

In New York, the Secretary General is soon expected to submit his report to the Security Council based on which the council is expected to mandate the mission following which further budgetary authority can be requested and additional personnel recruited. The Security Council is expected to discuss the report in the second week of January.

At present, it is estimated that monitors numbering 150-200 will be recruited for the full-fledged monitoring mission.

Meanwhile, the cabinet meeting last week has decided to release additional Rs 36 million to develop the infrastructures in the cantonments of the Maoists. The government decided to allocate Rs 10 million for drinking water and road connections; Rs 15 million for the construction of dining halls in cantonments, erection of boundary walls, temporary health posts and physical structure for UN monitors. Earlier, the government has already made available Rs 280 million to the Maoists for the upkeep of its guerrillas stationed at seven main and 21 satellite cantonments across the country. ■

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