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SPOTLIGHT

Jan 26-Feb 01, 2007



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Peace By Piece

**Time For Soul Searching : Who Has Gained ?
Arbour In Town : Focus On Ending Impunity**

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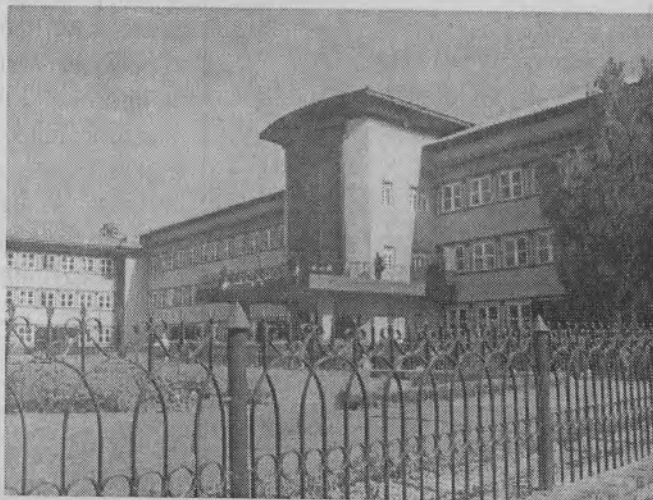
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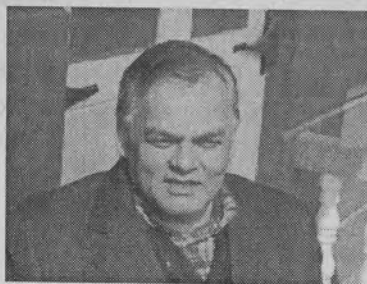
COVER STORY: Peace By Piece

Even as arms belonging to the Maoists are being stored, new groups have started to raise arms in Terai region Page 10



POLITICS: Who Has Gained?

As Nepal finds itself in unstable and anarchic situation, all forces seem to be losers Page 18



FACE TO FACE: Govinda Raj Joshi

Central leader of Nepali Congress Joshi talks about the need to establish the supremacy of the people Page 14

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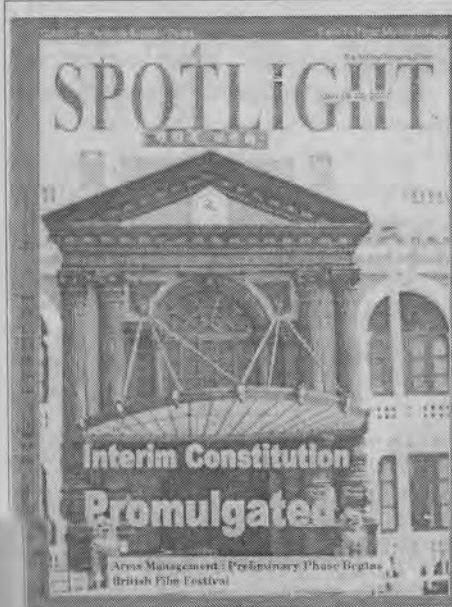
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The recent clash in Lahan between the Maoists and the Madhesiays clearly indicates that the teria people are no more willing to go with the CPN (Maoists). They think they have got new leaderships that can better address their problems. If some point their fingers at the regressive forces, there are others who think the big neighbor in the south is behind these problems. But one should think twice before arriving at such a conclusion against an age old good friend and benefactor. What if they gave safe haven to the Maoist insurgents to mount violent insurgencies against friendly Nepal for ten long years? But now their foreign minister Pranab Mukharjee thinks they need to change their mind-set. "It is the biggest challenge for their foreign policy," said he some days back. On our part, we have had advised them about this formula long back. India does need the support of her neighbors if she wants to attain a new role in global politics. She herself must be quite aware that the good will of even smaller neighbors will be indispensable for her to reach her goal. Consequently, she has to follow the wise advice of Mukherjee and start bringing, even a gradual change, in her colonial mindset. We all know and the Indians know it even better that most of our politicians would never hurt India's interests, even if they have to sacrifice Nepal's. As such, it is not, at all, necessary for India to continue destabilizing Nepal's politics any more because it has the propensity to boomerang. And moreover, six decades is a very long time. Indeed, Nepal, in recent times, has not been able to produce leaders of integrity who would safeguard their country's honor and interests. As long this does not happen India need not worry and resort to subterfuges. She can easily afford to save our terai from going into flames.

'Loktantra' is a new word in Nepali politics. And it also behaves in a different way than 'Prajatnatra'. Nepali Loktantra smacks of total autocracy. The Nepali people rose against the autocracy of monarchy for democracy. Now they are facing autocracy of the SPAM of Loktantra but no democracy. They have jumped from the "frying pan into the fire" as the saying goes. Nepal's friends want Nepal to become democratic. But what the SPAM is doing is neither democratic nor will it lead to democracy. Is that what the big leaders of the world want? Who will come to the succor of poor Nepalis? If the SPAM keeps disregarding millions of Nepalis and other smaller political parties, the Nepali people will have left no alternative but to rise again to regain their democratic rights- that is Janandolan III.

Madhav Kumar Rimal
Madhav Kumar Rimal
Chief Editor & Publisher



New Phase

The entry of Maoists into the interim parliament has marked the beginning of new phase in the political history of Nepal ("Interim Constitution Promulgated": SPOTLIGHT January 19). After launching bloody insurgency for over one decade, the Maoists have finally decided to come back into the fold of mainstream parliamentary politics. Now the Nepali people will seriously judge their performance and see if they are able to keep the lofty promises that they have made to the people

*Kumal Gurung
Satdobato*

Interim Constitution

Despite numerous protests, the eight parties have promulgated the interim constitution without changing even a comma or a full-stop ("Interim Constitution Promulgated": SPOTLIGHT January 19). Whether it is interim or full-fledged, a constitution is a constitution is a constitution. It is the supreme law of the land. And it has to command widest possible support from all sections of society. Unfortunately, the interim constitution has failed to win the confidence of all constituents of even the ruling alliance let alone all sections of the Nepali society. On that basis, this interim constitution enjoys lesser respect than even the now-defunct 1990 Constitution. The interim constitution has serious flaws – and even the Prime Minister has acknowledged this fact. Therefore, to have promulgated such flawed constitution can be seen as nothing but sheer arrogance of the leaders of eight parties. In their rush to seal the deal with the insurgents, even the democratic parties like Nepali Congress and NC-Democratic seemed to have forgotten their ideals and beliefs. They could have at least listened to what the MPs of the now dissolved House of Representatives had to say. The interim constitution was simply bull-dozed through the House of Representatives. The HoR was given less than one full day to discuss the constitution. And they were not allowed to amend it at all. So

much for the sovereignty of the House of Representatives. On May 18, the House had declared itself sovereign but on January 15, they appeared more like rubber stamp than anything else. Gone were the jubilant mood and power that came from the people's movement. The MPs probably were happy that they got membership of the interim parliament automatically. But in this process, they have lost the credibility – they have now ceased to become elected representatives. All of them – all the members of the interim parliament and the government also – are now merely nominated and self-proclaimed groups. They can no longer claim to be the people's representatives even though they still can say that they are where they are due to the people's movement of April last year. Until and unless, a fresh election catapults them to new legislature, they will now act only as a bunch of nominated MPs. When even the members of the sovereign MPs could do so little to change the constitution as per their desire, it is anybody's guess how powerful these interim MPs will be. Therefore, it will be better for everyone – they themselves, civil society and the people – if the interim MPs including the Maoist representatives stop making grand promises. Why promise anything if you cannot deliver? It would be in the best interest of all if these interim MPs, at least, made some efforts to correct the inherent flaws of the interim constitution

and pave the way for the elections of the Constituent Assembly (CA), which must be held in a free, fair and fearless environment.

*Hari Nepali
Kuleshwore*

Another Milestone

The leaders of the eight political parties deserve kudos for successfully navigating the difficult terrain of peace ("Interim Constitution Promulgated": SPOTLIGHT January 19). In the nine months since the successful people's movement, the leaders have been able to sign a number of peace agreements, arms accord and now have promulgated an interim constitution. They have also formed interim parliament by including the representatives of the Maoists – the clearest sign yet of the mainstreaming of the insurgents.

*Dinesh Limbu
Tinkune*

Task Before Interim Parliament

The interim parliament has a numerous challenges facing them ("Interim Constitution Promulgated": SPOTLIGHT January 19). Apart from paving the way for the Constituent Assembly elections, they need to focus on the immediate problem of Terai region, which is facing violent riots and insurgencies. The interim MPs must be serious towards maintaining the law and order situation in the country – which is the number one pre requisite for holding the CA elections peacefully.

*Jitendra Thapa
Maharajgunj*

Arms Management

The process of arms management, although slow, seems to be going on quite smoothly (Preliminary Phase Begins SPOTLIGHT January 19). The UN monitors have started to arrive and they are taking up the monitoring job along with the members of Interim Task Force comprising of ex-Gurkha soldiers. Hopefully, the management of arms will not pose any further delay in the political roadmap of the country – in the formation of interim government and announcement of CA elections date.

*Kailash Bista
Jamal*

Maoists See Monarchists' Hand In Terai Violence

The Maoist leaders have said that there is a hand of monarchist reactionaries as well as extreme religious fanatics of India in the ongoing violence in Terai, and particularly in Lahan. Dev Gurung, Maoists' deputy parliamentary party leader, told Nepal 1 TV that he sees hands of "monarchists and reactionaries" in the Lahan violence. "The country is moving towards Constituent Assembly, which is going to end monarchy. Therefore, the monarchist reactionaries are engaged in conspiracies to disrupt the CA," Gurung said. "And they have now found the issue of Madhesis to play with," he added. Gurung said that the issue of Madhesis will not be resolved before republic is ushered in. He expressed surprise that the current agitation in Madhes was not taking up the issue of republic and was only focused on opposing the interim constitution. Likewise, talking to Nepal FM, Gurung said there could also be hand of religious extremists of India like Shiva Sena in the instigation of violence in Terai. Talking to the TV, Gurung also deplored American ambassador James Moriarty, who was reported by a newspaper as suggesting that the Maoists were bringing in low grade weapons from India to lock them in storage even as keeping sophisticated weapons out of it. "There is not even one percent truth in what he has said," Gurung said. He also added that Moriarty had been continuously speaking against Maoists. "He is blatantly interfering in our internal affairs," Gurung accused. *Compiled from reports*

Fresh Legislation On Customs On Anvil

The government is all set to bring in a new customs legislation meeting all the specifications of the World Trade Organization (WTO) agreements and Kyoto convention, regarding simplification and harmonization of customs procedures. Bal Govinda Bista, director general at the Department of Customs, said, "Draft preparation of the new legislation is underway." He said

that the new Act would address the current problems of procedural hassles and make customs procedures more simple, transparent and business-friendly. As part of custom reforms, new systems including automated system for customs data (ASYCUDA) and new HS classification 2007 have been introduced in major custom points. It will be expanded to other customs points, too, shortly, said Bista. He added that there will be a one window system in effect in Birgunj custom point within a month. *Leading dailies report*

Official Warns Of 500 PC Hike In Water Tariff

An official of the Nepal Water Supply Corporation (NWSC) said that water tariff will shoot up by 500 percent once the government hands over the government authority to a foreign private company. "The tariff will be increased by up to 500 percent if the corporation is managed by the foreign company," Hari Prasad Dhakal, the NWSC manager said at an interaction on the privatization of the corporation. He said the company will make consumers pay for all luxury they are going to enjoy here and for services they provide to the public. He accused the government of choosing "a failed company to manage the valley's water distribution system." Employees of the NWSC are protesting against the decision to hand over the management of valley's drinking water supply system to a foreign party. *Leading dailies report*

Maoist Workers Padlock Hotels

In Kavre district, activists of the Maoist-affiliated Nepal Hotel and Restaurant Workers' Association (NHRWA) have padlocked nine hotels and resorts in Dhulikhel for an indefinite period. The activists, accusing the management of hotels of not providing basic facilities to workers, called 200 hotel workers out of their offices on Sunday and padlocked the nine hotels. The NHRWA padlocked Dhulikhel Lodge Resort, Mirabel Resort, Araniko Hotel, Himalayan Horizon, High View

Resort, Mount View Resort, Rabin Sunrise, Snow View Hotel and Himalayan Shangri-la. Maoist-affiliated hotel workers warned they would break legs of those workers who refuse to come out of hotels and resorts, a hotel worker said. *Compiled from reports*

Transporters Agitated, Announce Indefinite Strike

Claiming that transporters were being unnecessarily targeted by demonstrators and the government was apathetic to their situation, transport entrepreneurs have announced an indefinite transport strike across the country beginning Sunday (January 21). The Nepal Transport Entrepreneurs National Federation has put forth 10 point demands and announced the strike. A few days ago, over one dozen vehicles were torched in Lahan by MPRF demonstrators. The federation has demanded safe environment for vehicular movement and compensation to the damaged vehicles. *Nepal Samacharpatra daily reports*

Teams Can Now Give Naturalized Citizenship

After the teams dispatched by the government to distribute citizenship to Terai people faced several difficulties, the government has decided to authorize them to distribute naturalized citizenship, as well. The team was earlier authorized only to distribute citizenship based on descent. However, in many Terai villages the teams faced difficulties as people were demanding naturalized citizenship as well. In bordering regions, there are a huge number of women from India who have married with Nepalis and they have to be given citizenship based on marriage naturalization. Till now, only the Chief District Officer (CDO) was authorized to award such naturalized citizenship. The Citizenship Rules will now be amended to allow the teams to award such citizenship. According to Home Minister Krishna Sitaula, children born to parents before the latter had obtained naturalized citizenship would also be given citizenship by the same teams. On the

question that many marginalized communities were still not getting citizenship from the team as they could not produce adequate proof or evidence or witnesses, Sitaula urged political parties and organizations to help those people. *Compiled from reports*

Moriarty Calls For Credible And Transparent Arms Management

US ambassador to Nepal, James F Moriarty, has reiterated the US government's position that the Maoists should not be inducted in the interim cabinet before the process of arms management is completed in a 'credible' manner. Speaking to journalists on Friday (January 19), Moriarty said the US was firm on its stance that the "arms management process must be completed in an effective and transparent manner" before the Maoists' induction in the interim government. "No partner in a coalition government should expect to retain a private army. Destabilization, mistrust, and insecurity invariably would result," he said. He further said, "Democracy comes from the consent of the people, not the barrel of a gun. As the Maoists are now represented in a democratic Interim Legislature, it is time they finally and completely renounce violence, intimidation, and extortion. The Nepali people deserve nothing less." Moriarty also welcomed the announcement of the Maoists to dissolve their parallel government structures and participate in the joint local governments, but they should strictly implement their decisions, as "promises have proven hollow in the past". The US supports a robust and effective role for the UN in the peace process, he said, adding that the commitment of UN personnel and funds guaranteed increased scrutiny from the Security Council and the General Assembly in Nepal's peace process. "Not only will Nepal benefit from the assistance of the world body, but all the Nepali parties and leaders involved in the peace process, including the Maoists, must take responsibility for their actions in front of 192 member states," said he. *Compiled from reports*

Cost For Rural Electrification Is Double

As per the flawed subsidy policy of the government, the cost for conducting electrification in rural areas will be double the one for accessible areas. The new Renewable Energy Subsidy Policy 2006 stipulates that the government will give similar amount of subsidies for micro hydro projects in both accessible and rural areas. This will lead to doubling of cost for generating power from micro hydro in rural areas like Karnali. Since transport and other associated cost for rural regions are very high, providing the same level of subsidy will actually mean that the cost will be higher in rural areas. *Kantipur daily reports*

UML And Maoists Choose Their House Leaders

The Unified Marxist Leninist (UML) has chosen its general secretary Madhav Kumar Nepal as the leader of the party in the interim parliament. Likewise, Bharat Mohan Adhikary will be the deputy leader. Mahendra Bahadur Pandey and Parshuram Meghi Gurung will be chief whip and whip, respectively. On the other hand, the Maoists have chosen Krishna Bahadur Mahara as their leader and Dev Gurung as deputy leader in the interim parliament. Likewise, they have chosen Dinanath Sharma and Janardan Sharma Prabhakar as chief whip and whip, respectively. *Leading dailies report*

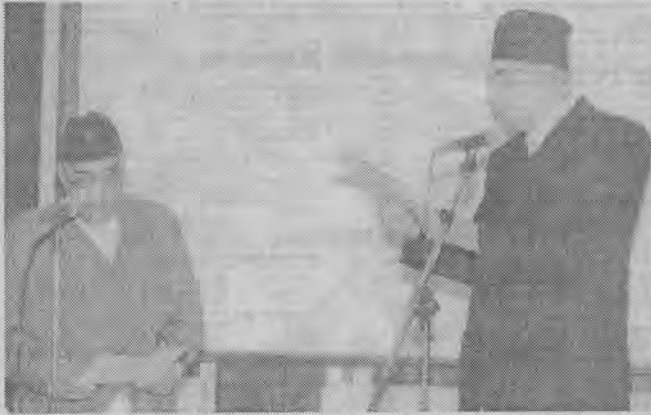
Nemwang Reclaims Speaker's Chair

Subas Nemwang has reclaimed the chair of the Speaker in the interim parliament. On Wednesday (January 17), the second session of the interim parliament unanimously elected him as the Speaker. His name was proposed by none other than Maoist spokesperson Krishna Bahadur Mahara. Earlier, the meeting of top leaders of eight parties decided to appoint Nemwang and Chitra Lekha Yadav as Speaker and deputy Speaker, respectively. Reports say the Maoists agreed for their appointment after the leaders agreed to give deputy

prime minister's position to Maoist leader in the interim government. After he was unanimously chosen to the position of Speaker of the interim parliament, the members of parliament belonging to various political parties have wished Subas Chandra Nemwang for a successful tenure. "The country today is moving ahead in the path of political understanding. The interim parliament, too, will have to follow this mode," said Dev Gurung, a senior Maoist MP. "Our party wishes for successful tenure of the Speaker." Gurung added that the interim parliament should play an "effective role" to build new Nepal. He said in the past the parliament had only served as the "meeting place for meaningless debates." The Unified Marxist Leninist (UML) senior leader Bharat Mohan Adhikary expressed confidence that Nemwang will be able to fulfill his duty in this important transitional phase. "You had demonstrated your skill for cooperation and coordination in the past," Adhikary said, adding. "This skill will be further required in this interim parliament where all political forces in the country are represented." *Compiled from reports*

Petroleum Supply Cut Down

The Indian Oil Corporation (IOC) has started to cut down monthly supplies to Nepal Oil Corporation (NOC) in a manner so as to deduct Rs 320 million from its total outstanding dues every month. As the NOC has been unable to pay its debt to the IOC, the latter seems to have started cutting down supplies worth Rs 320 million every month. "Whatever amount we pay to IOC each month, they are supplying the oil by deducting Rs 320 million beforehand," said a source at NOC. The NOC still needs to pay more than Rs 10 billion to the IOC. The NOC had been suffering from hefty losses after the international petroleum price surged astronomically in the past few years. However, after the price in the international market came down in recent months, the NOC's monthly losses too have come down to Rs 70 million a month these days. *Kantipur daily reports* ■



PM Koirala administering oath of office to Chief Justice Dilip Kumar Poudel *Gorkhapatra*

FOR THE FIRST TIME IN NEPAL, Prime Minister Girija Prasad Koirala administered oath of office and secrecy to Chief Justice Dilip Kumar Poudel. On Thursday (January 18), PM, in his capacity as interim head of state, administered the oath to the CJ as per the new interim constitution. However, the PM has also courted controversy since he administered the oath to CJ before he himself had taken the oath as per the new statute. Koirala is said to have declined to comment when reporters broached the subject after the PM administered the oath to CJ at Singhdurbar. As per the Article 42 of the interim constitution, PM should take oath in the parliament. The government spokesperson and Minister of State for Information and Communication Dilendra Prasad Badu as saying that since the Speaker of the interim parliament had already stated that the current government is in accordance with the interim parliament, "the PM can administer oath." Likewise, Attorney General Yagyamurti Banjade is reported as saying that since the PM had already expressed his commitment to the interim constitution and had taken oath as an MP of interim parliament, "it is natural that he administered oath to the Chief Justice." Advocate Tikaram Bhattarai pointed out that the PM should administer oath to others only after he himself takes the fresh oath.

THE ELECTION COMMISSION (EC) is beginning to register the names of eligible voters for the elections of the Constituent Assembly from January 23. The EC is mobilizing 23,000 employees across the country for the purpose. The preliminary campaign to collect the names of eligible voters and register them will continue till February 6. As per the interim constitution, all the people who have reached the age of 18 years till December 15, 2006 will be eligible for voting in the CA elections, which is slated to be held sometime by mid-June this year. The voters can register their name by producing the citizenship certificate. "In case they don't have the citizenship certificate, they can register their name by producing some certificate that can establish their identity," said Usha Nepal, a commissioner at the EC. nepalnews.com reports

INDIA HAS SHOWN INTEREST TO HELP FUND the construction of 207 MW strong Naumure hydropower project. The storage type project is estimated to cost Rs 23.35 billion (US\$ 324.4 million). Authorities of Nepal and India will be meeting today to discuss the project, according to Anup Kumar

Upadhyaya, joint secretary at the Ministry of Water Resources. The location of this project is at Rapti river in Pyuthan district where a dam of 169 meters height and 1556 meter length will have to be constructed.

THE EUROPEAN COMMISSION has recently decided to prolong Nepal's derogation from the GSP (generalised system of preference) rules of origin for certain textile produces for next two years. The Commission formally adopted a regulation prolonging the derogation for the period of 1 January 2007 to 31 December 2008. "However, it will be subject to a review when the future new GSP rules of origin are decided. The new GSP rules of origin are expected to be more development friendly than the present one," said Eduardo Lechuga-Jimenez, the Charge d' Affaires of the Delegation of the European Commission to Nepal. Since Bulgaria and Romania also became members of the European Union on 1 January 2007, Nepal may also export to them under the GSP and in particular under the derogation. "This is pure promulgation, with no change in the terms or conditions of the derogation, therefore, the products covered, countries from which materials may be sourced and the levels of the quantitative limits all remain exactly as they are at the present," the press release from the EC office states. Nepal has benefited from such derogation for certain textiles since 1997. On 17 July 2006, Nepal had formally submitted a request for prolongation of the derogation to the European Commission.

THE GOVERNMENT HAS FORMALLY started the construction of Sikta Irrigation Project. The project, which will be constructed on domestic resources, will benefit tens of thousands of farmers in mid and far western region. Minister of State for Water Resources Gyanendra Bahadur Karki laid the foundation stone of the project amid special function at Argaiya of Banke district on Wednesday. Initial construction of the project had started one and a half months ago. The total cost of this project is Rs 12 billion and it is expected to be completed by the end of 2009. Uma Kanta Jha, director general of Department of Irrigation said that this is the biggest project to be constructed by the government resources. He, however, added that the government was still approaching donors for financial contributions. The project will benefit 300,000 farmers and irrigate 36,000 hectares of land.

THE US GOVERNMENT HAS WELCOMED the interim constitution but has expressed hopes that there will be credible and transparent process of arms management before the Maoists join interim government. "The US Embassy congratulates the people of Nepal on their new Interim Constitution. We hope it will lay the groundwork for free and fair elections to a Constituent Assembly and move the country toward full-fledged and lasting democracy," states a press release issued by the Embassy. "The United States supports completion of a credible and transparent process of arms management, supervised by United Nations monitors, before an Interim Government of Nepal is formed," the statement adds. The US government has urged the Maoists to use the opportunity of joining the Interim Legislature to finally abandon the tactics of violence, intimidation, and extortion inflicted on the Nepali people for 11 years. "The United States remains committed to help Nepal build a peaceful, prosperous, and democratic future for its people," it further states. ■

“This is the best opportunity to resolve the citizenship problem.”

Krishna Prasad Sitaula, Home Minister, informing the journalists that the government has authorized the teams dispatched to distribute citizenship to also distribute naturalized citizenship.

“The country is moving towards Constituent Assembly, which is going to end monarchy. Therefore, the monarchist reactionaries are engaged in conspiracies to disrupt the CA.”

Dev Gurung, deputy leader of Maoist parliamentary party, accusing reactionaries of instigating violence in Terai.

“There is a hand of palace and India behind the ongoing trouble in Terai.”

Bharat Bimal Yadav, vice president, Nepal Sadbhavana Party (NSP-Anandidevi), speaking at an interaction program at Reporters’ Club.

“The UML’s team in the interim government should be changed.”

Jhal Nath Khanal, senior leader of the UML, saying that the current leadership of the party in the government needs to be changed.

“Whether the Constituent Assembly elections will be held on time or not, will depend on the Maoists alone.”

Sher Bahadur Deuba, president of Nepali Congress (Democratic), in Annapurna Post.

(NWSC), at an interaction on the privatization of the corporation, in The Himalayan Times.



Kantipur

“The tariff will be increased by up to 500 percent if the corporation is managed by the foreign company.”

Hari Prasad Dhakal, a manager at the Nepal Water Supply Corporation

end to this problem.”

Dinesh Bhandari, president of National Federation of Nepal Transport Entrepreneurs, explaining why his federation announced indefinite transport strike, in Nepal FM.

TRANSITION

ELECTED: Subas Nemwang, as the Speaker in the interim parliament. The second session of the interim parliament, on January 17, unanimously elected him as the Speaker. His name was proposed by Maoist spokesperson Krishna Bahadur Mahara.

NOMINATED: Madhav Kumar Nepal, general secretary of the Unified Marxist Leninist (UML) and Bharat Mohan Adhikary, as leader and deputy leader, respectively, of the party in the interim parliament. Likewise, Mahendra

Bahadur Pandey and Parshuram Meghi Gurung, as chief whip and whip, respectively, of the party.

Krishna Bahadur Mahara, spokesperson of the Maoists, and Dev Gurung, as leader and deputy leader, respectively, of the party in the interim parliament. Likewise, Dinanath Sharma, Janardan Sharma Prabhakar, as chief whip and whip, respectively

of the party.
APPOINTED: Manohar Bhattarai, as the Secretary at the Parliament Secretariat of the



Interim Parliament.

Krishna Raj Pandey, as the Secretary at the Parliament Secretariat of the Interim Parliament.

ARRIVED:

Chihiro Atsumi,

Director General of Southeast and Southwest Asian Affairs Department, Ministry of Foreign Affairs of Japan, on three-day visit to Nepal.

Hospitalized: Nepali Congress leader Nona Koirala following some health problems. She is also said to be suffering from jaundice.



THE ITAIPU HYDROELECTRIC PROJECT

(World's Largest Hydroelectric Station)

- By Dr. AB Thapa

The Itaipu hydroelectric project is the largest development of its kind in operation in the world. It is regarded as one of the seven wonders of the Modern World. Built from 1975 to 1991, in a binational development on the Parana River, Itaipu represents the efforts and accomplishments of two neighboring countries, Brazil and Paraguay. The power plant's 18 generating units add up to a total production capacity of 12,600 MW and a firm output of 75 million MWh a year.

The Itaipu Hydroelectric Project has been built on that stretch of the Parana River where it forms the boundary between Brazil and Paraguay. Thus there is a similarity between this project and the Pancheshwor Project proposed to be built on the Mahakali River which forms the boundary between Nepal and India. Experience gained by Paraguay and Brazil in handling this mammoth project could be very useful for implementing the Pancheshwor Project.

Joint Technical Commission

For many years engineers in Brazil; as well as in Paraguay have been keenly aware of the enormous hydroelectric potential of the reach of the Parana River along frontier between the two countries. Several years before some studies of a general nature were conducted for the development of this resource. However, in order that more detailed studies of such development could be carried out an agreement between the Brazilian and the Paraguayan Government was considered necessary.

On June 22, 1966, the Ministers of Foreign Affairs of the two countries signed the joint statement that became known as "Ata de Iguacu", by means of which they proclaimed their willingness to carry out by a common consent, the study and survey of the hydraulic resources belonging to Brazil and Paraguay on a condominium basis from and including the Salto Grande das Sete Quedas or Salto del Guaire to the mouth of the Iguacu River. The Alta de Iguacu also established that the electric power which might be produced through the utilization of the head existing in the above mentioned reach of the Parana River, would be equally divided between the two countries. Soon after on February 12 1967 the Governments of Brazil and Paraguay created the Brazilian-Paraguayan Joint Technical Commission for implementation of the Ata de Iguacu with respect to the studies for the development of the hydraulic resources of this reach.

Feasibility Study

In 1970, a consortium formed by the U.S. firm IECO and the Italian firm ELC won the international tender for carrying out the feasibility studies and for preparing the plans for the project. The work began in February of 1971, and on April

26, 1973, Brazil and Paraguay signed the Treaty of Itaipu, the legal instrument providing for the development of the Parana River by both countries.

Itaipu Treaty

On April 26, 1973, a Treaty was signed between Brazil and Paraguay for the joint development of the hydroelectric resources of the Parana River from and including the Salto Grande de Sete Quedas or Salto del Guaira to the confluence of the Iguacu River.

By the Treaty Brazil and Paraguay agreed to jointly and in condominium, carry out the development of these resources, and for this purpose created an entity called Itaipu Binacional. On May 17, 1974, the entity Itaipu Binacional was created, and its first Administrative Council and first Executive Directorate assumed office.

Administration of Itaipu Binacional

The administration of Itaipu Binacional is performed by an Administrative Council and Executive Directorate. The Administrative Council is composed of twelve members, three from Brazil and three from Paraguay and for each Director, an Adjunct Director is appointed by the other country. In order to treat matters of a diplomatic nature, which may arise during the progress of the work, the Ministry of Foreign Affairs of each of the two countries has a representative accredited to Itaipu Binacional.

Engineering

Immediately after its constitution, Itaipu Binacional assumed charge of the work previously being directed by the Brazilian-Paraguayan Joint Technical Commission, and promptly started organizing for the execution of engineering work for the project. One of the policy directives of Itaipu Binacional requires that the execution of the Project were to be, preferentially, contracted in Brazil and Paraguay.

Model Tests

Hydraulic and structural model tests were performed. Instituto Superimentalle Modelli e Structure spa (ISMES), of Bergamo, Italy was one of the institutions performing the model testing.

Execution of Civil Works

Brazilian-Paraguayan consortium UNICON-CONEMPA was entrusted with the execution of the civil works, in accordance with the contracts signed on October 6, 1975, and May 17, 1977. UNICON is formed by the Brazilian and Paraguayan firms.

Panel of Experts

Itaipu Binacional also retained several eminent independent

consultants, from various countries, to review special technical problems related to the design and fabrication of permanent equipment.

Charles Blanchet from France for hydraulics, Roy W. Carlson, Arthus Casagrande, Don U. Deere, Lyman D. Wilbur, John Parakian and E.C. Whitney from the USA for concrete technology, soil mechanics, general arrangements & construction aspects, turbines, and generators respectively; Klaus W. John and Gunther Wernicke from Germany for geology & rock mechanics and turbines respectively; M. Braikевич and E. T. Metcalf from the UK for turbines and generators respectively.

Project Financing

In late 1975, Foreign Minister Antônio Francisco Azeredo da Silveira visited Great Britain, France, and Italy and established mechanisms for periodic consultation with the governments of the latter two countries. Closer to home, President Geisel visited the capital of Paraguay during December 1975 to witness the signing of an agreement under which the Brazilian state electric power company would provide a loan of more than \$3 billion toward the cost of the massive Itaipú hydroelectric project, being constructed on the border between the two countries.

January 1976 saw the visit to Brazil of a high-level French mission led by then Foreign Minister Jean Sauvagnargues, and in late April President Geisel traveled to Paris with several of his key ministers. In May he crossed the Atlantic again, this time to London, where a series of financial agreements were signed.

General Outline of the Project

The Itaipú hydroelectric power project consists of a series of various types of dams a total length of 7,744 meters. The Powerhouse is located at the toe of the main Dam, most of it on the river bed and the rest on the Diversion Channel. The nominal power of the plant is 12,600 MW, divided between 18 generating units of 700 MW each, 15 of which are located in the main Powerhouse and the remaining three on the Diversion Channel. The Spillway is located on the right bank, and it has 14 segmented sluice-gates with a total discharge rate of 62,200 cubic meters per second (twice that of the highest flood-level on record). The Concrete Main Dam is 196 m high. It is of the hollow gravity type and is connected to the Spillway by a concrete buttress-type Wing Dam. On the left bank a Rockfill Dam is linked to the Main Dam and at the other end to an Earthfill Dam. In order to build the main dam wall and the Powerhouse, the river was diverted through a Diversion Channel on the left bank.

The length of the storage reservoir is 170 km and its surface area at normal pool area is 1350 sq. km. Similarly, its gross volume and useable volume are 29 billion cub km and 19 billion cub km respectively.

One of Seven Wonders of the World

The volumes of construction in Itaipu were impressive. The volume of iron and steel utilized in the Dam structure would

be enough to build 380 Eiffel Towers, and the volume of concrete used in Itaipu represents 15 times the volume utilized to build the Channel Tunnel between France and England. Itaipu is one of the Seven Wonders of the Modern World, according to a worldwide survey conducted by the American Society of Civil Engineers (ASCE) and published in Dec. 1995 as a cover article of the North-American "Popular Mechanics". The article says that "To build [the Itaipu Dam], workers reenacted a labor of Hercules: they shifted the course of the seventh biggest river in the world (Parana River, at the Brazil/Paraguay border) and removed more than 50 million tons of earth and rock." According to the magazine, "the true marvel of Itaipu though, is its powerhouse ... a single building that puts out 12,600 megawatts — enough to power most of California

General Outline of the Project

The Itaipú hydroelectric power plant, located 14 kilometers North of the International Bridge linking the cities of Foz do Iguaçu, Brazil, and Ciudad del Este, Paraguay, consists of a series of various types of dams a total distance of 7,744 meters with a crest elevation of 225 meters. The Powerhouse is located at the toe of the main Dam, most of it on the river bed and the rest on the Diversion Channel. The nominal power of the plant is 12,600 MW, divided between 18 generating units of 700 MW each, 15 of which are located in the main Powerhouse and the remaining three on the Diversion Channel. The Spillway is located on the right bank, and it has 14 segmented sluice-gates with a total discharge rate of 62,200 cubic meters per second (twice that of the highest flood-level on record). The Concrete Main Dam is of the hollow gravity type and is connected to the Spillway by a concrete buttress-type Wing Dam which continues thereon as a small Cardhfill dike. On the left bank a Rockfill Dam is linked to the Main Dam and at the other end to an Earthfill Dam. In order to build the main dam wall and the Powerhouse, the river was diverted through a Diversion Channel on the left bank.

The volumes of construction in Itaipú are also impressive. The volume of iron and steel utilized in the Dam structure would be enough to build 380 Eiffel Towers, and the volume of concrete used in Itaipú represents 15 times the volume utilized to build the Channel Tunnel between France and England. Itaipú is one of the Seven Wonders of the Modern World, according to a worldwide survey conducted by the American Society of civil Engineers (ASCE) and published in Dec. 1995 as a cover article of the North-American "Popular Mechanics". The article says that "To build [the Itaipú Dam], workers reenacted a labor of Hercules: they shifted the course of the seventh biggest river in the world (Paraná River, at the Brazil/Paraguay border) and removed more than 50 million tons of earth and rock." According to the magazine, "the true marvel of Itaipú, though, is its powerhouse ... a single building that puts out 12,600 megawatts — enough to power most of California".

(Dr. Thapa writes on water resources)

PEACE PROCESS

Peace By Piece

Even as the arms belonging to the Maoists are getting into the storage containers under the United Nations supervision, arms belonging to different insurgent groups are beginning to spring up in the plains threatening the fragile peace that has just come into the country. No sooner had the people of Nepal heaved a sigh of relief with the promulgation of interim constitution and formation of interim parliament including representatives of Maoists, they are watching with trepidation the events unfolding in Terai region. First, it was Nepalgunj and now Lahan, the series of violent riots rocking the southern plains have sent fears chilling down their spines. The splintered of the Maoists called JTMM have intensified their violent activities with the calls for separate and independent Terai. The problems of Terai pose the first and foremost challenge to the leaders of the eight parties – particularly the Maoists who are poised to join the interim government. For the people of Nepal, peace is fast turning out to be a chimera. They had a short peaceful period since April but now with Terai engulfing into fresh flames, it seems the peace will come only piece by piece.

By SANJAYA DHAKAL

Lahan city continues to reel under violent unrest for the past one week.

The extended curfew hours have failed to stem the agitation launched by the little known Madhesi People's Rights Forum (MPRF) ostensibly to protest the interim constitution. Three people have already been killed in the demonstrations while over four dozens have been injured. Spillover effects have already been felt in places like Siraha bazaar, Bara, Rautahat, Janakpur, Saptari and

Birgunj.

★ Nepalgunj witnessed terrible riots in late December. The city suffered from incidents of violence, looting and arson. The violence erupted a day after Nepal Sadbhavana Party (NSP-Anandidevi) imposed Terai bandh on December 25 when bandh organizers reportedly used force to shut down shops and transport system. Alarmingly the riots turned into communal clashes.

★ A snap strike imposed by

transport entrepreneurs paralyzed traffic across the country for two whole days (January 21-22). The transporters were protesting the growing trend of destroying vehicles by demonstrators.

★ The two factions of Janatantrik Terai Mukti Morcha (JTMM) – one led by Jai Krishna Goit and another led by Jwala Singh – are taking turns to kill and abduct people and paralyze Terai region by their bandh calls. Both the factions have raised demands for an independent and separate Terai.

The above-mentioned incidents suggest that Nepal is far from recovering from its decade-long conflict. Even though the Maoist insurgency is officially over and the insurgents are now sequestered in cantonments and have stored their weapons in UN-monitored storage containers, the country is yet to see peace in the real terms. The flames of violence seem to be spreading as different groups have taken up different demands. The demands for ethnic self determination that was so vociferously raised by the Maoists, now looms large over the entire Madhes region with some groups even interpreting it as cause for separation.

People of Nepal who were just beginning to rejoice the solid start of peace process with the Maoists, are now feeling gloomy as never before.

The region of Madhes – known as the breadbasket of Nepal – is churning in a great turmoil. Alarming, separatist elements seem to be taking advantage of the age-old problem of exploitation and exclusion.

Lahan and Nepalgunj

The spurts of violence witnessed in two cities of east and west terai in a matter of one month has rightfully startled not only the political and intelligentsia but also the common Nepali.

In Nepalgunj, the riots took an ugly turn soon after agitation broke out in the city. Although it first started as a reaction to the violent imposition of bandh by the activists of Nepal Sadbhavana Party (NSP-Anandidevi), it turned into communal clashes between people of hills and plains (also known as Madhes or Terai).

In Nepalgunj, the eight parties along with the Maoists were able to bring the situation under control within a few days by bringing out joint peace and goodwill rallies. But the same thing doesn't seem to be happening in Lahan where a little known MPRF has been organizing huge protests on a regular basis.

So much so that even a central leader of the MPRF conceded that they did not



UN Monitors beginning the process of arms management: Steady progress OPRSG

have the strength that is now at display in Lahan. According to its leader Amaresh Narayan Jha, all people of Madhes and workers of eight parties have joined their agitation in Lahan. The MPRF is led by Upendra Yadav and it counts among its leaders the former ministers and Congress leaders Jaya Prakash Gupta and Bijaya Gachhadar, among others.

The incident in Lahan was triggered by the protest of MPRF against the interim constitution. Like NSP-Anandidevi, which is a partner of ruling coalition, the MPRF had protested some provisions in the interim constitution and had demanded fresh delimitation of electoral constituencies based on population, among others. When their activists burnt copies of interim constitution in the capital on January 16, the police arrested them and slapped charges under Public Offense Act.

The issue was quickly taken up by the MPRF activists in Lahan who organized violent demonstrations and engaged in rioting. Things took an ugly turn when on January 19 one person named Ramesh Mahato was killed apparently by Maoist activists who were trying to defy the bandh called by the MPRF.

Despite back-to-back curfew imposed by local administration, the

situation in Lahan had not returned to normal till Tuesday (January 23). The situation worsened on Monday when police had to resort to firing (killing two more persons – Pramod Sada and Bijaya Sahni) to dispel the rampaging crowd that attacked the Area Police Post. In a disturbing news report, bullets were even fired at police by the crowd injuring at least three policemen.

As riots were becoming uncontrolled, the leaders of eight parties have appealed for calm and restraint. They themselves vowed to refrain from imposing any kind of bandh or chakkajam in future – at a meeting held in Baluwater on January 22.

Meanwhile, the Maoists along with some other political parties have accused the reactionaries and monarchists of instigating the violence to derail the elections to the Constituent Assembly (CA).

The JTMM Angle

The most dangerous aspect of Terai violence, at present, is represented by two factions of JTMM – which have vowed to continue their violent struggle till the establishment of separate and independent Terai.

Janatantrik Terai Mukti Morcha (People's Terai Liberation Front) was set up some two and a half years ago (July 27, 2004) by Jai Krishna Goit, who had split from the Maoists. Goit has switched

his political loyalties a couple of times – first a leader of the Unified Marxist Leninist (UML), and then a leader of the splinter Marxist Leninist (ML) and then the coordinator of the Madhesi National Liberation Front (MNLF) of the Maoists, he finally floated a separate outfit charging the Maoist leadership of betraying the Madhesi people.

One Jwala Singh split from Goit-led faction and floated a separate JTMM – but with similar political demands – in July of 2006. Singh is also a former Maoist cadre and had joined Goit when the latter floated JTMM.

Initially their actions were targeted at Maoists with whom they frequently clashed, but of late they have started making ominous moves hitting at hills-plains divide.

In last September, the JTMM (Goit) cadres shot to death Krishna Charan Shrestha, an RPP MP. Shrestha was shot to death in Belha VDC of Siraha district.

Since they split from the Maoists, the JTMM cadres have engaged in sporadic violence and frequent bloody clashes with the cadres of the Maoists. But in recent months, their activities have visibly intensified. Between mid-December till December end, the Singh faction of JTMM imposed 'prohibition' against Pahade drivers from plying vehicles in the Terai region. Likewise, Goit's cadres, a week ago, murdered Krishna Neupane, a district-based leader



Buses torched in Lahan: New phase of violence *Kantipur*

of UML in Hazariya of Sarlahi.

Furthermore, Singh's cadres shot to death a bus passenger Arjun Phuyal, 18, in a section of Mahendra highway in Bhardaha of Saptari district. They also torched a bus and a truck. During the same time, Singh's cadres attacked a vehicle belonging to Kantipur publications on December 31 in Saptari district.

The JTMM frequently abducts people (particularly of Pahade origin).

They are sometimes found to demand ransom for releasing them like they did when they abducted two engineers of Nepal Telecom from Saptari in August 2006. Just last week, they abducted Gobinda Upreti, 65, from Piparabhitta of Sarlahi district. Upreti, father of film star Nikhil Upreti, was later released. In recent weeks, the JTMM cadres have even started raiding houses of villagers in some VDCs of Rautahat district to confiscate their weapons.

Separatist Moves

Recently, giving a rare interview to Kantipur FM, Jwala Singh, the coordinator of Janatantrik Terai Mukti Morcha (JTMM - Singh faction), has said that his party demands a separate, independent Terai state.

Singh said that his party is against the rule of Pahade (people from hilly origin) on Madhes (Terai region). "We want an independent and separate state of Terai. Of the total population of Nepal, 14 million are Madhsis. We have certain geography and certain income source," he said, in what could be the first clear pronouncement of the separatist shade of JTMM's movement.



Protesters in New Baneshwore: Ripples of Lahan riots *Kantipur*

Rejecting charges of spreading communal feelings between people of hill and Terai region, Singh said, "We are not against people of hill. But we are against the system of unitary communal hill state power." Singh added, "When there are differences on appearance, culture, tradition, rituals and language, it will only invite tension and bloodbath by remaining together."

Singh whose real name is Nagendra Paswan and who is said to be a former journalist, had split from JTMM led by Jaya Krishna Goit six months ago. Both factions of JTMM are raising similar demands and engaging in violent activities in Terai region. The JTMM, in fact, had split from Maoists two and a half years ago.

Both Singh and Goit have condemned the interim constitution. Both of them have put forth similar demands and conditions to hold dialogue with the government. Their demands include declaration of independent Terai; delimitation of electoral constituencies based on population; holding of census in Terai under leadership of Madhesi people; filling up the positions in army, police and administration in Terai by Madhesi people; cessation of Maoist atrocities and return of seized lands; compensation to Madhesi martyrs, among others. They have also called for UN mediation in the talks with the government.

Just last week, Jai Krishna Goit issued a statement saying that his faction has withdrawn the offer for talks with the government. Goit claimed that there is no justification for holding talks with the government when the latter is engaged in oppression against Terai region.

Both Singh and Goit are currently engaged in violent and communal campaigns targeting people of hilly origin living in Terai. Goit's party has written letters to the industries and enterprises based in Terai asking them to immediately remove people from Pahade (hill) origin from jobs and replace them with Madhesis (people from Terai region).

As the fire of violence spreads rapidly in Terai, it is now up to the leaders of the eight parties to get their act together. Any delay in resolving the

Terai problem could unravel the whole peace process and threaten the constituent assembly elections. ■

ARMS MONITORING GOES AHEAD, SC SUPPORTIVE OF NEPAL PROPOSAL

Ian Martin, the Personal Representative of the United Nations Secretary-General, has informed that following his briefing to the UN Secretary-General Ban Ki-Moon and the Security Council, both were encouraged by the steady progress here in Nepal toward consolidating peace, and were highly supportive of establishing a new UN Mission in Nepal in response to the request of the Government, to be known as UNMIN.

"The Security Council is well advanced in its consultations on the text of a resolution, based on the Secretary-General's report, establishing UNMIN," he said at a press conference in the capital on January 18.

On the issue of arms registration and monitoring, Martin said, "The full advance contingent of 35 UN monitors is now in Nepal. Monitors have been deployed to operate out of offices in Nepalgunj and Kathmandu, and an advance team has gone to Biratnagar to establish an office there. The registration of Maoist army arms and combatants began (from January 17) at the main cantonment sites in Chitwan and Nawalparasi. We have also established our basic facilities and quarters at the main site in Surkhet, and by early next week will have done so at all seven main sites. The registration process is being supported by teams of registration experts on loan from UNDP in Afghanistan who are training Nepalese registration officers. In addition, we have had excellent cooperation and support at the sites from the Interim Task Force."

Martin said that his office will not



be announcing daily totals of weapons or personnel registered at the sites, "although we will obviously be sharing this information with the concerned parties at an appropriate juncture and expect it to be made public only at the end of the process." Martin said this was being done as per the request of the Maoists as they do not want to be sending out message that they are surrendering their arms.

He added, "Our monitors have also had productive field visits to meet and interact with Nepal Army commanders. We expect that the Nepal Army will be positioned to quickly store an equal number of weapons, in accordance with the agreements, under the single key arrangement as the registration process concludes."

Meanwhile, Dr. Fida Nasrallah, the Chief Electoral Adviser, has also arrived in Kathmandu. "The international electoral assistance team has also made substantial progress toward securing broad donor support for the voter registration process. UN technical assistance activities are currently focused on facilitating procurement of equipment, donor coordination and assistance with the development of the legal framework."

“Supremacy Of Parliament Does Not Mean The Supremacy Of Leaders Of Eight Parties”

Govinda Raj Joshi

One of the universal characteristics of democracy is the recognition of supremacy of people and they are the ultimate power. If they are really supreme, political parties need to respect them in taking any decision even if certain articles are not at par with it.

Former minister and Nepali Congress (NC) leader GOVINDA RAJ JOSHI is a person with a wide base in his party. Joshi has seen many ups and downs in his political career. From occupying center-stage of Congress politics to facing politically-humiliating alleged charges on corruption, Joshi has witnessed all kinds of political maneuvering as well as vendetta against his career. Like many other politicians, former minister Joshi, who backed prime minister Girija Prasad Koirala's stand to challenge the Commission of Investigation of Abuse of Authority in Supreme Court, was at the center of power when he was inexperienced and when he took some controversial decisions. When he could work with abundant experience, Joshi, who always maintains his strong grass root politics, has been cast outside the power. Former minister Joshi, who was recently given the clean chit by the Special Court on corruption charges, spoke with KESHAB POUDEL on various issues of contemporary politics.

Looking at the present political situation, how do you see the future political course?

Our whole priority now should be to focus on how to hold the elections for Constituent Assembly in free and fair manner. It is necessary to bring political stability including peace, development and restore the sovereignty of people.

At a time when the environment is deteriorating, how do you foresee the possibility of holding the elections for CA?

Of course, the situation is heading towards wrong direction but we have to bring the normalcy to hold the elections for CA because it is now the political reality. Before holding the elections for the CA, all major political issues have to be resolved with the consensus of 13 political parties which are represented in the parliament and other major political forces outside the parliament. Most important thing is all these political forces have to reassure people that the result of CA election will not go against the Nepal's independence, democracy and supremacy of the people.

As this interim constitution does not recognize role of other political parties, how is it possible to bring all political forces together?

The constitutional and political questions are two different things. One has to work under a broader approach to overcome the country's political crisis. If political forces of the country can reassure themselves and reassure people that the outcome of the constituent assembly can be the medium to solve country's ongoing political crisis, then only the election for Constituent Assembly will be held and it will bring political solution.

How do you see the possibility of holding the CA elections with the consensus of eight parties only as perceived by the interim constitution?

There is no political sense if the elections for constituent assembly is held without participation of all these forces. We have seen many elections in the past but such elections failed to find the political solutions. Thus, efforts should be made to create conducive atmosphere to hold the elections by inviting all political forces for negotiations and dialogue. Conducive environment must be created paving the way for participation of all political forces in elections. Then, only the elections for CA will bring long lasting political solution in the country.

How do you view the over all political situation?

We have made many progresses in the political front after successfully launching People's Movement II which aimed to bring long lasting political solution in the country. The new interim constitution, though there are many lacunae, has already been promulgated and interim parliament has been constituted. The process for constitution of interim government has begun. Our priority now should be on arms management.

At a time when many accuse that the recent interim constitution has restored the sovereignty of eight parties instead of making all citizens sovereign, what do you say?

Certain articles of interim constitution raise such questions. However, one of the universal characteristics of democracy is the recognition of supremacy of people and they are the ultimate power. If they are really supreme, political parties need to respect them in taking any decision even if certain articles are not at par with it.

How do you see the special privilege given to the leaders of eight parties?

Of course, the constitution gives certain constitutional prerogative to leaders of eight political parties. It is just for interim period or for shorter time. I don't think it will be developed as a permanent system. Although we have claimed that people are made sovereign, the situation is still that people are fearful of arms and people are unable to express their views freely against or for political leaders and political party. People are yet to have confidence that they are really sovereign.

Why are people still suspicious?

Despite the seven parties and Maoist agreement, the country is yet to see long lasting peace as some other groups in terai have again launched another phase of violent insurgency.

Although we have made agreement with one group of insurgents, the upsurge of another group in terai has definitely increased psychological terror among common people who do not feel completely safe from violence.

What is the challenge for now?

The present challenge is to give credible assurance to common people that they are really sovereign and there is no threat to their life and property. The leaders of eight political parties must show through their action that the agitation launched by them was just not to make their government but to bring favorable results in the forthcoming elections to their party. By ignoring the people, somebody can feel stronger for a short time but all have to pay heavy price in the long run.

How do you see the recent violent agitation of two regional groups called Janatantrik Terai Mukti Morcha and threat of Indigenous groups who are also warning of agitation?

As a liberal democratic party, it is our duty to bring all the groups into political mainstream. If we are able to bring Maoists into political mainstream, it is not impossible to bring Terai-based Jantantrik Morcha and other indigenous groups into mainstream. I hope prime minister Girija Prasad Koirala will take necessary steps to address these problems. I hope he will invite them for negotiations.

How do you explain your party's identity? Is it still liberal, centrist democratic party?

Nepal Congress is a social democratic party and it is not an extremist political party at all.

There is no history in the world where extremism has brought solution of any political problem. As a centrist party, it is our duty to convince all extremists whether from right or left to join the political mainstream. Even prime minister Girija Prasad Koirala has repeatedly stressed the need to bring two guns to the middle path. His indication is towards two extremists: leftists and rightists. He argued that the King and Maoists have to give up their weapons to bring the peace in the country. As a centrist party, we need to maintain balanced relations with them.

Your party's recent activities have already created wide rift with other political forces including the traditional forces. How do you look at it?

We launched the agitation when the door for competitive politics was completely shut down. We still believe that competitive politics is one of the best political systems of the world. From the King to Maoists and other communists, we are able to show that competitive politics has no alternative. The credit to bring the political process in middle path should be given to Nepali Congress leader Girijababu.

Whatever you claim, your party seems to be giving up the middle path by its actions?

Of course, some time you can see certain degree of deviation from one end to another. In fact, Nepali Congress cannot go beyond its charted course of middle path. We believe in



competitive politics and supremacy of the people. Middle path is not a smooth road as it is a graveled road which is bumpy and difficult to walk. But there is no alternative to it.

How do you see the concerns expressed by people on the working style of leaders of eight political parties?

The concerns expressed by people of different walks are genuine on the issue of supremacy of eight political parties. If this kind of decision making process continues, it will ultimately be the people who will be casualty again. I think this is just an interim measure.

What will be the implications to the role of parliament?

Such system will make the parliament just as a rubber stamp. People are posing many questions. If every decision is taken by leaders of eight parties, what is the need of interim parliament or legislature? Whether parliament has right to take decision or not? What is the status of members of parliament? If members of parliament do not have any right to express his/her view, why is there any need to hold the elections for Constituent Assembly?

What are the political and constitutional implications of this kind of system?

Such practice is basically against the letter and spirit of parliamentary pluralistic democracy. Supremacy of the parliament means supremacy of the people. If the leaders believe that they are sources of all power, why should not they make the constitution? If the forthcoming constituent Assembly has to endorse the constitution framed by the leaders of eight parties, why do we need to spend a lot of money to hold the elections for Constituent Assembly?

How long will the present system last?

I don't think it will last for long as our political leaders do not have such intentions. Naturally, people have questions in mind. In interim constitution; there are two articles that stress for national consensus in taking major decisions. Two articles of present interim constitution mention that the decisions taken by the leaders of eight parties is the decision of national consensus. Even prime minister Girijababu expressed his anguish over it.

Some party leaders are saying that there must be supremacy of the party since people vote political parties' program?

Of course, we have to follow the party whip in parliament but one cannot deny the right to

People are posing many questions. As if every decision is taken by leaders of eight parties, what is the need of interim parliament or legislature? Whether parliament has right to take decision or not? What is the status of members of parliament? If members of parliament do not have any right to express his/her view, why is there any need to hold the elections for Constituent Assembly?

express his or her views in discussion. In present parliamentary system, we have to follow the whip issued by our parliamentary leader. It does not mean that we don't have any right for discussions and dissension. As a democratic party, our party guarantees rights to dissension and respects plural opinions.

Your leaders have been arguing that they have right to take decision in the context of supremacy of parliament?

Supremacy of parliament does not mean the supremacy of leaders of eight parties but supremacy of people. Supremacy of political parties is only possible in communist system not in democratic system. A member of parliament is accountable to the people. Of course, we have to follow the party's stand but it does not necessarily mean that we don't have right to express our views in the party's forum in accordance with parliamentary democratic system. If we develop parliament as merely a rubber stamp of leaders of eight parties to endorse their proposals, it will gradually create resentments against whole system and ultimately democracy will be the loser. In such system, the leaders of eight parties will be all powerful and the MPs will be merely pawns in their hands.

How do you see the role of leaders of eight parties?

If a member of Constituent Assembly will not have right to express any views on constitution, it is better to promulgate the constitution under the agreement of leaders of eight parties. It will save money and time. Whenever the parliament is defunct, the country faces one or other kinds of problems. During the twelve years period of parliamentary democracy, we had seen twelve governments. In that period, every effort was made to defunct and defame the parliament.

At a time when some senior Maoist leaders have decided to stay outside the parliament, what, if any, difference will that make?

Senior Maoist leaders like Prachanda, Dr. Baburam Bhattarai and Ram Bahadur Badal are out of parliament and even the leader of United People's Front Amik Sherchan is not a member of parliament. In this case, the decision will be taken again by the leaders outside the parliament. In a parliamentary democracy, the country should be governed by members of parliament not by the outside leaders. Since there is an interim parliament, it should be given proper role in decision making. Taking decision by leaders of eight parties from outside the parliament will be undemocratic.

Some members of your party have been saying that Nepali Congress has already declared itself as a democratic republican party. Actually what is the official position of your party?

As a liberal democratic party, our party has various kinds of people including the followers of republic. As a democratic party, we believe in the verdict of the people. Our party has already made it clear that people will decide the fate of monarchy through the election for Constituent Assembly. Even eight parties have agreed that the first meeting of Constituent Assembly will decide the future of monarchy. It means nobody knows what opinion the people really hold on monarchy. People are supreme in democracy and our party will accept their verdict. Nobody has authority to decide otherwise. People should be given opportunity to cast their vote in free and fair manner and without any intimidation. Let the members of Constituent Assembly feel free to make a constitution as they like. It is immature to predict the choices of sovereign people now. If people want ceremonial monarchy, it is our duty to accept it. People never make a wrong decision.

What is your party's stand?

The eleventh general convention of Nepali Congress had decided that Nepali Congress is not in favor of autocratic monarchy. That is the only decision we have taken. Our ultimate power rests in the general convention, it has not decided anything yet on republic. For the elections of CA, our party



must clearly say what our stand is and what kind of political system we want in the country

How relevant is B.P. Koirala's views in your party?

B.P. Koirala's views are very much relevant in our party at this crucial juncture. Following eight years exile in India, B.P. Koirala returned to Nepal with a message of national reconciliation. His reconciliation was between nationalist and democratic forces. National reconciliation has two important parts - the unity between nationalist and democratic forces. B.P. called reconciliation with the King because he was a national force.

How do you see Congress' present alliance with communist against the traditional forces including King?

Girijababu is trying to bring all political forces into the political mainstream through the consensus efforts. Our alliance is not against anybody but in favor of democracy and supremacy of people. Our party has not given up the ideology of national reconciliation. Our present alliance is just to make certain gains to make people supreme and sovereign. Having more than six decade long political experiences in politics, one cannot question his intention. Girijababu has not deviated from B.P. Koirala's philosophy of national reconciliation. As B.P. said, we are not compromising at the cost of nationalism as well as at the cost of democracy.

It seems that your party just negotiates with that party which holds the gun ignoring mainstream democratic peaceful parties. How do you look at it?

Actually, Nepali Congress wants to bring all the parties into mainstream. We need to accommodate even United People's Front's two factions led by Chitra Bahadur K.C and Pari Thapa which were our partner in April's people's movement. There are also Rastriya Prajatantra Party, Rastriya Jansakti Party and Nepal Sadbhavana Party in interim parliament. Though they are not part of eight party alliance, we must give due respect to them. There are 13 parties in parliament but our unity is just among eight parties. We are by-passing five other parties. This is not a good sign.

How do you see the leadership in your party?

As long as Girija Prasad Koirala is there, we don't have to worry as he is like an institution. As he is getting older, our party must do something for collective leadership. I am member of Nepali Congress central committee and I respect the decision of party. At his last leg, B.P. Koirala groomed collective leadership in the party. After his death, the leadership went to Ganeshmanji, Kisunji and Girijababu. Now, I don't think the single leadership will prevail again. Girijababu has to groom collective leadership in the party. It is up to Girijababu to decide what kind of leadership he wants.

How do you see the possibility of unification of Nepali Congress?

Unity is inevitable in Nepali Congress. We are making alliance with communists. I believe that two factions of Nepali Congress will unite.

Application of Brain Gym in Schools of Nepal

- DIL BAHADUR BASNET

"We see each individual as a unique, growing, good person who will learn when given the needed tools and a nurturing environment. Our aim is to support our students in developing integrated sensory channels, so that they may learn to function with whole brains, as whole individuals."- Paul E. Dennison, Ph.D.

The above view is obviously associated with 'brain gym', propounded by Dr. Dennison in collaboration with his spouse Gail Dennison, both educators and reading specialists of Southern California. It should be noted that Brain Gym® is a registered trademark of Brain Gym® International/Educational Kinesiology Foundation (or: Vision Gym® is a registered trademark of Dennisons). The term 'brain gym' was coined during 1970s through their extensive research in areas that include yoga, acupuncture, education, brain function, optometry, psychology, and applied kinesiology to specify movement-based learning.

Brain Gym exercises are deemed to facilitate access to both hemispheres to distress mind and body and enter a state of being 'switched on' from 'switched off'. It is a tool used to integrate the whole brain, senses and body through movement, as a unique approach to education in most schools of UK, Canada, USA, Australia, and other developed and developing countries too. So why not the schools of Nepal follow 'brain gym' technique provided that it could be an asset for the potential educational environment?

Mukul Kindergarten School (MKS) at Bhatbhateni of Kathmandu is learnt to have been conducting 'brain gym' introduced by Amita Pandey Sen, dyslexia specialist four years back. As a token of successful outcome owing to innovative teaching method for the enhancement of learning, the school organized a half day workshop cum talk on Brain Gym and Nutrition in December 2005 for about 200 participants (teachers and parents of

various schools as well as other people from diverse professions). Being a message 'Learn to Move and Move to Learn', focusing on simple exercises to release stress and unblock the learning blocks, the workshop attracted very good comments from the participants.

"Very informative, it is going to be very useful in understanding the children and guiding them. Good experience. Thank you." from the teachers of Triyog High School, Reiny de Wit of ECEC's "It was interesting! Follow-up needed."

"I felt its power instantly," said a guardian Bhuvan Dahal. "Certain exercises of the body activate mind," performed Kabita Thapa, chairperson, MKS and observed, "All the children don't have same problems and therefore, they need different brain gyms.

Appreciating the grand accomplishment of the workshop on Brain Gym held for approximately 50 teachers of Shuvatar School in 2002, Nain Chaudhari, vice-principal said, "Sen's presentation of brain gym was very effective. If there were any expert like her, we would organize the same, time and again." But the school is not in a position to incorporate 'brain gym' in the syllabus, as stated by him.

The other school also known to have organized brain gym workshop during the same period is St. Xavier's School.

According to Sen, "The school that has continued in its practice and use as a proper curricular program has been only Mukul School as the school follows a very commendable policy of 'learning to learn with learners' and provide a wide range of methods to teach children."

She opines, "Nepalese schools would benefit greatly from adopting a new teaching technique like brain gym because it is a method that helps all types of learners, does not take up much time and can adapt to fit into any kind of



Children learning in BrainGym style

timetable of schools. It does not require extra funds or resources to use it (except for training its teachers). Its inexpensive nature is an important factor as most schools in Nepal cannot afford resources from abroad."

It is noteworthy what Elaine L. Magidson, president, Creative Counselling-Consulting would like to share with the enthusiasts about the feedback on 'brain gym and neuro-linguistic programming' as related by his client Richard Gunther, "These systems enable people to overcome limitations, conflicts, fears, anxieties, and many physical problems with relative ease and achieve an increased level of personal success in a greatly shortened period of time". Hence, these techniques and processes are particularly beneficial for individuals experiencing attention disorders (ADD or ADHD), learning difficulties, worries, phobias and panic disorders to utilize their brainpower and their entire mind/body system more effectively, in accordance with his experiment.

Since the Neurological Foundation of USA recognizes Brain Gym as 'one of the most exemplary programs of today that models excellence in the classroom and has demonstrated effective results', it is advisable that the rest of the schools of Nepal may practice the same by consulting with the MKS and other institutions aforementioned. ■

(Basnet is an internee)

Who Has Gained?

As the country finds itself in the most volatile and unstable situation of instability and anarchy, all forces seem to have become losers in one way or the other

By KESHAB POUDEL

From the promulgation of interim constitution to formation of new interim parliament, eight political parties have many reasons to rejoice as victorious forces. In reality, however, they are unable to contain the instability and anarchy promoted by them through an unseen power.

Although the whole political agitation by them was aimed to restore democracy, peace and stability, the recent events in terai region indicate that there is no sign of returning to democracy and normalcy in the country any time soon.

"The country has lost the stability and the people have lost their pride and dignity which were upheld by them. Political parties have lost their committed direction and objective. The country has been put into most volatile and unstable situation of instability and anarchy has loomed large over the country. And immediate neighboring countries must have been alarmed against each other due to the present precarious situation of Nepal," said a political analyst. "Any miscalculation and misjudgment from any of them may create regional or even a large escalation of conflicts."

As Nepal has been passing through a very critical situation, no one is there to openly speak the reality. "Among them the most vocal diplomat is from USA only. Perhaps that country has sensed the gravity of the situation but unfortunately there is no such seasonal and balanced political expression from our own government. The glaring example is of the instant reaction from Home minister Krishna Prasad Sitaula."

American ambassador Moriarty revealed that Maoists are importing

handmade guns and scrapped weapons from Indian state of Bihar. However, Home Minister Sitaula refuted it as a baseless remark the very next day. Home Minister even did not see the need of investigating the fact openly expressed



Koirala: Powerful but ceremonial

by a highly resourceful foreign friend of Nepal.

The agitation launched a year ago by eight political parties to deprive the power of the King is now gradually heading towards anarchic situation and it is inevitable that in this invisible war, all the forces are going to be losers.

Along with internal forces, Nepal's two neighbors have also lost the stability of Nepal which is vital for their own national security interest. For the Gandhian democratic juggernaut of South, chaotic Nepal may have

destroyed everything from basic democratic norms and values to political institutions under which their survival depends.

Role of G.P. Koirala

Had prime minister Girija Prasad Koirala, who was politically humiliated by King Gyanendra to resign after the Royal massacre in 2001, upheld the legacy of his legendary brother B.P. Koirala, he would have prevented the destruction of democratic ideals and values and he would not have to see his party turning from majority to minority at his last leg of political career.

When Koirala, a relentless fighter of democracy, took oath of office as a PM

immediate spillover effect but some of its prominent intellectuals, politicians of higher status, surprisingly, have expressed happiness because Nepal has made not Gandhian democratic upsurge but a Maoist upsurge.

Nepalese politicians argue that they have commenced a new era with a major historical political change depriving the King from his powers and privileges. However, they too have nothing to boast about their achievements. In the last ten months following the reinstatement of House of Representatives, politicians

in April 2006, his party, though divided but ideologically one, was in majority in the House of Representatives. But now his party is in a minority following the formation of interim constitution and interim parliament. In fact, the parliament is now under the control of majority communist leaders.

At the cost of country's stability and his own democratic ideals and values which he championed throughout his political career, Koirala justified every means to deprive the monarchy of its power and privilege. He succeeded to deprive monarchy from its traditional power and privilege but ultimately he has made himself a ceremonial figure.

According to the analyst, there was no ideological deviation till the power was handed over to a democratic leader Koirala by the King on April as the King took a U-turn logically on his determined style of governance to prevent unseen meddlers in internal strife in Nepal.

"Had the leadership of Koirala been able to continue his posture and commitments as a democrat in real terms, the country would not have to see the present phase of series of anarchy and as well as the destruction of ideals and values." The declaration of parliament in May was the first step of derailment of democratic norms and constitutional practices.

"After a series of such negative performance in the matter of democratic process, a most serious jolt has come by this interim constitution of 2007. There have been recorded views of attorneys and attorney generals of his time to testify that Koirala has failed to maintain his image as well as the goodwill of his party as a champion of rights of the people for self governance," said the analyst.

Though the prime minister seems to have enormous power at present, in real terms all these are decorative and ceremonial with enormous negative implications.

Nepali Congress As A Loser

After the monarchy, the greatest



Apex Court: Dilution of independence

loser in present politics are both factions of Nepali Congress in moral as well as political sense. Nepali Congress had a legacy from its pinnacle reached under the legendary leader B.P. Koirala. Though it has been divided at present due to the power sharing politics, it has remained almost intact ideologically and emotionally.

"Workers and leaders from both the parties do not find logical reason why they have been kept into different brackets under different power mongering leaders. The greatest legacy of Nepali Congress of both the fractions have been the same ideological and moral plank. The most inspiring and therefore unifying elements of those two fractions under the same legacy are common ideals and common objectives," said the analyst.

Former prime minister and Nepali Congress Democratic Leader Sher Bahadur Deuba agreed, "Our party will unite soon as we don't have any ideological difference. But, the process of unification depends upon Girijababu."

Where Communists Stand

The communist parties including the CPN-UML, which was a fire brand radical party in 1990, too, have lost their

ideological image giving up Marxism, Leninism and party of proletariat. At the cost of power and privilege, the CPN-UML sacrificed its ideological image.

The Maoists – under whose call 15,000 people were killed and many disabled, finally joined political mainstream giving up their ideological identity. All five communist parties got their share in power but they had to lose their ideological image. The communist trademark is now just reflected in their flags with hammer and sickle.

"Whatever the cost we have to pay, we are able to turn Nepal from a traditional monarchical state to republican. This constitution ushers the era of republican in Nepal," said CPN-UML leader Jhalnath Khanal. "This is a major victory of our party."

Communist leaders still have something to say while former prime minister and veteran politician Surya Bahadur Thapa and RPP leader Pashupati Sumsher Rana have nothing to boast about except that they are members of interim parliament. They are also deprived of any political role except to endorse the proposal tabled by eight party leaders.

And Monarchy

Although the monarchy is the major

loser of present political crisis as it has lost all its power and privileges under the present interim constitution, it seems to be gradually picking up its traditional position as a guarantor of political stability.

People, in general, have very short memory - whatever bitterness there have been in their mind in the past may fade away soon if the King maintains the present posture of patience and tolerance. By losing all the real power exercised by constitutional monarch in democratic countries, the monarchy still is a popular institution.

Recent polls, sponsored by some media regarding monarchy and particularly late King Prithvi Narayan Shah, give indications that the majority of opinion is still in favor of monarchy.

"Had the strength of monarchy in Nepal been merely based upon military force, it would not have been converted politically as the present constitution has already ignored it. Monarchy in Nepal has again proved that its strength is popular will and, therefore, is people's monarchy," said the analyst.

Monopoly of Power

The interim constitution does not permit others except the eight parties to be in the parliament and to be in the government. That, too, has no popular representation as the restored House of Representatives was. This parliament is a representative house of previous parliament which was revived not based upon any provision of the constitution but an act of necessity.

"In fact, this parliament has come in a manner of abrupt and unusual shift of power like it was done by military officers in a manner of coup d'etat. A unique situation has appeared in Nepal where anything could be possible under the scheme of unseen powers than the seen forces and procedures," said the analyst.

The independence of judiciary is another loser of the great game. Although it has given certain constitutional roles, the judiciary has to work now as a committed judiciary. For the first time in the history of Nepal, chief justice took oath of his office and secrecy from the

prime minister.

"We have to uphold the spirit of competent, independent and clean judiciary," said Bishwokanta Mainali, newly elected president of Nepal Bar Association.

The Silent Cry

The greatest losers are the Nepalese people who are given the right to vote but deprived to be in government. Along with losing political power, people of Nepal in general have lost peace, stability and economic opportunities.

The silent majority is crying for the nation's salvation from

instability and invisible interference and invasion against Nepal. The cry of silent majority is a silent cry in the words of historian Ludwig F. Stiller, S.J. According to him the silent cry was there in the past and it is there at present. "The cry of village Nepal is still echoing around us. The modalities have changed and the content has changed but the cry is still there. Will it be heard any more clearly today than it was during the silent years?," writes Stiller in his book the Silent Cry describing the history of Nepal after the war of 1814.

"It is shrouded in mystery why and how it happens but one can definitely feel that this has nothing to do with the common people of Nepal and their aspirations," said the analyst. "When the whole world is lurking to get migrated to America, Stiller, an American who was so much emotionally attached to Nepal and opted to be a Nepali Citizen, has made outstanding contribution in writing



Seven party workers: Privileged lot

the history of Nepal. The book - the Silent Cry is one of them."

Despite his diplomatic engagement and discipline, American ambassador James Moriarty, representing America's emotional feelings towards Nepal, has been ventilating certain views, which annoys some extremists, but his opinion generally takes care of the silent cry of the people of Nepal.

"Forms and characters have changed but the pain and agonies are in continuation. Because of the nefarious great game, all are losers in Nepal and ultimately even the players of the great game may lose whatever goodwill and influence are still there," said the analyst.

One has to reach to a conclusion that except the short sighted destabilizing force, no one has been the gainer. It may take decades to bring back Nepal into the previous position of peace and stability - which all have lost. ■

CONSTITUENT ASSEMBLY

Updating Voters

Despite the uncertainty about the date for elections for Constituent Assembly, the collection of voters' list begins

By A CORRESPONDENT

At a time when the nation wide disturbances and growing violence has worsened the situation in the country, Elections Commission has begun the collections of voters' list for the forthcoming elections for Constituent Assembly (CA).

Although the government is yet to announce the date for elections for CA, it is expected that it will be held on the second week of June or end of May. Home Minister Krishna Prasad Sitaula has already said that the first cabinet meeting of interim government will announce the date for the elections.

After promulgation of interim constitution, various ethnic groups and regional parties have already demanded their proper representation in all sectors - it is very difficult to see how election commission can address them.

As the arms management is yet to

complete, there is a long time to go before formation of interim government. Prime minister Girija Prasad Koirala said last week that the interim government will be formed within two weeks.

According to the Elections Commission, the process of preparing voters' list will begin from January 23. The first phase of updating of voters' list will complete on February 7 and the final list will be published on February 26.

The Election Commission has mobilized twenty-two thousand voters' list collectors. The EC said the collectors will visit each and every Village Development Committee and Municipality.

In the meantime, Madhesi People's Rights Forum (MPRF) activists have asked to address their four point demands before commencing the collections of voter list. Their demand,

among others, is to change present system of division of constituency.

As the government employees are not enough to collect the names of voters, the

EC has also mobilized teachers from community schools. According to the EC, the final list will be published on February 26 after completing all necessary legal arrangement. Because of cold, the commission will start the collections of voters' list in 58 VDCs in mountain region after March.

"I will request all political parties to provide necessary support to the employees," said chief elections commissioner Bhoj Raj Pokharel.

According to election commission, temporary voters will have right to vote only for the seat for proportional representation. There will be 425 members in the constituent assembly and half of the members will be elected on the basis of proportional representatives. "We are very much aware about dual names and inclusion of foreigners in the list," said Pokharel.

The EC has requested United Nations Mission and Carter Center to provide necessary support for observation of voters' list collections. Even the commission will send its observers. ■

CITIZENSHIP CERTIFICATE

Row Over Identity

Under protests and tensions, nationwide campaign for distribution of citizenship certificate begins

By A CORRESPONDENT

Although there are tensions in certain parts of eastern terai and general strike called by transport entrepreneurs, the process of distribution of citizenship certificate went ahead unhindered. After certain disturbances, Home Minister Krishna Prasad Sitaula even authorized teams to decide on the question of naturalized citizens.

Nepal has open border with India, it is inevitable that many criminals living on other sides of border, too, will have now access to Nepalese citizenship certificate. Following the distribution of citizenship certificate, the demographic composition of terai in particular, and



Demanding citizenship: Identity crisis Kantipur

Nepal, in general, will be completely transformed.

After Home Minister Sitaula's directions, every one can apply to the teams for naturalized citizenship and the

camp leaders will have authority to issue them following some verifications.

Following the promulgation of new citizenship act and new interim constitution, those who have been living in Nepal since 1990 are now eligible to acquire Nepalese citizenship certificate. The present drive of citizenship will inevitably change the demographic pattern of Nepal - turning the hill majority into a minority.

"We will complete the distribution of citizenship certificate to approximately 4 million people living in Terai," said Sitaula. "No one will be denied the right to acquire Nepalese citizenship."

Despite giving such major concessions, leaders of terai based MPRF, however, sees this is still discriminatory. They even filed memorandum to the United Nations demanding to pressure Nepalese government. ■

Local Governance

At a time when voices about the local governance are rising, Rabindra Khanal's book gives some important ideas

By A CORRESPONDENT

Local governments and devolution of power have been an issue for national debate for quite a long time but the debate is yet to die. Many scholars have written a number of books explaining it but only a few books have come up with applicable ideas.

Local self governance and devolution of power means different for different people and every one has their own way of interpretation. Some want it under the strict limit of cast and ethnic groups others want devolution of power on the basis of geographical area. In such a confusing situation, Rabindra Khanal's book gives clear and concise approach.

As Nepal is in the process of making the constitution through the Constituent Assembly, there are voices coming for regional and ethnical autonomy and devolution of power. Rabindra Khanal's book helps to generate the debate on this theme.

From historical perspective to present mode, Khanal's analyzes all the past development and present situation on theoretical background. "Economically, Nepal is still one of the poorest countries in the world on the development indicators of the World Bank. Nearly ten million people that is fifty percent of the total population, is presently living in absolute poverty. Feudal political culture still persists among the political leaders as well as people at large, which is one of the biggest hindrance to the democratization process," writes Khanal in his preface. "Local governance and decentralization are the fundamental means to promote democracy. Unless local people are aware of their

democratic rights and duties and are empowered accordingly, democracy cannot be realized at the national level."

Although Nepal has been trying to implement the decentralization and local governance concept since last many years, it is yet to produce the desired result. During the Panchayat period, the country had initiated certain concept for

decentralization but that was mostly confined to certain sectors.

Following the restoration of democracy in 1990, the whole concept of decentralization had come into fresh debate. The local governance act of 1998 initiated certain core concept on decentralization.

"The restoration of multi-party system in 1990 opened an opportunity for the development of local governance, decentralization and for the ultimate promotion of democracy. This book attempts to analyze the role of local governance and decentralization in the overall democratic process of the country," writes Khanal.

Unlike other books, Khanal's book analyzes all aspects of decentralization

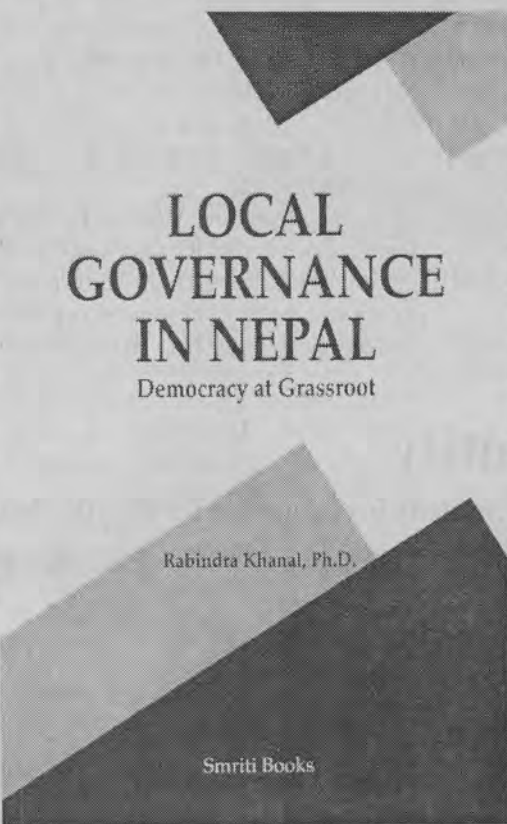
in the five different chapters covering from theories to practice. He discusses devolution in Nepal from the early phase of its unification to the present day. Khanal's book also highlights the decentralization and devolution of power in Rana's period and Panchayat period. From historical to legal and constitutional, Khanal has made all efforts to draw the conclusion on the importance of decentralization in Nepal.

"Democracy has no meaning unless it reaches the doorstep of every individual. Under a democratic regime, people's participation can overcome a lot of problems that occur in the third world countries. It can also cope with issues like poverty, underdevelopment and exploitation and resist the pressures coming from outside the state territory,"

writes Khanal.

This book is very useful and readable for all from academicians and teachers and students.

As country is going to hold the elections for constituent assembly, the book has very significant importance. ■



LOCAL GOVERNANCE IN NEPAL

Democracy at Grassroot

Rabindra Khanal, Ph.D.

Smriti Books

**Local Governance in Nepal
Democracy at Grassroots
By: Rabindra Khanal, Ph. D
Published by: Smriti Books,
Kupondole
Price: Rs. 295
Pages: 254**

OHCHR CONCERNED ABOUT ARRESTS

The Office of the High Commissioner for Human Rights (OHCHR-Nepal) has expressed concerns about the arrest of 28 Madhesi activists and political party members.

"They were arrested for their involvement in the burning of part of a copy of the Interim Constitution, and 14 continue to be detained in Nepal Police custody under the authority of the Kathmandu District Administration Office," the statement issued last week says.

The activists of Madhesi People's Rights Forum (MPRF) had been arrested from Maitighar Mandala on Wednesday after they protested the interim constitution by burning its copies. The activists claimed that the interim statute failed to address the issues of Madhesi.

"The Nepal Police informed OHCHR-Nepal that the group had been arrested for acting against the interest of Nepalese people, but could not explain the legal basis for the arrests. Similarly, the District Administration Office informed OHCHR-Nepal that 14 persons would be detained for ten days pending investigation, but stated only that they had acted against the public interest in violation of the Public Offences Act. It has not been alleged that the group was disturbing the peace or obstructing public order."

The OHCHR has said that the government is required under its international human rights obligations to respect the freedom of opinion and expression, which can only be restricted under highly limited circumstances.

"The arrest and detention appears to be a violation of these freedoms - freedoms which are enshrined in the new Interim Constitution of Nepal adopted earlier this week. In addition, OHCHR-Nepal is concerned about the failure of the authorities to provide the legal basis for the arrests and continued detention."

Lena Sundh, the representative of OHCHR to Nepal, said, "I am concerned that despite repeated requests the authorities were unable or unwilling to give an adequate explanation of the legal basis for the arrests and continued detention, including whether the burning of the constitution is a legal offence in itself. Freedom of expression must not be compromised by authorities other than in exceptional circumstances and in all such cases clear reasons should be given."

Meanwhile, the authorities had slapped charges under Public Offences Act against some of the MPRF detainees. Their continued detention has sparked protests in eastern Terai city of Lahan. ■

Book List

Bayung Rai: A socio-linguistic by M.B. Lee/R.B.Rai/
B.K. Rai and C. Boone Rs. 200.00

Business and Law in Nepal J. Adams/ B.K. Maskey/
S.D.Tuladhar Rs. 200.00

Caravan to Lhasa Newar Merchant of Kathmandu in
Traditional Tibet Kamal Tuladhar Rs.150.00

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Local Governance in Nepal Democracy at Grassroots
Rabindra Khanal Rs. 295.00

Milestone of History Vol 1 Pramod Mainali Rs.
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Nepal Atlas and Statistic Dr.Harka Gurung Rs. 700.00

Nepal Contemporary Political Situation – II opinion
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Women and Development in the Third World, a case
study from Ghaundruk, Nepal Manaslu Gurung Rs.
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A Compendium of Medical Plants in Nepal Baral and
Kurmi Rs. 1200.00

Source : Himalayan Book
Bagbazar, Kathmandu, Ph:4242085

ARBOUR'S VISIT

Stress On Ending Impunity

In her various interactions, the UN's human rights chief Louise Arbour has underscored the need to end the impunity

By A CORRESPONDENT

At a time when the civil society leaders have been calling for the full implementation of recommendations made by Rayamajhi Commission to punish rights violators during April movement, the chief of the United Nations High Commission for Human Rights, too, has called for the need to end the culture of impunity.

Louise Arbour, who arrived in Kathmandu on January 19 on a six day visit, has stressed on the need to tackle both peace and justice simultaneously. "There is a feeling among many people even within the UN to sequence peace and justice where often justice is cast aside for the sake of peace. But there would be no durable peace without justice," she told while addressing the staffs of the National Human Rights Commission.

Upon hearing the complaints from the NHRC officials that less than 25 percent of their recommendations (for punishing the rights violators) are acted upon by the government, Arbour underscored the need to end the impunity.

Stating that impunity is a main threat to human rights protection, Arbour said the main focus should be on resolving all outstanding cases of disappearances and holding accountable those who committed grave human rights abuses during the conflict – both from the CPN (Maoist) and the state security forces. "International experience teaches that this task, though difficult and challenging, is an essential pre-condition to durable and sustainable peace," she said, adding that the state is directly accountable to the victims of rights abuses and their families "who have the right to know the truth of what took place, but also see justice done".

Arbour also visited villages in

Bardiya district to meet with families of those disappeared. "In addition to establishing a fully independent commission to investigate all disappearances, the Government must take action to prevent such abuses occurring again," she said.

Arbour also pointed out that the current legal framework in Nepal is inadequate to protect against disappearances. "The new Army Act explicitly provides that Courts Martial have jurisdiction over disappearances and torture – these are grave human rights violations, and must be dealt with instead through the civilian justice system. The Government could also demonstrate its commitment to preventing disappearances by ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, which was recently adopted by the General Assembly, in December 2006," she said.

Arbour also spoke at length about the transitional justice system. Addressing the conference on "Exhuming Accountability: Conference on Transitional Justice in South Asia", organized by Himal Southasian Magazine and the International Development Research Centre (IDRC) in Kathmandu, Arbour highlighted that since societies in transition often lack strong, independent, and impartial institutions to do justice to the citizens, many countries have therefore made use of transitional justice mechanisms, drawing where necessary on international assistance and expertise, in order to create a historical record of violations, to address impunity through prosecution, to provide reparation to victims, to safe-guard against a repetition of violent events and eventually to embark on necessary institutional reforms to address often



Arbour: "End the impunity"

deeply rooted inequalities and protect all human rights.

The visiting chief of UN Human Rights Commission, Arbour said the proposed Truth and Reconciliation Commission must be accompanied by unambiguous political support in order to be fully effective. "Such political will must go beyond merely permitting a notional truth-seeking process and must include support for the effective implementation," she said.

Speaking about the issue of prosecutions of human rights violators, Arbour said that "they are often the logical outcome of a truth commission and an obligation upon States under international law whether explicitly spelt out in the peace accord or not." She said that some Nepalese human rights NGOs are reporting zero convictions for conflict-related human rights violations and are calling for a so-called "hybrid court", which would use Nepalese and international judges and a mix of national and international law. "Short of such an initiative, international support to domestic prosecutions could certainly be considered," she said.

During her stay, Arbour met with Prime Minister, Home Minister and other political leaders as well as key civil society representatives. She expressed the commitment of the Office of the High Commissioner for Human Rights (OHCHR) to support Nepal in promoting human rights. ■

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