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Terai Unrest

Confused Leadership Derailed Polity & Bewildered People

Environment : Capital Problems
Face To Face : Udaya Raj Sharma

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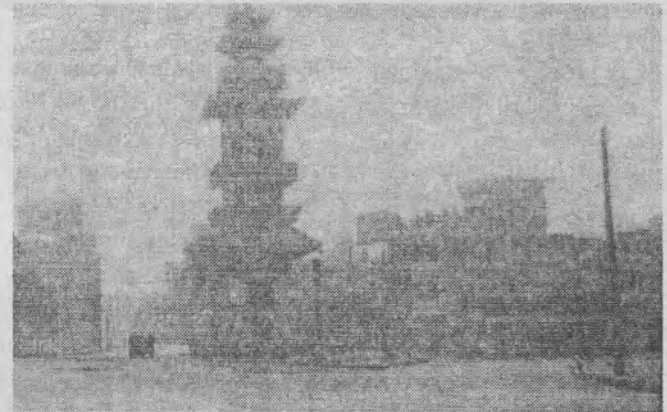
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SPOTLIGHT

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That the uprising in the Terai, the Madhesi land in southern Nepal, will take a very ugly turn if not tackled with wisdom, is such a clear writing on the wall that no Nepali with a clear vision can fail to read. That these people have been very badly victimized and discriminated for decades by the rulers of Nepal needs no emphasis. That the Madhesi politicians who have taken up the issue at this most critical situation in the country must not be influenced by emotions and communal feelings is of prime importance to keep the integrity of the country intact. They must be aware that there is no dearth of fishermen who never shirk to fish in the troubled waters. Rather they keep on muddling the waters so that they can fish with impunity. As such, the Madhesis, who are agitating for their just rights, must stay alert that they are not used by such nefarious elements. The resignation of Hridayesh Tripathi, a Madhesi political leader and minister in the SPA government, from the cabinet in protest against the interim constitution is not only justified but even commendable. Because the interim constitution does not meet the urgent requirements of democracy, neither that of the community, except a few corrupt politicians. We had already suggested that it must be scrapped right away as the most autocratic document totally unsuited to guide democracy. All those Madhesi parliamentarians who are opposing the constitution must resign from the parliament and join hands in their protest against an unjust act. We even sincerely believe that the Madhesis must head the government by virtue of their being the largest community. But they must forbear violence and vandalism as these activities not only hurt their own cause but harm their community and their own country as well.

The death of Nona Koirala, the constant companion, comrade-in-arms, advisor and dependable friend of prime minister Girija Prasad Koirala for a long six decades must have come as an irreparable loss to him. Girija Koirala, whether he deserved or not, has headed the government in Nepal for five times and has always been acclaimed as the most democratic leader by all the big powers of the world including our big neighbor in the south. How democratic, capable and patriotic he is his past records will show. Like the big powers and the big neighbor we have no axe to grind and do always call a spade a spade. As such, we do not agree with the big powers neither with the big neighbor. But, in the circumstances prevailing in the country, we do believe, Girija Koirala could play a very important role and save the country from going to destruction or disintegration. If he can rise above personal or party considerations, even for once, and work in the interest of the country only his past sins would be condoned to a great extent and history might still accept him as a great politician of poor Nepal. As the Hindi saying goes, "a man is not lost if he returns at the end of the day." At the fag end of his long political career, we do trust he will use his wisdom and experience to shun the sycophants that surround him and listen to the voice of his own conscience. Since he has recently seen what sycophants can do to a ruler, he will not grudge to accept our humble advice. We also trust his admirers, near and far, will refrain from leading him astray. At this sad time of his great loss, we would like to express our heart felt condolences for him.

Madhav Kumar Rimal
Madhav Kumar Rimal
Chief Editor & Publisher



Unruly Politics

The cover story "Peace By Piece" (SPOTLIGHT January 26) demonstrated the unruly nature of politics in Nepal. No sooner had the Maoists laid down their weapons, fresh turmoil has started in Terai. It is unclear how the Terai problem can be addressed. The eight parties will need to carefully consider all the options before making any decision, which is likely to have long-term implications on the nationhood of Nepal.

Bimal Singh
New Baneshwore

Peace: A Chimera

Peace and stability seem to be a far away dream for average Nepalese ("Peace By Piece" SPOTLIGHT January 26). The country has been hurtling from one conflict to another. The people are slowly getting frustrated even with the new dispensation after the April movement. A year ago, people had come down to the streets to force the autocratic regime to give up its hold on power. And now, there are enough dissensions regarding each and every agenda of national politics. The beleaguered political lot seems incapable of resolving the numerous problems and challenges. They didn't help themselves by writing an interim constitution that effectively barred every one other than the eight parties. As politicians have promised many things to many people, they now seem unable to deliver all of them. This has led to creeping depression.

Ramesh Thapa
Samakhushi

Following The Gun

Through their decade-long armed conflict, which has catapulted them into the mainstream national politics now, the Maoists have taught many lessons for many people ("Peace By Piece" SPOTLIGHT January 26). For those who are charmed by the use of

gun and violence, their arguably successful armed revolt could send wrong signals. In fact, splinters of Maoists like Janatantrik Terai Mukti Morcha (JTMM) have already started engaging in violence in southern plains. It has also been taught by past movements that anything, which is violent and riotous, could pay. Therefore, it is not surprising that protesters in Terai are using violence as a means to grab attention and power.

Kiran Sapkota
Baluwatar

What Will Maoists Do?

No sooner had they joined the mainstream politics by sending their representatives to the interim parliament, the Maoists now are staring at a big problem ("Peace By Piece" SPOTLIGHT January 26). Although not entirely created by them, the current problem in Terai have both direct and indirect connection with the Maoist policy and promises. The bullet fired by a Maoist activist might have triggered the Lahan violence, but the promises made by Maoist leaders in the past have no lesser role to play in the current unrest. They made lofty promises like ethnic and regional autonomy and self-determination. But when they wrote interim constitution, they deleted all those promises. And now the people are clamoring for what

they have been promised by them in the past. And the entire country is being held hostage due to their unrealistic promises that have triggered the current unrest. It is now up to the Maoist leadership to clean up the whole mess that they have created.

Jyoti Mahat
Bishalnagar

Peace At What Cost?

Though Nepal has earned peace from the decade long Maoist conflict, it seems to have lost stability and social harmony in the bargain ("Peace By Piece" SPOTLIGHT January 26). The ongoing Terai unrest is only a tip of the iceberg. There are already some forces who are demanding a separate and independent Terai state. And there are numerous ethnic and indigenous organizations who are demanding right to self determination. Kirat Workers Party has been organizing crippling strikes in eastern hilly region for the past many days. And the whole country is heading towards Constituent Assembly elections, which promises to be utterly divisive as various contradictory agenda are certain to be raised. It is so unclear what sort of new Nepal will emerge after the CA.

Bibek Joshi
Lagankhel

Losing Game

The story "Who Has Gained?" (SPOTLIGHT, January 26) has pointed to the reality that none of the forces in the country seem to have gained anything as Nepal lands in a virtual morass of instability and anarchy. There is no feeling of victory or pleasure in the faces of politicians or the common people even though, together they have done what was thought to be impossible by reining in the Maoists and bringing them to mainstream. In the rush towards new mantra of Loktantra, the country is likely to face serious setbacks as it is currently facing in Terai.

Devi Ram KC
Sijal

Madhesi Mps To Submit Petition To The PM

Expressing their solidarity with the genuine demands raised by Madhesi people around 53 MPs of the interim parliament representing the Terai region are going to submit their joint petition to the Prime Minister asking him to fulfill genuine demands of Madhesi people. The MPs belonging to various political parties as well as four ministers in the current cabinet who represent the Terai region – Hridayesh Tripathy, Mahantha Thakur, Prabhu Narayan Chaudhary and Dharma Nath Shah – have asked the PM to amend the interim constitution to address the demands of Madhesi people. The signatories including deputy Speaker Chitra Lekha Yadav and MPs Bharat Bimal Yadav, Matrika Prasad Yadav and Bijaya Gachhadar have asked the PM to take initiatives to restructure the state on federal basis and reconstitute electoral constituencies based on population. The petition will be handed over to the PM on Monday (Jan 29).

Compiled from reports

Trade Hit Hard By Terai Turmoil

The continuous unrest in Terai since the past two weeks have started taking heavy toll on the business and trade sector. Goods worth tens of millions of rupees have been stranded at border points. Almost all of the import export trade of the country is conducted through the border points of eastern Terai cities like Biratnagar and Birgunj. The continuous curfew in these cities as well as bandh in sections of east west highway has brought the trade to a grinding halt. As bandh cripples the trade transactions, the industries in Bara-Parsa corridor are closing down in absence of raw materials. Akhil Kumar Chapagain, president of Nepal Overseas Export Import Association, informed that over one hundred containers bound for Nepal have been stranded in Kolkata port. "And hundreds of other containers

released from the port and also containing imported goods from India are stranded in border points like Joghani and Raxaul," he said. The traders will have to pay additional money for the delay in releasing the containers from the port. Joint secretary Ram Kumar Shrestha of Finance Ministry has informed that revenue collection from the border points (in Biratnagar and Birgunj) have almost come down to nil in the past few days. As soon as its fast depleting stocks in Thankot and Amlekhgunj finishes, the continued halt in the supplies of petroleum products could also hit the consumers hard anytime soon. *Nepal Samacharpatra daily reports*

Dr. Bhattarai Against Talking With MJF

Maoist leader Dr. Baburam Bhattarai dismissed any "need to talk with MJF or Janatantrik Terai Mukti Morcha (JTMM)." He termed them as "criminal groups without any base." Talking with Kantipur TV, he said, "There is no need to talk with them. They are only working as pawns in the hands of royalists and extremist Hindu elements. We eight parties should address the genuine demands of Madhesi people such as federal system and proportional electoral representation." His rejection of any move to hold talks with the MJF or JTMM comes amid the government's repeated call for talks with them.

Compiled from reports

Air Passengers Also Stranded

Due to the continuous bandh and riots in Terai region, even air passengers are being stranded. As the land transport has been paralyzed, there is rush to buy air tickets even in black market. In Biratnagar, hundreds of passengers are stranded in airport waiting to board the flight. Bir Bahadur Magar, a youth from Udayapur, quipped that he was going to miss his flight to Saudi Arabia where he

was going for overseas work. Due to tremendous pressure from the passengers, the travel agencies have closed their shutters. Buddha Air and Yeti Airways have operated additional flights to meet the demands. Buddha Air has increased its daily flight frequency from five to seven a day. Likewise, Yeti Airways has increased its daily flight frequency up to eleven a day. Hundreds of passengers have continued to remain stranded in various parts of highway in eastern Terai region. Local NGOs and organizations are helping them, say reports. *Leading dailies report*

MPRF President

Welcomes Talks Offer, Protests Continue

While his activists continued to defy curfew and launch violent riots in Terai cities, the president of MPRF Upendra Yadav welcomed the talks offer made by the Prime Minister. Yadav claimed that his party was in favor of peaceful protests. He said if the government expressed commitment to amend the interim constitution, they were willing to sort out the problems through dialogue. He also claimed that his party was in favor of republic and wanted effective Constituent Assembly elections. Earlier, speaking in the parliament on Thursday, Maoist leader Matrika Yadav urged the government to change the interim constitution to address concerns of Madhesi people. He, however, accused hands of royalists and Hindu extremists in the ongoing violence. *Compiled from reports*

21 Hours A Week Load Shedding Imposed

The Nepal Electricity Authority (NEA) has announced three-hours-a-day load shedding across the country beginning Friday (Jan 26). As per the new schedule announced by the NEA's Load Dispatch Centre, each household in the capital valley will have to suffer from three hours of power cut everyday.

There will be 21 hours of power cut every week – twice during 5:30 am till 8:30 am; once during 9 am till 12 noon; once during 12 noon till 3 pm; twice during 5 pm till 8 pm and once during 10 pm till 1 am. Outside valley, the timings are different but the load shedding will be imposed for similar number of hours. According to NEA managing director Arjun Karki, the load shedding hours will be further increased after two weeks – up to 40 hours a week. Most of the hydropower projects in the country are of the run-of-the-river type, whose capacity decreases substantially during the dry months when the water discharge in the rivers decline. There are only two storage type projects – Kulekhani I (60 MW) and II (32) MW – and both of them are run in full capacity during dry season in order to meet the demands. The NEA has said that load shedding could not be averted despite moves to procure power from India. Karki has informed that the country will have to bear crippling power cuts till at least 2012 – after when, he adds, the new projects will start pumping more power into the national grid erasing the need to impose load shedding. *nepalnews.com reports*

Proposal To Rub Out King From Notes

The Finance Ministry is set to table a proposal at the cabinet meeting in a day or two, that the King's picture be removed from bank notes and it be substituted with pictures of national luminaries and the Himalayas. According to Vidyadhar Mallik, Finance Secretary, Nepal Rastra Bank (NRB) has already submitted nine different samples at the ministry. He said the ministry had submitted a proposal with only two designs for the cabinet meeting some three weeks ago, but the council of ministers didn't approve the proposal and sent it back to the ministry, asking for more samples. The fresh proposal has nine samples depicting Lord Buddha as

a symbol of peace in different postures, while some of them have the pictures of Mt. Everest and Bhrikuti. Mallik said that the coin depicting a farmer ploughing the field has already come into mass circulation. "It is the first coin that has not mentioned even the King's name," he said. "If everything goes as per the plan, the new notes will come into mass circulation by May or June this year," says a senior official at NRB. According to central bank sources, the paper notes will also see some changes in size and color, which is subject to approval of the cabinet. This will break a five-decade-long tradition of printing the King's picture on the bank notes. *The Himalayan Times daily reports*

No Agreement Yet On Electoral Process

Even as the Election Commission (EC) is racing against time to hold Constituent Assembly elections by mid-June, the major political parties have yet to reach understanding over the specific electoral process and whether to use one or two ballot papers during the polls. They could not reach agreement at the all party meeting called by the EC on Tuesday. An official of the EC as saying that leaders differed on whether to adopt Mixed Member Proportional Representation (MMPR) of Parallel System (PS) to elect 204 representatives in the constituent assembly elections. CPN-UML, three factions of People's Front Nepal, Nepal Sadbhavana Party (Anandidevi), Rastriya Prajatantra Party favored MMPR electoral system, while Nepali Congress, NC (Democratic), CPN (Maoists) and Nepal Workers and Peasant Party stood in favor of PS electoral system. In MMPR electoral system, total valid vote is divided by 409 seats. Each party's seat garnered in the first-past-the-post system will be subtracted from the quotient to arrive at the final number of seats to be allotted to the party in question. Whereas, in PS electoral system, 204 seats will be

divided among political parties according to votes received in the election. A leader, who had participated on Tuesday's all party meeting also informed that parties were also divided over whether to use single or double ballot paper for two different electoral systems: first past-the-post and second proportional electoral system. The UML, PFN, Maoists and Sadbhavana party favored double ballot paper during the CA polls, while other political parties preferred two votes (each for the party and candidate) in a single ballot paper. The EC has requested political parties to attend Thursday's meeting to reach consensus on these issues. *Compiled from reports*

Donors Call For Stringent Punishment

The IUCN Nepal, WWF Nepal and the National Trust for Nature Conservation (NTN) have raised objections against the controversial verdict (of minimum punishment to a rhino poacher) and sought stiff punishment for wildlife traders. They have urged the government to punish all involved in the incident. The incident involves ranger Gopal Prasad Upadhyaya of Chitwan National Park who made an objectionable decision on notorious wildlife trader Pemba Lama "Yakchhe" who was arrested on the charge of trading 18 rhino horns 19 months ago. On January 10, Upadhyaya sentenced some rhino poachers to five years in prison and imposed on him a fine of Rs 100,000. As per the Department of National Park and Wildlife Conservation Act, such poachers can be jailed for 15 years and made to pay a fine of Rs 100,000. Meanwhile, in their joint statement, the wildlife organizations have asked the government to probe again the reason for providing only minimum penalty. It said the controversial verdict is a setback on joint efforts to break the nexus of smugglers. *The Himalayan Times daily reports* ■



PM Koirala meets with visiting former Sri Lankan Prime Minister Ranil Wickremesinghe *Gorkhapatra*

WHILE PRIME MINISTER GIRIJA PRASAD KOIRALA reiterated his call for talks, the activists of the Madhesi People's Rights Forum (MPRF) have laid down preconditions. PM Koirala talking to reporters at a tea-reception he hosted in honor of MPs of interim parliament, said, "This is a small country and belongs to all of us. Each one of us should care about the country and try to settle grievances through peaceful means." Maoist chairman Prachanda, on the other hand, told reporters that while he is in favor of fulfilling genuine demands of Madhesi people, he was unhappy over the undue importance given to organizations like MPRF. Prachanda said talks should only be held with political organizations. He said demands for federal republic and proportional representation system are genuine and must be fulfilled. "We are also engaged in consultations to fulfill those genuine demands," he said. He accused MPRF to be guided by extremist Hindu elements of India. Meanwhile, MPRF has vowed to continue its agitation for indefinite period in Terai region until and unless the interim constitution is changed to address their demands. The forum has warned, they will continue with programs like chakkajam (traffic blockade), blockade of district headquarters, demonstrations, sit-ins, and so on.

THE NEPAL ELECTRICITY AUTHORITY (NEA) has informed that the current hours of load shedding will be steadily increase in coming months. Beginning mid-February, the NEA will impose six hours a day of load shedding (up from current three hours a day). Likewise, from mid-March, the load shedding hours will increase to eight hours a day. It might come down to six hours a day from mid-April. "Generation of electricity has come down by almost 70 percent due to lack of water discharge in rivers," said NEA managing director Arjun Kumar Karki.

CHITRA LEKHA YADAV HAS BEEN elected, unanimously, as the deputy Speaker of the interim parliament. Yadav, the leader of Nepali Congress - Democratic, was the deputy Speaker in the earlier House of Representatives also. Her name was proposed for the post by Maoist MP Matrika Yadav and seconded by leaders of Nepali Congress, UML and NC-Democratic. After her election, she was administered the oath of office by Speaker Subas Nemwang.

WRAPPING UP HER SIX-DAY VISIT TO NEPAL, Louise Arbour, the High Commissioner for Human Rights said that she had focused on two major issues in Nepal. "First is the need to end impunity. The people of Nepal have suffered killings, torture, disappearances and other gross violations on a massive scale. At the same time, as conflict has receded, issues related to discrimination are emerging as major factors

to be addressed. Resolving both are crucial to building sustainable peace," she stated at press conference held on Wednesday. She said that while in the phase of transitions to peace, it is common to hear warnings that looking into past abuses will jeopardize the fragile political process, - "this is false. Durable peace is built on the foundations of justice, and the guarantees for the protection of human rights that this brings." She said that ending impunity is an essential step to preventing future human rights violations, and building a society which recognizes that violence is not acceptable and that no-one is above the law. "The case of Maina Sunuwar has come to symbolize the struggle for victims of human rights violations and their relatives to achieve justice. I am encouraged that both the Home Minister and the Chief of Army Staff have assured me of their commitments to see justice done in this case. I was informed that orders will be given to launch a thorough police investigation, with the full cooperation of the Nepalese Army, to clarify the circumstances of her death so that those responsible can be held accountable. I will be following developments very closely, through my office in Nepal. I expect to see immediate positive progress in this case," she said. Arbour, who met with Prime Minister, ministers, government officials, army chief, leaders of political parties including the Maoists, victims of the Maoist insurgency and other marginalized communities said that all the marginalized people should feel that they have some role in the political process of the country to establish sustainable peace in the country. "It is essential that all peoples who have been traditionally marginalized in Nepal have an opportunity to participate in the historical political process now underway and that their voices are part of the Constituent Assembly process," she said, adding, "I obviously include here Dalits and indigenous people, but there are also those within each community who suffer double discrimination, be it women, the disabled, sexual minorities and others." She also urged Maoists to allow the re-establishment of police posts.

THE UNITED NATIONS (UN) Security Council on Thursday (Jan 25) adopted a resolution tabled by Secretary-General authorizing establishment of the United Nations Mission in Nepal (UNMIN). The resolution decided to dispatch a UN mission that will monitor implementation of the peace agreement and disarmament of parties in Nepal. The UN political mission in Nepal, under the leadership of UN Secretary General's personal representative, Ian Martin, will have a 12-month mandate to monitor "the management of arms and armed personnel of both sides, in line with the provision of comprehensive peace agreement," the Security Council said in adopting a resolution.

DESPITE THE END OF CONFLICT and comprehensive political agreement, the investors have not started to have faith in Nepal yet. In the first six months of the current fiscal year, the Foreign Direct Investment (FDI) approved by the government has declined by 80 percent compared to the same period previous year. The Department for Industry has informed that this year the total FDI commitment worth Rs 250 million has come compared to Rs 1.25 billion during the same period previous year. During this period, various companies like Bottlers Nepal Limited, Himalayan Snacks and Dabur Nepal had to shut down their operations for some time due to pressure from Maoist-supported workers. Of the FDI commitments of Rs 250 million, around Rs 128.9 million is for the service sector. In terms of commitment volume, China leads the lack with Rs 94.6 million followed by South Korea (Rs 48.8 million), Japan (Rs 36.7 million) and India (Rs 21.3 million). ■

“This is a small country and belongs to all of us. Each one of us should care about the country and try to settle grievances through peaceful means.”

Prime Minister Girija Prasad Koirala, on government's intention to settle Terai problem through talks, when talking with reporters.

“The eight parties are in consultation to address genuine demands of Madhes like proportional representation system and federal structure.”

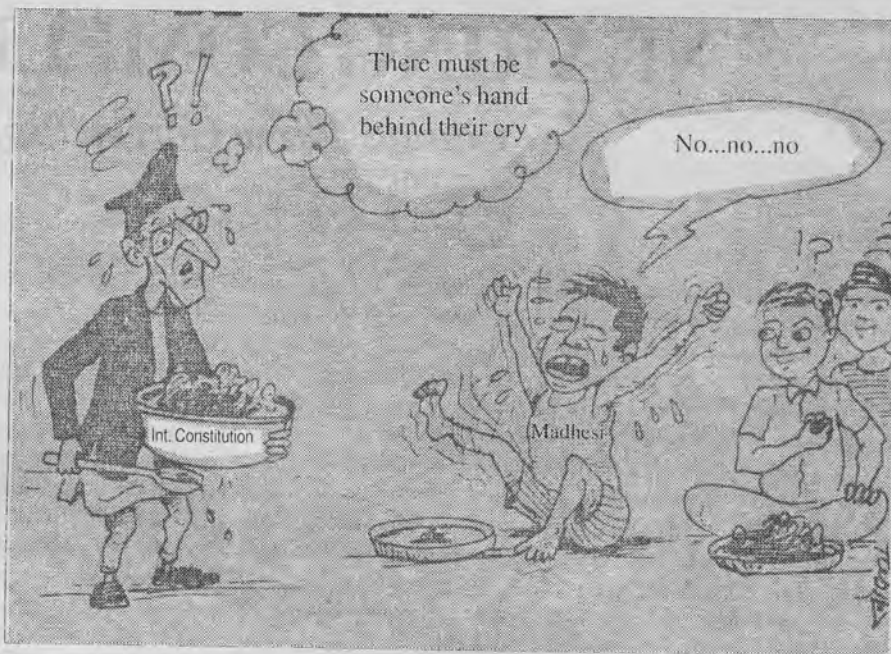
Prachanda, Maoist chairman, in Kantipur TV.

“Our movement is not against any community. We want the rights of Madhesi to be respected.”

Upendra Yadav, president of Madhesi Janadhikar Forum (MJF), in response to charges that the movement launched by the forum is becoming communally colored, in Kantipur.

“I resigned from my position because despite being a representative of Madhesi community, I was not able to do anything for them.”

Hridayesh Tripathy, Minister for Industry, Commerce and Supplies and general secretary of Nepal Sadbhavana Party (NSP-Anandidevi), after tendering his resignation.



“There is no need to talk with them (MJF and JTMM). They are only working as pawns in the hands of royalists and extremist Hindu elements. We eight parties should address the genuine demands of Madhesi people such as federal system and proportional electoral representation.”

Dr. Baburam Bhattarai, senior leader of the Maoists, claiming that the MJF or Janatantrik Terai Mukti Morcha (JTMM) were only criminal groups without any base.

“Generation of electricity has come

down by almost 70 percent due to lack of water discharge in rivers.”

Arjun Kumar Karki, managing director of Nepal Electricity Authority (NEA), stating that hours of load shedding will be steadily increased in coming months, in Kantipur.

“As a conflict has receded, issues related to discrimination are emerging as major factors to be addressed.”

Louise Arbour, UN High Commissioner for Human Rights, at a press meet.

TRANSITION

ELECTED: Chitra Lekha Yadav, as the deputy Speaker of the interim parliament. Her name was proposed by Maoist MP Matrika Yadav and seconded by MPs of Nepali Congress, NC-Democratic and Unified Marxist Leninist.

Prime Minister Girija Prasad Koirala as the leader of Nepali Congress parliamentary party. Ananda Prasad Dhunga, as the chief whip of the party.

PASSED AWAY: Nona Koirala, sister-in-law of PM Koirala and mother of Dr. Shekhar Koirala, at the age of 78.

RETURNED: Louise Arbour, the United Nations High Commissioner for Human Rights, after completing her six-day visit to Nepal.

ARRIVED: Lee Sang Soo, South Korean Labor Minister, for an official visit to Nepal.

ESTABLISHED: The United Nations Mission in Nepal (UNMIN),

by a resolution passed by Security Council.

INFECTED: Four ministers – deputy Prime Minister and Foreign Minister Khadga Prasad Sharma Oli; Industries, Commerce and Supplies Minister Hridayesh Tripathy; Tourism and Civil Aviation Minister Pradeep Gyawali; and Minister of State for Labor and Transport Ramesh Lekhak – with jaundice.

NEARING COMPLETION:

China's Three Gorges Project

By Dr. AB Thapaa

It is reported that China has completed the construction of the world's largest dam on May 20, 2006, in Three Gorges area, central China's Hubei Province, signifying accomplishment of the major structure of the mammoth Three Gorges Project (TGP). The 185-meter-high and 2,309-meter-long Dam is the world's largest dam of reinforced concrete, with a total volume of 28 million cubic meters of concrete. The concrete placement of the Dam's main section was completed 10 months ahead of the schedule, which will enable the Dam to start its role in power generation, flood control and shipping improvement in 2008.

Sediment control was one of the major technical problems of the Three Gorges Project to be tackled. Comprehensive research methods, such as prototype observation, mathematical model computation, physical model tests, and analogue analysis on existing projects have been adopted for TGP's sediment study. These studies could be very useful for planning our Sun-Kosi Dam project characterized by a very big annual runoff by comparison with storage volume.

A Dream For Chinese People

Mr. Lu Youmei, President of China's Three Gorges Project Development Corporation writes that the Three Gorges Project has been a dream for the Chinese people for more than 70 years as it is a key part of the scheme for harnessing and development of the Yangtze River. Chinese people's relentless efforts over a very long period to harness the Yangtze River could serve us as a reminder that we too should take very seriously the development of our water resources since the projects to build dams on the Karnali or the Kosi rivers are almost comparable to the Three Gorges Project in magnitude and also in complexity.

The Yangtze River

The Chang Jiang or Yangtze is the largest river in China. It carries nearly 40% of the country's annual runoff. It is also the third largest river in the world. At the dam site, the Yangtze brings an annual runoff of 438,000 million cubic meters, and an annual sediment discharge of 526 million cubic meters. The Three Gorges Project is located at Sandoupin in Hubei Province 1300 km from Shanghai and 660 km downstream from Chongqing.

The 660 km long Jingjiang Section in the middle reach of the Yangtze has been under serious threat of flooding. The dykes along this stretch of the river protect more than 15 million people, 1.56 million hectares of farmland and many industrial sites. At present these dykes breach whenever there is a flood greater than the one occurring once in ten years. Such floods result in a major disaster. After the completion of the Three Gorges Project, the flood control capacity of the Jingjiang Section could be

raised from 10-year to once in 100-year flood.

The Three Gorges Project consists of a 185 m high concrete dam, two power plants, and a system of navigation facilities. The spillway dam section is located on the middle of the original main river channel, flanked by the power plant and non-spillway dam section, one on either side. The two power stations are at the toes of their respective dam sections. At the right bank there is room for an additional underground power plant to house additional generation units when the development is expanded later. Located on the left bank are the permanent navigation structures.

The spillway section of the dam has a total length 483m. To facilitate sediment flushing and discharging high floods, there are 23 deep outlets and 22 surface bays. Each of the deep outlets has a dimension of 7m by 9m. The surface bays have a net width of 8m. At the downstream end of this section, a trajectory bucket is provided as an energy dissipater. The maximum flood-releasing capacity of the project is 113000 cubic meters/s. Upon completion, the Three Gorges Project would become the largest hydropower station in the world, with a total installed capacity of 18,200MW and annual energy output of 84710 GWh from 26 sets of 700 MW generating units. The power generated would be fed to central and eastern China. Inland navigation is a very important component of the Three Gorges Project.

Gezhouba Reregulating Dam

The Gezhouba project is a component part of the Three Gorges Project. Its reservoir is to function as a re-regulating pool and a downstream navigation step for the Three Gorges Project. China decided to construct the Gezhouba dam before the Three Gorges Project for a number of reasons: to improve the navigation conditions of the gorge stretch; to produce hydroelectric power to meet the urgent demand in the area.

Inland Waterway

Inland waterways were very much developed in China from the time immemorial. Chinese had even built impressive canals between 3rd century BC and the 1st century AD. Outstanding were the 90 miles long canal from the Han capital; Ch'ang-an to the Huang Ho; and the Pien Canal in Honan. Of later canals the most spectacular was the Grand Canal, the first 600-mile section of which was opened to navigation in 610. This waterway enabled grain to be transported from the lower Yangtze and Huai to K'ai-feng and Lo-yang. China's past and recent experiences of developing inland navigation by using natural as well as artificial channels could be of great interest to Nepal as well India since both the

countries, Nepal and India, have decided to carry out jointly a detailed study of the Kosi navigation canal linking Chatra in Nepal with the Ganges waterway.

In recent years the Yangtze river is extensively used for water transportation. The capacity of the Yangtze river waterway constitutes 78% of the China's total inland rivers transportation capacity. Despite such extensive uses, the navigation condition of its natural course could not fully meet the growing requirements of China's fast growing economy. There were bottlenecks from Chongqing in Sichuan province to Yichang in Hubei province. Here, the river flows through an area of high mountains and deep valleys, with considerable turbulence and dangerous shoals, which had limited the development of the Yangtze waterway. Upon completion of the Three Gorges Project, the reservoir backwater would reach Chongqing and the annual transportation capacity for freight would be increased to 50 million tons, with costs reduced by 35-37 percent. For half of each year when the reservoir water level is high, 10000 ton ships would be able to sail right up to the Jiulongpo port of Chongqing. During dry seasons, the navigation conditions of the river downstream of the dam will also be improved, due to an increase in the low water flow.

Permanent double-line locks would be provided as the main navigation facilities after the project is commissioned. The locks would meet the requirements of a single direction downstream freight volume of 50 million ton, the projected volume for the year 2030, and they would allow passage of 10000 ton ship fleets. A vertical ship lift is also provided as an express passage for passenger traffic and also for certain specific types of ship.

Permanent Navigation Locks

The permanent locks comprising large-scale, multi-step structures would be provided, with the highest total head of any lock now in operation or under construction anywhere in the world. The effective lock chamber dimensions of 280m x 34m x 5m have been adopted. The minimum dimensions of the approach channels are controlled as follows: length of straight approach line entrance 930m, radius of bends 1000m, bottom width 180m, minimum upstream water depth 6.0m and minimum downstream water depth 5.5m. The maximum allowable river flow for navigation is 56700 cu.m/s, with allowable maximum water velocity at the mouth of 2.0m/s (longitudinal) and 0.3m/s (transverse).

The double-line five-step flight locks are situated on the left bank. The length of the main navigation structures is 1607m, with an upstream approach channel 2113m long, downstream approach channel 2722m, and a total lockage route length of 6442m. Mitre gates are used to operate the lock. The height of the mitre gates at lock heads 1 and 2 is 37m and at lock heads 3 - 6 it is 39.75m. During opening/closing, the maximum submerged depth of the gate at the first lock head is 35m. At the first lock head, the filling valve is of the normal tainter type and at lock heads 2 -6, all are reversed tainter gates.

The method of operating the double-line lock under normal conditions is that one line carries up bound traffic while

the other down bound traffic. During the periods when one lock is shut down for repairs, the other line of locks passes traffic in one direction, changing over to pass the traffic in the opposite direction at specific intervals. The filling or emptying time for the Three Gorges Project lock chamber would be 12 - 13 min. The time interval (or cycle time) for successive groups of ships to pass through would approximately be one hour. Annual one-way capacity would amount to 51.52 million tons. Transit time for a group of ships to pass through the five flight ship locks would be 2.35 hours and the transit time for a group of ships, from entering the mouth of an approach channel to leaving the mouth of another approach channel is expected to be 3.14 hours. Annual water consumption, excluding flood season, would amount to 1.7 billion cubic meters.

Vertical Ship Lift Layout

The ship lift of the Three Gorges Project is a counterbalanced vertical ship lift with steel cable hoists, with effective dimensions of 120m x 18m x 3.5m, the same as those of the Gezhouba No.3 lock. Temporary ship lock has been provided to continue navigation even after the Yangtze river course is blocked by coffer dam. The effective dimensions of the lock chamber are 240m x 24m x 4m.

Operating Water Levels

During October, at the end of the wet season, the reservoir will be filled to Normal Pool Level. This is the highest normal operating level of the reservoir. Water levels will be maintained at Normal Pool Level until stored water is needed during critical dry periods to increase outflows for navigation and power.

During the winter season, the power plant will operate at full head when at the Normal Pool Level but with reduced output depending on the dry season inflows. Daily peaking operations will be possible with reregulation in the Gezhouba reservoir to ensure steady flows downstream.

A Lesson To Learn

The volume of the Three Gorges Project storage reservoir is too small to handle the enormous volume of the Yangtze river sediments. It would not take long time to fill up the reservoir. China has made considerable headway with the studies to find ways to preserve the live storage volume of the reservoirs. Their findings are reported in the Journal of the Hydraulic Research published by the American Society of Civil Engineers of the USA. It is being said that the unique mode of the Three Gorges reservoir operation, in particular the low pool level release of silt-laden normal flood under possibly the largest water surface gradient allows most (85%) of the live storage between minimum operating level and the full supply level be preserved for permanent use. In Nepal we could expect to encounter a similar problem in planning the Sunkosi-1 high dam despite the fact that it is a far smaller river by comparison with the Yangtze river. Needless to say that in future the information on the Three Gorges Project reservoir operation would be very valuable to us in planning the Sunkosi-1 or any other similar projects. ■

(Dr. Thapa writes on water resources)

ENVIRONMENT

Signs Of Distress

Kathmandu's growth could be compromised by environmental degradation, concludes a research report

By SANJAYA DHAKAL

Amid growing population, haphazard urbanization and worsening pollution, the growth of Kathmandu valley could face severe challenges in the days to come.

According to a research-based book launched by the International Center for Integrated Mountain Development (ICIMOD), UNEP and Ministry of Environment, Science and Technology, the environmental situation in the valley has been rapidly degenerating and is threatening to eat up all the growths made by other sector.

The book called Kathmandu Valley Environmental Outlook has concluded that Kathmandu's growth could be severely compromised unless effective measures are taken to stem the tide of environmental degradation resulting from economic and human pressures.

The report states that growing urbanization, population growth, unhampered and poorly planned land development and insufficient coordination among government agencies are major causes of environmental deterioration.

Saga Of Mismanagement

Solid waste and wastewater management were mentioned as two of the most critical environmental problems facing the Valley. "Managing solid waste and wastewater in Kathmandu has become a daunting task as urban areas have grown haphazardly without provisions or plans for appropriate infrastructure and services in these sectors," the report stated. Other environmental problems highlighted include poor air quality and traffic management, unplanned settlement, degradation of water resources, and weak disaster preparedness.

Rapid urbanization, poor transport

management and maintenance is leading to deteriorating air quality in the Kathmandu Valley, where population more than doubled between 1995-96 and 2003-2004, the report said. Vehicular emissions were cited as a primary cause. According to the report, exhaust fumes



Kathmandu's congestion: Stretching the limit

increased by four times between 1993 and 2001 and PM_{10} concentration tripled over the past decade. Deteriorating air quality is also having serious impacts on tourism and health. A survey of 1,702 tourists indicated that air pollution was the number one area in which they felt improvement was needed. Visibility was also severely reduced, decreasing from more than 25 days/month in 1970 to 5 days/month in 1992.

In addition, studies indicate that poor air quality is taking a toll on human health and health costs. Around 1,600 premature deaths yearly are attributed to poor air quality and health costs reached 210 million rupees (close to US\$3 million) in 1990. Availability of agricultural land is also being hampered

by increasing urbanization, the report said.

Between 1984 and 2000, agricultural land in the valley decreased from 62% to 42%. "If this trend continues, by 2025 there will be no agricultural fields left in this once fertile valley," the report said.

Water pollution was cited as the most serious public health issue in the Kathmandu Valley. "Solid waste disposal and dumping household and industrial effluents into the rivers are responsible for the deteriorating quality of river water, causing water-borne diseases such as diarrhea, dysentery, cholera, and skin diseases," the report

stated. Poor sanitation and drainage in rural and urban areas, where only 15% of homes are connected to sewerage networks, resulted in the dumping of sewage and garbage into rivers, one of the valley's primary sources of water for household and industrial use. Around 100 tons of waste generated daily, close to a quarter of the total, remain uncollected and are left to decay on streets and in rivers. These rivers are key sources of surface water and the main repository for the Valley's untreated sewage, solid waste and industrial effluent. Groundwater, an important alternative to water supply has also been declining with a drop in level from 9 m to 68 m in a matter of years.

Policy Recommendations

The report recommends a number of measures to prevent and minimize negative impacts. These include improved planning and zoning, land pooling, better solid waste management, rainwater harvesting, a variety of infrastructural and technical measures and vastly improved coordination and enforcement. Community mobilization was also cited as critical to achieving these goals, particularly in an area that is prone to natural disasters.

"With the potential for catastrophic disaster from earthquakes, many of these measures are not only important for human health, tourism development and the quality of life but essential to the preservation of life," the report said.

While the growth in trade and tourism has created jobs and improved living standards, development in the last 30 years has created several physical, social, and environmental problems in Kathmandu. The fragile ecosystem is affected severely by uncurbed building and incompatible economic activities.

"Institutional weaknesses in managing urban development have resulted in haphazard growth, manifested in unplanned settlements, increase in vehicular emissions, polluting industries in or near urban areas, traffic congestion, and poor waste management. Kathmandu will continue to grow in future and, if rational planning and development strategies are not formulated, its growth will become a nightmare in the environmental sense," the report added.

At a press conference organized to launch the report-book, experts suggested that Nepal should opt for 'environment for development' approach rather than engaging in the environment versus development approach in order to strike a balance between economic growth and environment.

"Nepal is endowed with rich natural resources, which must be used judiciously, giving much attention towards environment," said Surendra Shrestha, senior official of United Nations Environment Program (UNEP) Asia Pacific regional office.

"The needs of environment should be enshrined in the new constitution as the current moment provides Nepal with

unique opportunity," Shrestha said. He said including environmental concerns in the constitution will institutionalize environment-friendly policy and planning initiatives.

Kathmandu At A Glance

Kathmandu Valley has five of the 58 municipalities in the country and is home to about 30% of the total urban population. The city of Kathmandu is by far the largest city in the country, with more than 20% of the total urban population.

The population of the three districts of Kathmandu Valley increased from 1.1 in 1991 to 1.6m in 2001. The annual population growth rate in Kathmandu district is 4.71%. The population of Kathmandu district was 1,081,845 in 2001 (4.7% of Nepal's population).

The urban population density of

responsible for 38% of the total PM₁₀ emitted in Kathmandu Valley, compared to 18% from the agricultural sector and 11% from brick kilns," according to the report.

The report also points out to the lack of proper sanitation and drainage in urban and rural areas has resulted in dumping of sewage and garbage into the rivers. In most cases, the drainage system, which was designed for storm water only, is being used as a sewer; and the sewage directly flows into the river without any treatment.

"Water in the Kathmandu Valley is derived from two sources: surface water (rivers and ponds) and groundwater. They are basically fed with rainfall. Rivers are important running surface water in terms of water volume and potential development. Over time,



Electric vehicles: Cleaner alternative

Kathmandu Valley is 10,265 (the population is 995,966 and the area 97 sq km). On the other hand, the rural population is also increasing slowly in the valley. The average annual growth of the rural population is comparatively higher than for Nepal as a whole. If present growth continues, the population of the valley in 2020 will reach 2.5 million.

"Air pollution is becoming a significant problem in urban areas in Nepal, particularly in the bigger cities. Kathmandu Valley is particularly vulnerable to air pollution because of its bowl-shaped topography which restricts air movement. Vehicular emissions are

requirements for water for drinking and personal hygiene, agriculture, religious activities, industrial production, and recreational activities, such as swimming and fishing, have increased in the valley. The Kathmandu Valley hosts more than 72% of the country's water-polluting industries."

Moreover, most of the buildings in Kathmandu Valley are vulnerable to even moderate earthquakes, and loss of life in earthquakes can often be attributed to inadequate buildings. More than 4,000 buildings are constructed every year by builders or owners, most without any knowledge of engineering, the report adds. ■

TERAI AGITATION

Confused Leadership, Derailed Polity and Bewildered People

Lunched by politically unknown group Madhesi People's Right Forum (MPRF), the agitation in terai has flared up from a small district town of Lahan in eastern Nepal to major cities. Despite its sudden and surprising flare up, political leaders, who are working under a derailed polity, seem to be confused how things went out of control. As Nepal has seen a series of such kinds of well intended and well planned agitations in the past, this also will have its limitation. Some predict it as a wave of Balkanization while others see it as a conspiracy of Royalist, regressive elements backed by Hindu fundamentalists from India. Confused and failing to analyze the agitation in its proper term, political leaders, who always prescribe similar medicine as quack doctors, are again prescribing amendment in newly promulgated constitution overlooking demands of various indigenous groups - which have already announced new rounds of agitations. Situated between two militarily and economically powerful, stable and vibrant neighbors, Nepal, which has unique advantages for its survival as an independent nation, is forced to go through a series of violent agitations and political instability

By KESHAB POUDEL

* "As a prime minister, I am also morally responsible on painful incident in Lahan. The incident is also the result of Maoists' arrogance of gun," said prime minister Girija Prasad Koirala - Annapurna Post January 23.

* "Palace is in Coma," said vice present of Nepali Congress Sushil Koirala - Gorkhapatra January 24.

* "The palace is actively backing the agitation in terai," Ramesh Chandra Poudel, general secretary of Nepali Congress.

* "Dr. Upendra Yadav was with us.

He was arrested by Indian police in New Delhi along with leaders of Madhesi Mukti Morcha Matrika Prasad Yadav and Suresh Ale Magar. Later on Indian police handed over Yadav and Magar to Nepal Army but Dr. Yadav was allowed to live in New Delhi," said Maoist leader Prachanda in Kantipur Television Bahas Program in 27 January.

"We have not imagined that there would be such a huge participation in our agitation," said Dr. Upendra Yadav,

chairman of (MPRF) - Kantipur Television 25 January.

"They are carrying many truck loads of people from Bihar, India," said CPN-Maoist leader Dr. Baburam Bhattarai - Radio Sagarmatha, January 27.

"The demand of terai is genuine but the faces involved in the agitation are affiliated with regressive and reactionary forces," said CPN-UMI, general secretary Madhav Kumar Nepal - Chhalfal on January 28.

"If we just term the agitation in terai

as being instigated by palace, we are just trying to escape from the reality of terai's problems." said Dr. Devendra Raj Pandey leader of Civil Society for Peace and Democracy - Kantipur Television, January 26.

Confused leadership

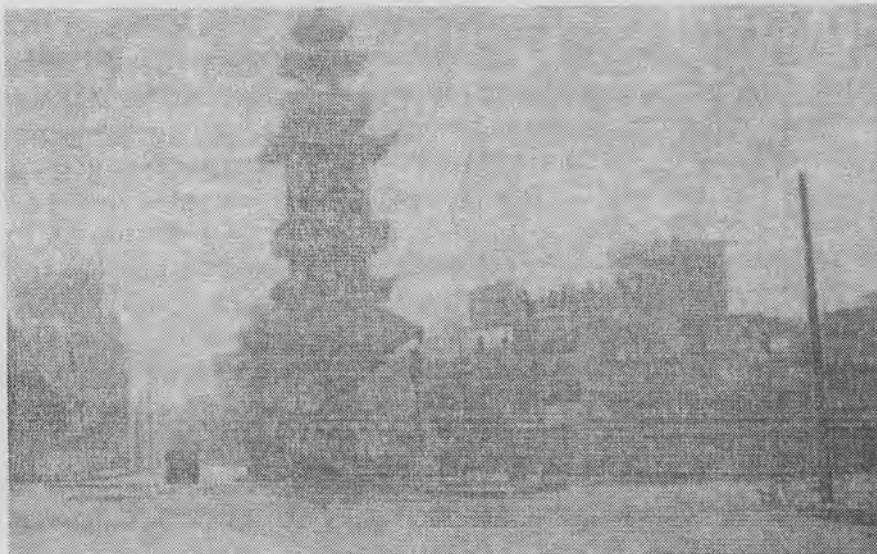
These remarks expressed by various political leaders in the last week showed that there was confusion regarding the problem of terai and nobody comprehends it fully. If NC general secretary Ram Chandra was correct, what about the remarks made by vice president Sushil Koirala. If Koirala is to be believed, the Palace is already in a coma, so how can it launch such a strong violence as Poudel claimed?

Although Maoist leaders Prachanda and Dr. Bhattarai have their own dimensions to analyze it, they share their views with NC leader Poudel. Following the visit of Terai, Civil Society leader Dr. Pandey drew another conclusion - different than those leaders.

Above all, prime minister Girija Prasad Koirala has already taken all responsibility. By expressing contradictory remarks, they are confusing people. Nobody is sure whom to believe.

All those statements indicate that persons who count much in present politics and in government are quite ignorant of the situation of the country and much confused in their views. Many question, do they discuss all the problems before publicly making their comments?

"The whole country is bewildered how these leaders are going to deal with the problem of terai when their mind is unclear about the country and reality of the situation. What can we expect from them," said a political analyst. "Leaders of Terai agitations are amazed how they picked up the enthusiasm of the people in the street and pushed them to the do or to die mode. They do not know when and how it will end. They, like all others



Birgunj under curfew: Target specified

Annapurna Post

in the street, are bewildered creatures."

Terai incident took place after Maoist cadres opened fire at the workers of Madhesi Janadhikar Forum (MJF also known as MPRF) in Lahan, 400 kilometer east of Capital on January 20 when one of its workers were killed.

Ignorant Leaders

Are they really so ignorant and confused about this country? If that is their true capability, how come that they reached to the power which, at present, is exercised absolutely by them. But that is not the fact.

"Any person of average prudence and knowledge in this country knows the cause of the trouble and a result of total destabilization. They know the interest behind that very well. Though the players behind the scene are invisible, these politicians know that very well and are hands in gloves for the promotion of natural interest," said the analyst. "To run an organized political force is not the sole motto for the sake of democracy. The personal position in the power structure counts very much. To reach into the power and to maintain one's position, it requires a lot of concessions and compromises to seen and unseen as well as external factors. Culmination of all these interest and free play of all these

compels a person to issue confusing statements and to keep the people always in confusion."

Many see this is not only the stupidity of politicians. "Confused mind of the people is strength of some persons to be in the power and to prolong their stay in the power also. The confused mind of the people is a helping factor. It is therefore not the stupidity of our politicians but the lack of honesty and integrity towards the cause for which they all the time swear in the name of people and in the name of democracy. For that they have relinquished the much-used term Prajatantra for democracy and adopted a new euphemism of Loktantra, which has same meaning of democracy," said the analyst.

Loktantra has been dramatically introduced in the public domain. Amazingly, the whole nation has suddenly switched over to this terminology when one is incapable of delivering tangible change in the life of the people qualitatively. Demagogues have several examples everywhere - coining new words and phrases to keep the mass of people intact behind them. Nepal is in a pathetic situation of such nature.

"The prominent politicians who are

in power game have long experience of playing the game of musical chair in the power politics. Some have the record of mainstreaming continuously in the top leadership of the party. Some of them have a record of becoming the head of the executive as prime minister for even six turns by playing multiple roles at same time," said the analyst.

How much prime minister Koirala is impatient at his core of hearts can be seen from his most frequent flight to and from Biratnagar to find a salvage from the inbuilt machinations, which has impinged him as well as his soul.

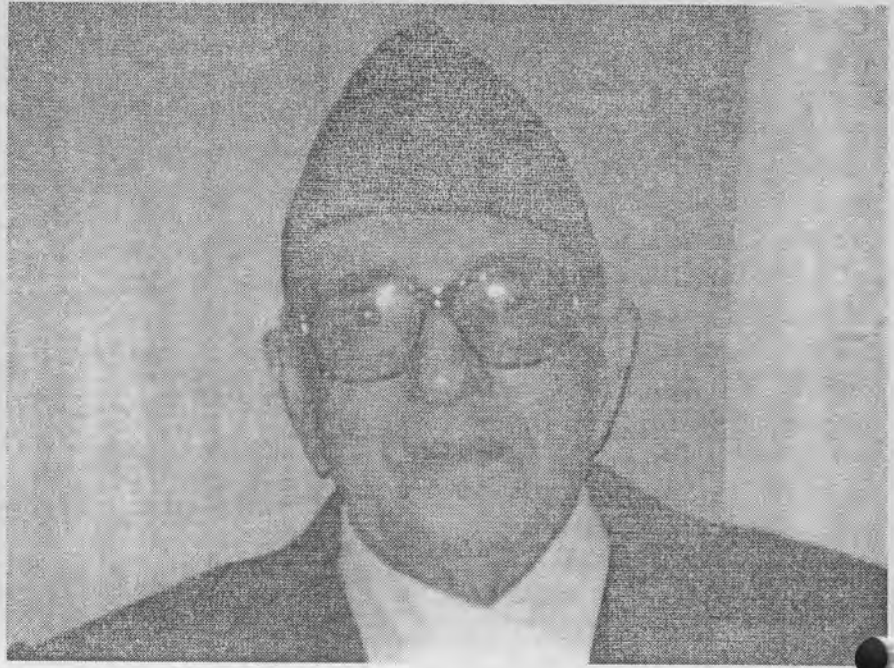
"Whenever I feel tired, I prefer to visit my hometown," prime minister Koirala used to say when addressing the media.

Target Communists

This is not for the first time when political waves emerged abruptly and ended mysteriously in Nepal. When Maoism was not popular even in Maoist country, there was a Maoist upsurge into the power through 19-days stage-managed popular uprising. After ten months, another wave has erupted all over the country - particularly one half of the country. In the southern plains, there appear a new wave of regionalism.

In the last one week what Nepalese living in south saw was a cleansing operation against the Maoist indoctrination? Even in the hills, which is another half of this country, a wave of indigenous movement is already in the process to challenge the Maoists ideology. "In the cycle of one year, the world was told that there was a red star over Nepal under Maoist banner, now the world has come to see reverse wave against the reds," said the analyst. "In fact, the common people have always been the same - neither they are extreme leftist nor extreme rightist. As a people of multi-ethnic, multi-lingual and multi cultural nation, the country is essentially moderate and harmonious."

The agitation flared up following the



PM Koirala: Leadership in confusion

clashes between Maoists and the workers of MPRF in Lahan. However, the forum workers are now targeting the offices of not only CPN-Maoists but also that of the CPN-UML.

Along with MPRF, two factions of Jantantrik Terai Mukti Morcha (JTMM) - breakaway factions of Maoists - have already destroyed the Maoists and CPN-UML's offices in terai including in the CPN-UML general secretary's home town Gaur.

"As another group led by Janajati Mahasangh (federation of indigenous community) has already announced its program in the hills, they could repeat similar things in the hill as three regional parties have done in terai," said the analyst.

Interestingly, no other than Maoist leaders themselves are provoking the people of terai by terming them as a bunch of criminals and supporters of regressive forces. "There is no sense to negotiate with the so called band of criminals," said Maoist leader Dr. Bhattarai.

Nepal's Strength

For the past two hundred years,

Nepal has seen many ups and downs in the quest to survive as an independent nation. Situated between two major powers, all its rulers had to go through one or other wave of instability.

"It is the lesson of Nepal's history that it survived as an independent nation due to few decisive factors. The first factor has always been mentioned as its advantage - the geopolitical situation. Two equally powerful neighbors on both the sides of this country feel the same that Nepal is a soft belly of their security," said the analyst.

"Any attempt to wipe out Nepal an independent nation would have a very severe implications for its integrity and survival. Elimination of Nepal as an independent country by one would inevitably destroy the integrity of other."

Another equally important factor for Nepal's survival between two biggest Asian powers is its mosaic of multi-ethnic, multi-racial and multi-linguistic composition. Census of 2001 has listed 103 caste/ethnic groups including unidentified groups. According to the census 2001, there is no group in absolute majority. Chhetri consists of 15.8 percent,

Brahman-hill 12.74 percent, Magar 7.14 percent, Tharu 6.75 percent, Tamang 5.64, Newar 5.5, Muslim 4.3, Kami 3.9, Yadav 3.9 Rai 2.8, Gurung 2.4 and Damai/Dhobi 1.7 percent. In terms of population distribution by mother tongue, 48.61 percent speak Nepali, 12.3 percent Maithali, 7.53 percent Bhojpuri, 5.86 Tharu, 5.19 Tamang, 3.63 Newari, 3.39 Magar and 2.47 Awadhi. There are 92 different languages spoken in Nepal with 93 categorized as unidentified. In terms of religion, Hindu Population is largest with 11 percent Buddhist, 4.2 percent Islam and 3.6 percent following Kirat religion.

"Not a single ethnic or a linguistic group is in overwhelming majority. All in minority but very much interdependent and therefore harmonized among themselves. Whatever might have been exaggerated and converted into a sponsored media, the ground reality has something different to suggest," said the analyst.



Indigenous community: Waiting to stage agitation *Annapurna Post*

In his recent article in The Himalayan Times on January 29, former election commissioner Birendra Mishra argues that Nepal is India centric and the country has nothing to do with Tibet because of geography. "Had India not

helped the Maoists and SPA to unite, the out dated monarchy would have existed till now," writes Mishra.

Even yesterday's revolutionaries like Dr. Baburam Bhattarai had in radio interview to Sagarmatha said several trucks load of persons from Bihar state of India have come to participate in violent agitation in terai.

"In the context of maintaining harmony and peace among the communists in

Nepal, it is historically seen that some of the neighbors could go beyond the limit to destabilize the country. Nepal cannot be like Afghanistan or Cambodia because of its close proximity with both the regional powers," said the analyst.

The most unfortunate part of this instability and disorder are destruction of democratic values and norms which had evolved brick by brick with a zeal for magnificent edifice. The loss of public properties and lives of people came next to that though that is also very serious and irreparable in many sense.

Question of Balkanization

The demands of terai people are varied. From the demand for separate independent state of terai through Balkanization of Nepal, all kinds of threat and warning are coming from various sources. There is nothing harmful in expressing the views but the ground reality of Nepal permits nothing as it is surrounded by not only one power but two equally powerful nations.

"Total destruction of Nepal will jeopardize the other's security and integrity in total. This was the fact in the past and this will remain same in the future also. Enlightened Nepalese at the



Madhesi people: Survival with harmony *Kantipur*

core of their heart know it very well," said the analyst.

Even a Maoist leader C.P. Gajurel who hailed India's greatest influence in Nepal assured that his party will follow equi-distance between India and China. As long as Nepal's geo-strategic reality is there, no matter who comes to power, they cannot ally with only one of the neighbor.

Will to survive is a supporting factor but the habit and the ways of thinking is much more important than that. That has endured Nepal yet as an independent nation. Because of these compulsions of harmony in diversity, any disintegration of Nepal will forced to be subordinate to different directions. The compulsion of geography was not there in Balkanization of Europe.

"And actually, Nepal is not a hyphen between two great countries of glorious civilization but is a link country with varied but harmonious culture since time immemorial. Presence of two powerful, stable and vibrant neighbors are unique advantages of Nepal at this time than that of Balkan countries which did not have that support. Others may back and quit from Nepal but the two will have to swim or sink together up to the last," said the analyst.

Regional Problems

The problems of terai are not only the problems of terai which is coming into prominence. Problems are there with every class of the people to be addressed by the state properly. Even there are adjustments coming up in the hills in the interior who were vocal claiming that they belong to the original tribes and inhabitants.

Several such groups in the hill have been associated with the discontent of terai also. Even in Kathmandu valley, there is resentment among the community of original inhabitants. It was not properly dealt in the past and even in democracy there is no such touchstone to fulfill all needs and genuine demands of all.



People rally for goodwill: Call for harmony

The democracy is a bit slower process to resolve such problems. The glaring example of which is the present day India, the largest democracy and other democratic countries in the subcontinent. Democratic process needs time and time needs patience. Unfortunately, extremists destroy the both.

On the one extreme there was undemocratic extremism of traditional character and on the other extreme was another extremism even equipped with arms in the name of utopian revolution. They have created a hybrid of extremism with mixed character.

Bewildered People

From arms to the peaceful agitation and from street to the seat of power, all these things are done in the name of meek, submissive and silent people. The quality of life of people has not even changed much as they remain as a show piece for donor agencies and world at large as poorest among poor. But whoever is in the forefront in the name of people gets into higher and higher graph of economic prosperity and all-round opportunities. The people at large do not aspire that kind of miraculous improvement in the quality of life – they only want to live a bit better.

According to the National Planning Commission, the poverty has declined

drastically from 41 to 29 percent but the gap between rich and poor has increased. The index shows the more leaders are vociferous and unruly having no discipline and values, the lower goes the quality of life. "As a quack physician, who prescribes the same medicine of different brands to keep the patient for their gain, the front runner leaders have also been prescribing all the times different models of constitution using changed words with basically the same content. The fifth constitution was recently scrapped out unceremoniously and the sixth constitution since the day of its promulgation has produced flame along with the leaders like Jwala Singh (Flame in translation) of JTMM," said the analyst.

During half a century, Nepal has undergone various forms of political experiments. Rana's autocracy to multi-party democracy and from party less to again multi-party democracy. Now the sixth constitution has brought a hybrid form of partly autocratic and partly democratic structure.

Nepal needs understanding; people need the real representative and for that a free and fair polity. But the saying is not proved correct in Nepal that the people get the government that they deserve. In fact, the people have not been able to get what they deserve. ■

WITHOUT COMMENT

Leaders Speak

Political leaders have their own way of interpreting terai's problems. One can see they are full of contradictions in their statements

“As a prime minister, I am also morally responsible on painful incident in Lahan. The incident is also the result of Maoists' arrogance of gun,” said prime minister Girija Prasad Koirala - Annapurna Post January 23.

“Palace is in a coma as its fate will be decided by the Constituent Assembly,” said vice present of Nepali Congress Sushil Koirala - Gorkhapatra January 24. “The palace is actively backing the agitation in terai,” Ram Chandra Poudel, general secretary of Nepali Congress.

“We discussed about the evidences that revealed the involvement of palace in fuelling riots there,” Minister for Agriculture and Cooperatives and member of Nepali Congress Central Working Committee Mahanta Thakur - The Statesman January 24.

“I don't see any significance in holding dialogue with an organization that has no capacity and strength of their own,” said Maoist leader Prachanda - The Himalayan Times, January 24. “There is no question of holding dialogue with any organization including the Jantantrick Terai Mukti Morcha which have no standing and capacity of their own but have been orchestrated by the Palace and Hindu fundamentalists.”

“Dr. Upendra Yadav was with us. He was arrested by Indian police in New Delhi along with leaders of Madhesi Mukti Morcha Matrika Prasad Yadav and Suresh Ale Magar. Indian police handed over Matrika Yadav and Suresh Ale Magar to Nepal Army whereas Dr. Upendra Yadav was released. Dr. Yadav stayed more than six months in New Delhi. You must understand the situation - Dr. Yadav, who was released when two of our comrades were handed over to face most harsh situation,” said Maoist leader Prachanda in Kantipur Television Bahas Program on 27 January.

“We should hold talks with Madhesi Janadhikar Forum and Terai Jantantrick Mukti Morcha. But we cannot deny addressing the problems of Madhesi on the ground that they are backed by palace and regressive elements,” said Nepali Congress leader Dr. Rambaran Yadav.

“If we just term the agitation in terai as instigated by palace or other regressive elements, we are just trying to escape from the reality of terai's problems. The agitation in terai is the expression of suppression of voice of terai by our rulers. Do not try to get rid of the issues of penetration by ignoring the genuine



Terai agitation: Bewildered people Kantipur

issue of terai. Darbar will utilize the opportunity if it gets it. That is not the issue now but the issue now is to address the question raised by people. We have not seen any communal hatred in terai,” said Dr. Devendra Raj Pandey leader of Civil Society for Peace and Democracy (in Kantipur Television, January 26) Pandey was speaking from Janakpur on the way to his visit to violence-hit Terai.

“We have solid information that the royalists had provoked the violence with the support of Hindu fundamentalists,” said Dr. Baburam Bhattarai

“We have not imagined that there would be such huge participation in our agitation,” Dr. Upendra Yadav, chairman of Madhesi Janadhikar Forum (MJF). “This is spontaneous reactions against the oppression of Madhesi.” - Kantipur Television 25 January.

“They are carrying many truck loads of people from Bihar, India to create the violence in terai. There is no question of

negotiation with any of these forces backed by Palace and Hindu fundamentalists from India. We have to now declare Nepal as a Republic state so that the possibility of conspiracy dies forever,” said CPN-Maoist leader Dr. Baburam Bhattarai - Radio Sagarmatha, January 27.

“Dr. Upendra Yadav flared up this agitation following his meeting in Gorakhpur with Hindu fundamentalists,” said Maoist supreme Prachanda. “The faces taking part in the violent agitations are unknown figures.” Kantipur Television's Bahas Program on 27, January.

“I was not alone to participate in Gorakhpur meeting. Leaders of all

political parties including a leader of Nepali Congress were there too. Some issued a doctored photograph published in local newspaper to destroy my image,” said Dr. Upendra Yadav in Kantipur Television.

“The demand of terai is genuine as we have been pressing for the government to fulfill their demands. But the faces involved in the agitation show that regressive and reactionary forces are backing it,” said CPN-UML general secretary Madhav Kumar Nepal - South Asia Free Media Association on January 26.

“Siraha, Lahan, Janakpur, Birgunj and Biratnagar are burning. By labeling the people of Janakpur and Madhesi community as monarchists and communal, some leaders are fuelling the fire,” Brishesh Chandra Lal, former mayor of Janakpur, - Kantipur on 26 January.■

Compiled by Keshab Poudel

"NBA Has Always Been Against The Committed And Guided Judiciary"

Bishwa Kanta Mainali

The present interim constitution has not incorporated basic elements and features of constitution. Thus, I don't want to approve it as a constitution. It is a kind of autocratic document. In my opinion, this is a document based on eight party political understanding. It does not have major features of democratic constitution.

Although he has a long association with the leftist political movement in Nepal and has even won the recent presidential election of Nepal Bar Association (NBA) on their support, newly elected president of NBA, the senior advocate BISHWA KANTA MAINALI has firm views on patriotism, independence of judiciary and democracy. As the country has been passing through a very crucial phase, Mainali, who also leads various other organizations, can contribute to bring about positive change. Founder member of All Nepal Free Student Union, a left wing student body, senior advocate Mainali, who is leading the bar at this crucial juncture, spoke with SPOTLIGHT on various issues related to current development in Nepal. Excerpts:

How do you evaluate the development of legal profession in Nepal?

We are heading towards positive direction. Compared with other parts of the world, the history of independence of judiciary and legal profession is very recent here as it was established after 1950 only. Basically, our country had an autocratic political tendency and feudal culture. These two instincts are main enemies of development of democratic processes. They are deep rooted in our society not only in politics and administration but also in democratic parties. Unless, we change our thinking and make it more democratic, you cannot bring about any radical change.

How do you see the change in this sector?

Even in a short period, the legal profession has developed. Nepal Bar Association was established in 1957. In the beginning there were just 20 lawyers in Nepal but now we have 9500 registered voters who are lawyers. The number of lawyers has increased tremendously in a short span of time.

How do you see the lawyers' profession?

Compared with other professions, we are unable to develop our profession at par with international level. As Nepal was never colonized, it has its own indigenous judicial system. The official language of court is Nepali and it conducts all its proceedings in Nepali language. Although this is a hindrance to turn our judicial system at par with international standard, it is also a pride of an independent nation. We could not be recognized internationally because of these two reasons. In domestic front, we have developed a lot in terms of our judgments. In the past, many saw lawyers as frauds and there was no faith in legal profession. Now, society recognizes lawyers as important professionals. It is now a respectable profession in political, social and all other fronts. Some of our colleagues are now in parliament and they have reached up to the position of the

Speaker.

With your long experience at the bar, do you think our lawyers can defend the integrity of our social system?

We are basically legal professional people. Our job is to defend the law made by parliament or any national assembly. Besides, being social engineers and conscious citizens of the country we try to defend the harmony of the society which is permitted by the constitutional framework. We lawyers are very much worried regarding the breaking of the social norms that harm the society. We have a responsibility to maintain the harmony in the society. Our duty is to reconstruct and normalize the process which were destructed and damaged during the process of political change.

Do you experience any lacuna in the relationship between our bar and judiciary?

There are many lacunae between Nepal Bar and Judiciary. The recent political changes also brought out certain conflicts between the bar and bench. The judges interpret laws which are given by the legislature. They cannot make the law themselves and sometimes the judges give liberal interpretation to the laws. Being social engineers, the lawyers have even greater responsibility in defending the independence of judiciary and competency and uprightness. This is the reason why some times Nepal Bar Association even goes ahead of the judiciary. In that aspect, we sometime face conflicts of interest.

How do you see the NBA's performance?

So far the NBA is concerned, it has always been against the committed and guided judiciary. One of the main enemies of independent judiciary is autocratic rule. Whatever may be the form, political philosophy or institution, autocracy has the same tendency - not to allow independence of judiciary. Every executive power has tendency to turn autocratic or dictatorial if there is no check and balance. Even in democratic countries, executive wants committed and guided democracy. One of the main duties of lawyers is to defend independence of judiciary and stand against any autocratic rule. Whenever the institution functions as a committed judiciary, there appears conflict between NBA and Judiciary. The harmonious relations between bar and bench is prerequisite to deliver justice to the people. Our judiciary has certain problems like lengthy processes and people allege that there is corruption in judiciary. This is one of the reasons why judges are sometimes unhappy with lawyers. We don't have any mechanism to initiate dialogue between bar and bench whenever there is misunderstanding between these two. In the interim constitution, there is a provision giving representation to a lawyer in Judicial Council. Such a lawyer will be

appointed under the recommendation of Nepal Bar Association. Judicial Council has the right to take actions against judges.

Do you think our judiciary is governed by the genuine democratic philosophy?

Independence of judiciary is fundamental element of democracy. No country can claim to be democratic without independent judiciary. It is based on liberal democratic values and modern theory of separation of power. Judiciary was independent in the past. I have certain reservations on certain political decisions taken by judiciary particularly on the cases about the dissolution of House of Representatives in 1995. I believe that decision was one of the factors responsible to bring about present crisis. The Constitution of Kingdom of Nepal 1990 was one of the most democratic constitutions. Regarding the freedom of the press and independence of judiciary, the constitution highly protected both these. Although the judiciary was given sweeping power, the judges were unable to exercise them. The judges of Supreme Court were given virtual immunity from the actions of the legislature as they could only be removed through the process of impeachment in the parliament. Because of lengthy procedures, no impeachment cases were registered in the parliament.

Do you believe that democracy can function successfully if judiciary is not totally free and independent?

We need not only the independent but also a competent judiciary. The judiciary must be fair and clean. We have to keep in mind that the judiciary is also the part of this society from where the judges come and honor same values. If executive and legislature do not act in accordance with the will of people, judiciary alone cannot act independently. In that case, we cannot expect much from judiciary. Democracy is a system which is based on certain values. It requires patience and tolerance among all citizens. Man must respect other's rights also. Judiciary is not an exception. Even India, which is known as the largest democracy of the world, is facing many problems in the course of democratic experiments.

How do you see our judiciary in the present set up?

I see the present interim constitution has not incorporated basic elements and features of constitution. Thus, I don't want to approve it as a constitution. It is a kind of autocratic document. In my opinion, this is a document based on eight party political understanding. It does not have major features of democratic constitution. The constitution does not have any provision to remove the prime minister through vote of no-confidence. In this constitution, the parliament does not have any right to remove the prime minister even if he commits a crime. If prime minister does not recall the parliament, there is no other way to recall it. There must be balance of power. Chief justice is appointed by prime minister and he has to take oath before him. No democracy has this kind of system except in oligarchy. The constitution has made the prime minister more powerful than Jung Bahadur. If there is conflict between eight parties,



no single party has the right to remove or change prime minister. At a time when prime minister has a very frail health, if something happens, who will be in control is not clear. In my opinion, the provision must be added to remove the prime minister.

Do you believe our judiciary can defend the integrity of our country and the rights of our people?

At present, the whole political system including the democracy is very fragile. We have seen lawlessness in the country. Even government is unable to maintain the law and order situation in the country and judiciary is not able to defend the rights of the people. The government does not support the judiciary and no body in power seems to have any interest to make judiciary more independent and effective. In this situation, the judiciary cannot control the executive and safeguard the principle of separation of power.

What do you think must be done to make our judiciary honest and effective?

Judiciary must be independent, competent and fair. It is the last resort for common people to get justice. If people lose faith in it, they will take another course like rebellion. Even the declaration of Universal Human Rights 1948 says that in order not to allow people to rebel, every country has to follow certain basic tenants of human rights. If judiciary will not deliver impartial and fair decision, people will take other courses. Every democratic government must respect the independence of judiciary. Unfortunately, the rulers always want a committed judiciary for their petty interests. This was what the government had done in the past and is doing now also. In my opinion, we must evolve independent and strong judiciary in which people have faith.

As the head the Bar, what kinds of improvements you contemplate to initiate?

During our election campaign, we have already published our commitments. Under the regular function, we work to protect the rights of the lawyers and to enhance the professional dignity. Many lawyers were displaced from different parts of the country, we have to rehabilitate them and reinstate their rights. Another function is to defend the independence of judiciary making it stronger so as people have faith in it. We need to develop a good relationship between bar and bench. We are represented in the judicial council. Third responsibility is to help to hold the elections to the Constituent Assembly so that the Constituent Assembly can frame the constitution.

Independence of judiciary is fundamental element of democracy. No country can claim to be democratic without independent judiciary. It is based on liberal democratic values and modern theory of separation of power

"If Present Trend Of Poaching Continues, It Will Be Bad News For Rhino Protection And Conservation"

Dr. Udaya Raj Sharma

There is growing realization now that rhinos are the heritage and property of all the people of Nepal. Such reactions help to build the pressure and help us. Now the country is gradually returning to normalcy, people are paying more attention towards it. I am happy to say that the level of awareness has gone up and people are showing their serious concern over the trend.

As there is a wide concern over the growing cases of poaching, DR.UDAYA RAJ SHARMA, an internationally renowned conservationist, has taken up the charge of acting secretary at the Ministry of Forest and Soil Conservation a few months ago. Although Dr. Sharma has a long experience and expertise on wildlife management and conservation, he was placed completely out of this sector for several years. Although Dr. Sharma has done Ph.D. from the University of Arizona on the role of community in the management of national park, Sharma had hardly got an opportunity to experiment his concept implemented in the country. Sharma also served as a director general of National Park and Wildlife Conservation but his tenure was very short. At a time when the poaching of one horned rhino has gone up alarmingly, acting secretary Dr. Sharma spoke with KESHAB POUDEL on various issues. Excerpts:

Following the series of killing of rhinos, people from different walks of life have expressed their wide concern. How do you see the rising cases of poaching of Rhinos?

It is not correct to say that the rhinos were killed this year only. Following the intensification of the conflict seven years ago, the number of rhinos continued to decline. The poaching of rhinos increased along with the intensification of conflict. Although the conflict has come to an end, its effect is still there. The numbers of security posts are yet to be rehabilitated and restored. They are still inadequate. Now the situation is stabilizing and I hope we will contain it.

What is the status of rhinos?

So far as the status of rhinos is concerned, the numbers have been steadily declining in the last five or six years. In 1994, there were 466 rhinos in Chitwan National Park and in 2000 count, there were altogether 612 including 544 rhinos in Chitwan National Park, 63 in Bardia National Park and 5 in Suklaphanta Wildlife Reserve. According to the census of 2005, the number of rhinos declined to 379 including 372 in Chitwan National Park and 7 in Suklaphanta. As we have not done fresh census now, given the number of poaching and natural death, I can say the number of rhino might be lower than 372.

Is it true that there is widespread poaching of rhino this year?

This is completely wrong to say that the poaching has been higher this year. If you compare the figure with previous years, it is lower now. I am also not saying that it has declined. After the intensification of conflict, the yearly poaching even reached the figure of 41 in the year 2001/2001. Despite all difficulties, only 19 incidents of rhino poaching is reported till now. We want to bring it to zero.

How many rhinos were lost in the last eight years?

Since 1999/2000 to 2006 till now, altogether, 264 rhinos were lost - 149 to poaching and 115 due to natural deaths. In the year 2006 till now, 19 rhinos

have died. Among them 6 died natural death and 13 were poached. In 2005/06, we have lost 18 rhinos with 9 poached and 9 dying natural death. Similarly, 28 rhinos were lost in 2004/2005 with 16 poached. In 2002/2003, altogether 50 rhinos died including 28 poached. In 2001/2002 total 55 rhinos were lost with 41 to poaching. Similarly, in 2000/2001, 30 rhinos were lost with 15 being poached and 15 dying natural deaths. In 1999/2000, 45 rhinos were lost with 28 dying natural deaths and 17 being killed by poachers. Actually the decline in the number of rhinos began from the year 1999/2000. This is the data of Chitwan National Park.

Why the number of rhino poaching has gone up in the last seven years?

With the intensification of insurgency, many security check posts were either dismantled or dislocated. There were virtually no security posts at all. From 32 security posts, we reduced it to 7 last year and we are now restoring and rehabilitating all 32 of the. We need budget of about Rs. 20 million for the purpose. We have already restored some posts and the number of posts now has reached 17. Every day, we are increasing the posts.

Do you see any change in rhino poaching following the rehabilitation of posts?

Rhino poaching still continues and it is a serious problem. If we see the data of last five years, the trend of poaching is alarmingly high.

How do you see the role of international non-governmental organizations?

We have been receiving support from all. The WWF has been providing substantial support for us. The National Trust for Nature Conservation has also been helping us and IUCN also has provided small support. Because of the support of WWF and others, we have developed good information networks to locate the mobility of poachers. These networks provide information of movement of poachers to our security forces. This network is helping us. Along with substantial support of WWF, we are also receiving the support from Wildlife Conservation Nepal (WCN). WCN is supplying the information to prevent the possible poaching of rhinos.

How do you see the reaction of people?

It is a very positive thing. There is growing realization now that rhinos are the heritage and property of all the people of Nepal. Such reactions help to build the pressure and help us. Now the country is gradually returning to normalcy, people are paying more attention towards it. I am happy to say that the level of awareness has gone up and people are showing their serious concern over the trend. This is also a major contribution of restoration of democratic process. I see the present pressure and concerns expressed by common people is a positive sign for the protection of rhinos in the country.

How do you see the present rhino protection policy?

You cannot protect the rhinos just on the basis of gun. You need participation of local communities also.

Of course, we need security forces in certain areas but we equally need the support of community. The participation of community and their involvement is very important in the process of rhino protection. There are two extreme views on the management of wildlife. One group of people argues to completely pull out the security personnel and hand over protection work for local community. Other holds the view that the protection of rhinos should be completely given to the security personnel. Both these concepts are wrong. In latter stage, the community may build its own capability in the rhino protection but now it is impossible for them to do so.

Why cannot the community alone protect the rhinos?

At a time when the poachers are coming with sophisticated arms, the local community cannot fight with them. To contain such poachers, there require security personnel who are capable to fight with such poachers. Of course, the gun is not alone enough to protect rhinos. At the same time, we need participation, ownership and involvement of the community in the rhino protection.

What do you propose to protect the rhinos outside national park?

There is community forestry along the buffer zone or outside the national park as the habitat of rhinos has expanded. Nowadays, you can find many rhinos outside the buffer zone. In the past, rhinos avoided grazing for a longer period outside the boundary of Chitwan National Park but now the rhinos have started to live in buffer zones also. In the areas like Baghmara, Kumroj community forestry, one can see many rhinos. Now the threat is not inside national park but the rhinos living in buffer zones where communities are responsible to take-care of forest. As the communities are disarmed, they cannot fight with the poachers who come along with the sophisticated weapons. We need security forces to protect rhinos in buffer area also. The security forces deployed in buffer zones should work with communities. We have sent a proposal in cabinet to set up armed security personnel like that of the past of Rhino Patrolling Team. We want to revive this rhino patrolling concept to prevent poaching of rhinos.

What is under your proposal?

Under our proposal, we want to set up a mobile security team, which will be based in Tikauli in Chitwan. This team should be given authority to patrol the Buffer zone community forestry of Chitwa and the government forest of Makwanpur, Chitwan, Nawalparasi and Parsa. They will work as a rapid deployment force. If we can develop cooperation and collaboration between the community and this kind of security unit, the poaching will decline.

What about the situation in Bardia National Park?

In Bardia national Park, we have started translocation in two areas. We translocated 70 rhinos in Babai. Right now the status of the rhino in Babai is unknown. We have not conducted any count but our information is that there are only few remaining. Babai valley is widely affected by poaching. There is possibility that the rhinos may have completely disappeared. We are considering counting rhino there next year. In Karnali flood plain, we translocated 13 rhinos but now there are 32. This shows that the population has increased.



When will you take another census?

We have a plan to count rhino next year. After that census, we can say the exact number of rhinos. If the present trends of poaching and natural death continue, it will be bad news for rhino protection and conservation.

How many rhinos were translocated in the past?

Since 1986 to 2003, altogether 87 rhinos were translocated including 83 in Bardia National Park and 4 in Suklaphanta Wildlife Reserve.

What lessons have you learnt from the translocation?

We have learnt a great lesson from this event. We need to evaluate the security situation along with natural habitat before taking the decision on translocation. In Babai valley, there was only one security post and it was removed following intensification of conflict. After removal of security posts, there was virtually no security presence in the area encouraging poachers. In Karnali flood plain, the population increased drastically as the security situation was good. Babai is good natural habitat for rhinos but it is not alone enough to protect the rhinos. We need to provide security also.

When you are concentrating efforts on rhinos, what is the position of tiger and other endangered species?

So far as the report regarding tiger is concerned, I have information that tiger preservation is quite effective. I have not personally verified it. In our neighboring countries, the number of tiger population is declining with the rise of poaching. Even our officials discovered some tiger bones and skin. We don't know where these came from. I don't think there are major problems in the tiger population now.

How do you evaluate the role of employees working in national park?

Our employees with national parks and wildlife reserves have been working with complete dedication. Whether it was in the most difficult period of conflict or the present relative peace, the employees maintain complete vigilance. They have played important role to preserve endangered wildlife like rhinos. Some individual may have committed some mistakes but in general the staffs with the Department of National Park and Wildlife Conservation have done magnificent job. We have got very dedicated employees whether it is in the Department of Forest or Department of National Park and Wildlife Conservation.

As the communities are disarmed, they cannot fight with the poachers who come along with the sophisticated weapons. We need security forces to protect rhinos in buffer area also. The security forces deployed in buffer zones should work with communities. We have sent a proposal in cabinet to set up armed security personnel like that of the past of Rhino Patrolling Team.

Media Institutions: Limited Resources

By DIL BAHADUR BASNET

Media colleges and training centers in Nepal are found to be running with inadequate resources of almost all kinds. Fascinatingly, the authorities of the renowned media institutions like Nepal Press Institute (NPI), Kathmandu University (KU), Nepal Manawiki Campus (NMC), Kantipur City College (KCC), College of Journalism and Mass Communication (CJMC), Shepherd College of Media Technology (SCMT), and Nobel Academy Higher Secondary School (NAHSS) hold more or less the same opinion at this juncture.

Dhruba Hari Adhikary, former chairperson of NPI observes, "Media organizations are so rapidly increasing that the training institutes are unable to meet their highly professional demand. The massive scale of training institutes can only fulfill the required workforce. Otherwise, it's an idea to bring optimum efficiency in limited media institutes like the NPI, being run with limited resources."

"We have been operating our training center with restricted resources irrespective of foreign donations for the last decade. We are entirely dependent on fee collected from trainees to manage the minimum resources (e.g. about 400 media books, all leading daily and weekly newspapers/magazines, overhead projector etc.) for six-month training. We don't even have multimedia facility," says Shree Ram Singh Basnet, executive director and one of the founders of Media Point at Banasthali.

A media expert Lal Deusa Rai, who has gained a three decade long experience, opines, "Lack of resources is the symbol of developing countries. Unlike media institutions in developed countries having their own sufficient and up-to-date studios/labs and better publications, media institutions in Nepal have to manage with few and out-of-date resources." On behalf of the NMC, he made it clear how it was difficult for his students to become interneers at broadcasting and electronic media houses. He stressed that the concerned committee's failure in implementing the strategy to address the drawbacks has prevented the media institutions from becoming independent. Accordingly, the NMC is seeking a license to run FM studio by itself.

Chairperson of Press Council Nepal Rajendra Dahal would like to draw the attention of state and media houses with a different outlook regarding the affordability for media education in Nepal unlike in the advanced countries. "Since a trained manpower is needed, state and private media houses need to invest in media education, which will ultimately help them and effectively establish press as the fourth state. Unless timely attention is paid, media is sure to undergo deplorable circumstances. Though the NPI is the foremost media training institute, the last batch has gone untrained due to dependence on foreign aid," he remarked.

"We are providing maximum level of theoretical knowledge to students/trainees," informed Tapanath Shukla, media expert, at the Ministry of Information & Communication. Also a resource person at various media institutions, he related, "During a welcome and farewell party recently organized at the SCMT, I advised Mohan Singh from Image Channel, Ram Saran Karki from Radio Nepal, and Madan Kumar Sharma from NTV to offer unused equipment to media colleges and training centers in need, and they have duly expressed their commitment to do so."

Here is a genuine scenario of media teachers/instructors as depicted by Ram Krishna Regmi, chief, Department of Mass Communication and Journalism, KCC. From his perspective, they

are mainly experienced journalists without relevant degree, experts with understanding of journalism, and media educators and practitioners.

Undoubtedly, new generation of students are finding glamour in media studies, being a multidisciplinary subject. But the undeniable fact is that several media institutions have somehow ended up with the same type of instructors (many unprofessional and irresponsible), technological infrastructures (dated labs/studios, multimedia, computers), printed and electronic materials (disproportional books, CDs), internship programs in media houses (editors of highly encouraging, and utmost discouraging nature), activities (unhealthy class environment, more theoretical instead of practical classes, mismanagement of existing resources, feeble networking between students/trainees and teachers/trainers, high fees) and so on. Needless to say, these are unproductive and distracting features.

All the three constituent campuses (NMC, Mahendra Multiple Campus -Dharan, Prithvi Narayan Campus - Pokhara) of Tribhuvan University (TU), 21 campuses affiliated with TU, three colleges (KCC, CJMC, SCMT) affiliated with Purbanchal University, 79 higher secondary schools running media studies till date, and other emerging institutions likely to launch the same would better escape from the unforeseen disasters by bringing radical revolution in media resources.

(Basnet is an interneer)

NONA KOIRALA'S DEATH Political Insider

Although late Nepali Congress leader Nona Koirala has a long political history, she is known as insider of Koirala Niwas

By A CORRESPONDENT

Among women leaders in Nepali Congress, Nona Koirala has made unique contribution to the democratic movement of Nepal. Wife of late Keshav Koirala, elder brother of B.P. Koirala, many younger party workers called her as Nona Ama.

After the death of Nona Koirala at the age of 78, prime minister Girija Prasad Koirala has lost one of his political insider. Though she has not visibly played any role in Congress politics, she is said to have influenced the decision-making process of prime minister Koirala.

Among her two sons, Dr. Shekhar Koirala is currently seen as a main political advisor of Girija Prasad Koirala. Her another son Niranjana Koirala is currently out of power politics.

From participating in the revolution of 2007 to all other democratic political change, Nona held the position of central working committee member in Nepali Congress for quite a long time. Following the Royal takeover of 1960, Nona, along with other family members, were sent to prison for a year.

After her release from prison, Nona Koirala lived in exile along with B.P. Koirala in India. Born in Champanagar India as an elder daughter of Ishwori Poudel, Nona always played a crucial role whenever there was crisis in prime minister Koirala's camp.

She used to manage all political programs and assignments of prime minister Girija Prasad Koirala whenever he visited Biratnagar as the present portion of Koirala Niwas was maintained by her.



OHCHR-Nepal Calls For Calm And Respect For Human Rights

As the situation in Terai deteriorated, the Office of High Commissioner for Human Rights (OHCHR-Nepal) has expressed its serious concern over the worsening human rights situation there.

"OHCHR-Nepal is deeply concerned about escalating tension and violence in the Terai. Since violence flared in Nepalgunj in late December, at least seven people have lost their lives, six of them in the past week, and scores have been injured, including several police. OHCHR-Nepal believes the current tensions, and the lack of dialogue present a grave risk to human rights. It calls on all parties for calm and restraint and to establish a dialogue as a matter of urgency to address underlying issues."

The OHCHR-Nepal currently has dispatched mobile monitoring teams in Lahan and Janakpur. "The teams are in regular contact with protest organizers, authorities and members of the police to seek assurances that only peaceful means of protest will be used by demonstrators and that any force used by police is proportional to the level of threat."

It has urged the demonstration organizers, and all parties and people joining demonstrations, to exercise restraint. It has urged for an end to blocking of ambulances and health personnel, and respect for Red Cross and other health workers as well as all human rights monitors and defenders.

"Restoring law and order is essential to bring about calm and must be done with full respect for human rights. OHCHR-Nepal recognizes the very difficult situation faced by police, but calls on police to fulfill their responsibility to maintain law and order, using only the minimum necessary force in their duties. In particular, live ammunition must not be used in policing demonstrations unless there is a very serious threat to life and only once all other methods have been exhausted," states the press release issued by the Office on January 28.

"OHCHR-Nepal believes that there must be prompt and credible investigations into all killings and injuries which have occurred to determine those responsible. It has noted that a high level probe committee has reportedly been set up by the Government to investigate last week's killings in Lahan but that it has yet to travel to the area. It is essential that those responsible for the violence should also be held fully accountable in accordance with the law, whether it be security forces, CPN-Maoist cadres or demonstrators. The State has a particular responsibility that its security forces are held directly accountable if found to have committed violations."

"We are seeing a very worrying escalation of tension and violence in communities in the Terai. We have already seen deaths and injuries, some caused by the police. Unless effective action, including dialogue, is taken by all concerned, OHCHR-Nepal fears that neither demonstration organizers nor police at the local level will be able to prevent violence and guarantee the protection of human rights, with potentially grave consequences. While political leaders have suggested dialogue and there has been conditional acceptance by community representatives, it is essential that all parties come together without further delay in order to restore calm and end the violence," said Lena Sundh, Representative in Nepal of the United Nations High Commissioner for Human Rights. ■

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

Geopolitics of Nepal and International response to Conflict Transformation Rajan Bhattarai Rs. 60.00

Important Bird Areas in Nepal Key sites for conservation by Hem Sagar Baral/ Carol Inskipp Rs. 1000.00

Kiran Saga of Modern Nepali Artist Everest Art Gallery Rs. 1375.00

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

Milestone of History Vol 1 Pramod Mainali Rs. 1000.00

Milestone of History Vol 2 Pramod Mainlai Rs.500.00

Nepal Atlas and Statistic Dr.Harka Gurung Rs. 700.00

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Culture of Impunity: A Threat to Peace and Justice

- Bishweshwar Prasad Bhandari

The Rayamajhi Commission which was constituted to investigate the atrocities committed during popular upsurge in April 2006 and recommend punitive action against those found responsible in suppression of the movement has submitted its report to the Prime Minister. Though the report is yet to be disclosed, there is pressure from the members of parliament and the civil society to implement the report and bring those responsible to the justice. Nonetheless, punitive action must not be limited only to those responsible for suppression of *Jana Andolan*.

The fact is that severe crimes have been committed by state actors as well as non-state actors during thirteen years of conflict in the country. The gravity and extent of crimes committed over this prolonged period is such that about fourteen thousands people have lost their lives, thousands have been tortured physically and psychologically, many women have been raped and hundreds of thousands have been displaced from their homes. Likewise private and public properties were either occupied illegally or destroyed. The executions have been carried out outside the norms and standards set by international instruments. The cases of disappearance present the worst case of human rights violation in the country. Forced displacement of large number of people against their will was a common phenomenon during the time of insurgency. There was forced recruitment of school children specifically on the part of non state actors. Some of the persons who were not engaged in the fighting or *horse de combat* were killed after their capture.

These crimes were not isolated cases, rather carried out in a widespread and systematic manner throughout the country. The difference between an ordinary crime and Crime Against Humanity (CAH) is that former is committed in an isolated manner and targeted against one or few persons whereas latter is committed in a widespread or systematic manner and targeted against civilian population. These crimes have been committed by violating the rules set by four Geneva Conventions and international human rights covenants. Four Geneva Conventions, which the international community accepted on 12 August 1949, determine the conduct of parties in war (*ius in bello*). Although the Geneva Conventions were designed to regulate the conduct of parties in war of an international character but the provisions of Article 3 common to all (four conventions) which deal with the hostilities of non-international character are of specific importance in the context of Nepal. The Article included provisions that civilians in war zone and wounded and *horse de combat* need to be protected and cared, violence to life (including murder, mutilation, torture, outrage upon personal dignity), passing of sentence / carrying out of execution without following the norms of criminal justice is prohibited. Principally

speaking these provisions in the Article provide a legal basis to initiate action against the atrocities committed during insurgency period for the reason that Nepal is one of the signatories to the Conventions. Unfortunately, no further effort has been made to translate the provisions of Article 3 in practice in spite of the provision of the Section 9 in Treaty Act 1990 which states that any law of Nepal inconsistent with a treaty or convention accorded or ratified by Nepal is not applicable, and provision of such treaty or convention prevails. As regards to the Crime Against Humanity no specific statutory law has been passed by Nepalese legislature so far.

A question may be raised whether or not the parliament can make law to deal with such crimes committed in the past. This question of retrospective effect of international criminal law was raised in Nuremburg and Tokyo trials. This issue has been settled for ever with the adaptation of the "Principles of International Law" by UN General Assembly through the Resolution 95(1) on 11 December 1946. The Resolution in fact endorsed the 'Principles' recognized by Nuremburg Tribunal and its judgments. The 'Principles' are seven in number. Principle VI made 'Crime Against Peace', 'War Crimes' and 'Crimes Against Humanity' punishable crimes under international law. Thus the CAH and War Crimes, committed during more than a decade long conflict in Nepal, are forbidden acts and forms the part of customary international law. Therefore any law to deal with the CAH and War Crimes cases if adopted in Nepal will not be new but only restatement of international criminal law agreed by the community of nations.

This practice of reinstatement of international criminal law at national level has been exercised in many jurisdictions in recent years. For instance Regulation 15/2000 came into effect in year 2000 to deal with the crimes committed between 1st of January to 25th October during popular consultation in 1999 in East Timor. Special Representative of Secretary General (SRSG) was authorized by Security Council to make laws required for UN Transitional Administration in East Timor. This law has been endorsed by Timorese constitution in 2002 and forms part of Timorese law. Likewise, International Criminal Tribunal for Former Yugoslavia (ICTY) was set up by the UN Security Council in 1993. The incidents that took place within the territory of Former Yugoslavia were considered by international community as a threat to international peace and security. The Security Council therefore exercised its power under Chapter VII (Art 55/56) of the UN Charter to set up ICTY as its subsidiary organ in order to contribute to the restoration and maintenance of peace in the Former Yugoslavia. Later International Criminal Tribunal for Rwanda (ICTR) was set up to deal with the crimes committed in

Rwanda in line with ICTY. Both the ICTY and ICTR have been governed by separate statutes. The trial of aging Khmer Rouge leaders after 33 years of commission of crime is latest example that perpetrators responsible for violating 'international criminal law' can be brought to justice by formulating laws even after the extended period of thirty years even after the extended period of thirty years even after the commission of the stipulated crimes. This practice has been followed in Sierra Leone as well. Following the practice of other jurisdictions it can be said that the international criminal law regime can be extended to Nepal to bring the perpetrators of CAH and War Crimes to justice.

Traditionally it was understood that community of nations had to deal with its member states only and not with its subjects. There has been growing realization after the World War II that state responsibility and individual criminal responsibility under international criminal law is not the same thing. Nuremburg Tribunal made it clear that crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crime can the provisions of international law be enforced. The Resolution (95(1)) through Principle I made it clear that a perpetrator of an act which constitutes a crime under international law is responsible, therefore, liable for punishment. More interestingly Principle II states "The fact that domestic law does not punish an act which is an international crime does not free the perpetrator of such crime from responsibility under international law." This means a person responsible for the commission of any of crimes enumerated in Principle VI may be the subject matter of international community if national authorities do not take or is reluctant to take action against such perpetrator(s).

Various modes of courts are in practice in many jurisdictions to deal with the CAH and war crimes. Much debated statute of International Criminal Court is not an option for the reason that Nepal has not yet ratified it. The best way would be through establishment of a credible special court. Alternatively, the country may opt for Cambodian/Sierra Leone model or East Timor hybrid model of court. The trials of Khmer Rouge leaders are being conducted under special agreement between UN and government of Cambodia. Same practice applied in case of Sierra Leone. East Timor Special Panel was set up through Regulation 15/2000 which was made by Special representative of Secretary General under the power given to him to issue necessary rules and regulation.

Lack of enthusiasm in the part of government shows less likelihood that Nepal will have special court or will follow any of the above delineated models unless there is immense pressure put on the government from human rights groups and the international community to take action to bring the perpetrators to justice and discourage the culture of impunity. Punitive action is also important to promote harmony and reconciliation in the society where mistrust and suspicions continue to exist.

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