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The National Newsmagazine

SPOTLIGHT

March 09-15, 2007

Constitution in Making Values in Crisis

Interview :
Sujata Koirala



Chinese Visit : **Friends from North**
Article : **Dhruba Adhikary**

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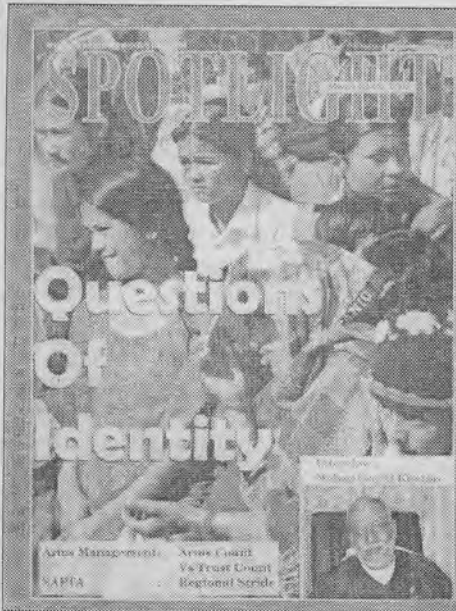
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Nepal continues to meander through tumultuous developments that even threaten its very existence. The country's damaged infrastructures can be reconstructed and rebuilt but it will have to go a long way to restore values and ideals which were destroyed in the last one year. The country is run by an unelected and unaccountable legislative-parliament and the concept of independence of judiciary, rule of law, separation of power are not even there in paper. The situation now is such that what the eight party leaders say is above and beyond the constitution. The concept of democratic rule evolved slowly and gradually to reach at present universal shape but it was destroyed overnight by a decree of parliament. Our constitutional practices have always been there to guarantee right to differ though political instability of the country disrupted the whole process several times. Whatever the prominent leaders of political parties declare as their ideology or programs, they all have a single point mission that is power at any cost. According to a political analyst, the power has a very peculiar tendency. Once a Napoleon was asked what he desired most. The reply was power, when he was asked what he would do with power; his answer was to have it. Politics of Nepal has been degenerated to the level of power mongering. Not only at the cost of ideology and values but even at the cost of the national interest and its very existence. In a competition to grab the power, politics of self governance is being distorted into a tribal fragmentation of society.

As the country has been waiting to hold the elections for Constituent Assembly, nobody talks about the need to incorporate liberal values in the constitution. But, the debate is dominated either by ethnic, regional or linguistic issues while leaders of few political parties try to grab the power. Nepal has been trapped into a very dangerous experiment of lawless law. Neither we have the continuity of previous constitution which was popularly legitimized by people through several elections nor there is any chance for people to choose their representatives for the CA. As the country is heading towards unknown destination abandoning its core values, the challenge is now for its survival - an extraordinary situation alone may help Nepal to get rid of the present mess. Along with people of Nepal, their political leader and activists may instinctively find out some ways by consensus or reconciliation to get rid of this never-ending dark tunnel. For this Nepal also requires same kind of goodwill and consensus by the closest neighbors as well as its distant friends who have enormous sympathy and support for Nepal. This time we decided to look at the issue of crisis of values when the country is heading to write a new constitution through the elections of constituent assembly.

Keshab
Keshab Poudel
Managing Editor



Debate Long Overdue

The issues of Janajatis and Madhesis have finally come to the center-stage ("Questions of Identity" SPOTLIGHT March 2). For too long, these people had been suffering from all kinds of discriminations. It is now time to rectify those mistakes and address their grievances. For starters, the state could recognize the Janajatis' demands for autonomous provinces. The country has already decided to go for federal structure. So it is better to restructure the state based on ethnicity in order to make them proud as Nepali.

*Susant KC
Gairidhara*

Identity Crisis

The cover story "Questions of Identity" (SPOTLIGHT March 2) was quite relevant to the boisterous debate going on in the country about issues such as ethnicity and ethnicity-based federalism. For a prudent, objective and unbiased observer, the whole demand for ethnicity-based federal restructuring is absurd. After the April change, we discarded the epithet of Hindu Kingdom and embraced secularism. That was a reflection of the people's desire not to associate their nation with any single religion. Unfortunately, less than a year later, we are now clamoring for ethnicity-based regional federalism. There is no difference in using Hindu epithet or Limbu epithet. The Limbuwan region or Khambuwan region or Tharuhat and so on – they call point out to the notion of one supreme ethnic group within a given region. Isn't this one of the values that we wanted to discard? What is Loktantra then for? By discarding a national-level epithet we are now heading towards embracing them at regional levels.

*Jeewan Bhurtel
Sadbato*

No To Ethnic Politics

The debate on ethnicity-based federalism has caused concerns to many people who want to see a peaceful, democratic, stable and prosperous Nepal ("Questions of Identity" SPOTLIGHT March 2). They are now talking about resurrecting the various principalities in the name of Tharuhat, Chure-Bhawar province, SPOTLIGHT/MARCH 9, 2007

Limbuwan, Tamuwan, Newa and so on. There couldn't be more dangerous path for Nepal to take than to adopt ethnicity-based federalism. This idea is bizarre given the situation where there is no singular dominant ethnic group in any region of the country. Even in Limbuwan, the population of other ethnic groups will be more than that of Limbus and so on. And will they allow a non-Limbu to be elected and govern the Limbu province? These issues are very delicate and are connected with the very survival of Nepal as an independent nation in the comity of nations in the world. Nepal today suffers from a multitude of socio-economic problems – that are equally, if not more, important. Why should we create this unnecessary mess when the country is moving towards a democratic republic? Aren't there enough headaches already? None of the common Nepali people have had the opportunity to benefit from socio-economic progress in the last many centuries. It is wrong to portray that only certain ethnic groups prospered. Aren't there enough poor Brahmins and Chhetris and aren't there enough rich Rais and Limbus? Why should we engage in this nonsensical debate when we should rather be debating on how to introduce economic growth that can penetrate to the poorest of the poor section. There is not a single sane soul in this country who does not recognize the rights and sensitivities of ethnic and regional groups. The issues of Dalits and women, too, have been recognized by all. This is a testimony to

the grand recognition of all kinds of discriminations they might have faced in the past. Let us now move forward, hand in hand, by jettisoning all our prejudices and discriminatory attitudes. By off-loading the historical mistakes, we can make a new beginning to realize the dream of building new Nepal. Otherwise, this debate, I am convinced, will never cease. And instead of working to uplift the whole of Nepal and Nepali, we will be debating on which ethnic group or which region to give the right to autonomy.

*Sugam Dahal
Battispatali*

Careful Considerations

While addressing the demands of Madhesis and Janajatis, it is important for the political leadership to carefully consider the national security implications ("Questions of Identity" SPOTLIGHT March 2). It seems appropriate to provide the ethnicity-based autonomy to various Janajatis and Madhesis. However, it will be suicidal to equip them with the right to self determination. This idea should never have been entertained in the first place. The Maoists, for the petty gains, raised this slogan. Giving the right to self-determination means giving the autonomous regions the right to secede as and when they like. Will any independent nation run by wise leaders give this right?

*Kiran Thapa
Balaju*

Reflection of Nepal

In his interview industrialist Mohan Gopal Khetan (SPOTLIGHT March 2) says that though he came from Birgunj he was brought up in the heart of Kathmandu. He says that in his many industries people from all parts of the country – mountain, hills and plains – work side by side. This is a very nice way of rooting for the social harmony. No country will be able to move forward economically or politically until and unless there is social harmony among its citizens. Harmony of Nepalese people must not be allowed to be hijacked by people with vested interests.

*Biswas Rai
Kumaripati*

Teams Distribute Over 1.2 Million Citizenship

Teams dispatched by the Home Ministry have distributed citizenship to over 12,37,000 people in the past one and a half month of campaign. 561 teams formed by the ministry had fanned across the country to distribute citizenships. According to the Ministry, of the total, 11,63,700 people obtained the citizenship based on inheritance; 51,285 obtained the citizenship based on birth; and the remaining obtained naturalized citizenship. Baman Prasad Neupane, joint secretary at the Ministry, said that the government could extend the duration of the campaign beyond mid-March based on demands. *Kantipur daily reports*

No Basis To Be Satisfied With Weapons Count: NA

The Nepali Army (NA), on Saturday (March 3), said there was "no basis and situation" for the NA to be "satisfied" with the number of Maoists' arms that have been registered. A statement issued by the NA said that NA's views on registration and storage of Maoists' arms were similar to that of the government. "NA's views cannot be different from that of the government," the statement said, refuting some news reports, which, it claimed, appeared in some newspapers under the headlines "NA satisfied with the registration and storage of Maoists' weapons" and "NA burnt down houses in villages." The statement labeled the news as false, misleading and baseless. The NA said in the statement that it cannot remain aloof from others in expressing dissatisfaction "at a time when no one is satisfied." "The NA doesn't have its institutional and authoritative views contrary to the government's views on the registration and storage of weapons," the statement said. "No one would even imagine that the NA, as people's guard, would burn houses." *The Himalayan Times daily reports*

Moriarty Doubts Maoist's Commitment To Democracy

The US ambassador James Moriarty has said that the recent episode when a Maoist MP named Lokendra Bista bragged in parliament that he was carrying a pistol negates their commitments to democracy. "A Maoist

Member of Parliament boasting that he was armed in Parliament, for instance, completely negates Maoist claims that they are committed to democracy," said Moriarty addressing the 12th annual general meeting of Nepal-USA Chamber of Commerce and Industry (NUSACCI) on Friday (March 2). He also said newspaper photo of Maoists brandishing weapons at a rally "in undeniable violation of the Comprehensive Peace Agreement, sends exactly the wrong message." Moriarty said that at a time when Nepal was going through political transition, it is crucial for the country that economic reforms go forward. "If Nepal is to overcome its bitter legacy of poverty and conflict, economic opportunities must be created for all of Nepal's people, regardless of caste, gender, sect or age," he said. He said that while peace agreement had encouraged both Nepali businesses and foreign investors, recent activities by the Maoists have undermined business confidence. Addressing the NUSACCI meeting, Moriarty said that despite decline in Nepal's economy, the United States has maintained its position as the second biggest importer of Nepalese goods and the second largest foreign investor in Nepal. "In 2006, US imports from Nepal were nearly USD\$100 million. US investments in Nepal totaled more than USD\$250 million." *Compiled from reports*

JTMM Losing Its Patience

The Janatantrik Terai Mukti Morcha (Jwala Singh faction) has warned to resume armed revolt from March 8. The talks team formed by the JTMM has said it will wait till March 7. According to talks team member Bibas Bidrohi the government has been informed of their intent. The JTMM is learnt to have written a letter to this effect to the government. Earlier, the JTMM had decided to halt their armed activities and take part in negotiations with the government provided the latter "created atmosphere." JTMM chief Jwala Singh has accused that the government is not serious about talks. He said the government must first declare truce from its side and drop charges against JTMM cadres. *Leading dailies report*

Madhesi Tigers Release Abducted Persons

Madhesi Tigers – another Terai outfit demanding regional autonomy - have released all 11 persons they had abducted from Saptari district. They were released from unknown location in the presence of media persons, say reports. The activists of Madhesi Tigers had released 11 persons of hilly origin who had been abducted from Haripur area in the buffer zone of Kositappu Wildlife Reserve, Thursday (March 1). They were released under condition that they will return to their native hill districts. The abductees had been living in the area for the past few years. They hail from hilly districts like Khotang, Bhojpur, Sankhuwasabha, and Udayapur. A person named Pratap who claimed to be the local in charge of the Madhesi Tigers said that they will not allow "people of hilly origin and feudal families" to live in Madhes region. Meanwhile, adding to the number of outfits engaged in violent agitation in Terai, an outfit calling itself Terai Cobra has killed one person in Rautahat district on Friday night. Activists of Terai cobra shot to death Ram Briksha Raya at Gangapipra VDC of Rautahat district. Reasons for his killing are not yet known.

Compiled from reports

Terai Affected By Bandh

With the restart of the agitation by the Madhesi Janadhikar Forum (MJF), the situation in Terai is deteriorating as transport, education, business have all come to grinding halt in many eastern Terai towns. On Thursday, the situation was aggravated after one-day bandh imposed by Nepal Sadbhavana Party (NSP). The MJF has called transport strikes and customs blockade from February 26 till March 5. The collection of revenue has been severely affected in Birgunj and Biratnagar. Biratnagar Customs Office has suffered daily revenue loss of Rs 25 million for the past four days. The Birgunj customs is losing Rs 20 million revenue a day while Nepalgunj customs is losing Rs 1.5 million revenue a day. *Leading dailies report*

Maoists Apologize For Pistol Episode; They Brandish Guns In Udaypur

Maoist parliamentarian Dev Gurung conceded mistake and sought apology over the behavior by one of the Maoist MP who had bragged that he was carrying

pistol with him in the parliament. Lokendra Bista had even dared government to seize the pistol if it could. The episode triggered fierce criticism at the parliament on Thursday (March 1) compelling Gurung to seek apology. Gurung said Bista had said what he had said as "emotional outburst." Meanwhile, even as Gurung was seeking apology, armed Maoist cadres were seen loitering around Gaighat market in Udayapur the whole day on Thursday brandishing sophisticated weapons like AK 47, SMG, SLRs and INSAS. Reports say local residents were terrified with the blatant display of the weapons in utter disregard to the peace pact. The Chief District Officer Dullu Raj Basnet said it was blatant violation of peace agreement. Maoists' district joint in-charge Dipak said the cadres had carried weapons for the security of their leader Ram Bahadur Thapa 'Badal' as per the approval by the UN. However reports say Badal had already left for Sunsari district on Wednesday itself. Earlier, on Tuesday evening, Badal had warned jourmos not to take pictures of his armed cadres. When a Kantipur reporter tried to take a snapshot of an armed Maoist cadre, Badal intervened and warned him not to take the picture. *Compiled from reports*

Vaccine Tests On Nepali Soldiers Attract Questions Of Ethics

The US Army has carried out a promising early test of the first vaccine against Hepatitis E, a form of the liver-attacking disease that sickens many in Asia and can spread to other western visitors to the region. The vaccine, made from moth cells infected with an engineered virus, was 96 percent effective for Nepali Army soldiers who took all three doses. The study was funded by the US Army and National Institutes of Health. The researchers conducted the study in accordance with good clinical practice guidelines, the provisions of Declaration of Helsinki, and regulations of both the US and Nepal, stated The New England Journal of Medicine, which reported the two-year test on 1794 soldiers, which it added did not produce any major side effect. However, ISN Security Watch reported on its website that medical researchers are questioning whether the vaccine experiments, conducted on Nepali

soldiers from 2001 to 2003, were ethical. A group of medical researchers in the US is now asking how ethical it was to use as 'guinea pigs' the Nepali soldiers. However, the US embassy in Kathmandu strongly defended the trial, saying it was conducted in compliance with international practices. "The military population was selected because they were known to have many cases of Hepatitis E," the embassy told ISN Security Watch. The Himalayan Times daily reports

Kishunji Roots For Constitutional Monarchy

Former prime minister Krishna Prasad Bhattarai has said that Nepal needs a constitutional monarchy and not a republican set-up. "Monarchy in Nepal is essential. However, it should be constitutional," he said talking to journalists in Bhairahawa on his return from India. "The Nepali Congress has been in favor of a constitutional monarchy since 2007 BS. A republican set-up creates unrest in the nation; democracy should be established under a constitutional monarchy," he said. Saying that the nation faced unrest due to King's predilection for direct rule of the nation and earning money, Bhattarai said, "The King should be the head of the nation. He should not rule directly. In course of meeting the King, I urged him to give up the desire to rule the nation. The nation should be ruled by people's representatives, not the King." The *Himalayan Times* daily reports

Badu Says Arms Monitoring Should Precede Interim Govt

At a time when there were expectations that the Maoists would soon be included in the interim government given the completion of the first phase of arms management, the government spokesperson has informed that it will happen only after the process of arms monitoring starts. Dilendra Prasad Badu, Minister of State for Information and

Communication, said that the Maoists will be included in the government as per previous agreements. "It has been agreed that they will be included in the government when the arms management completes and monitoring starts. One stage of management has been completed and as soon as the monitoring starts, they will be included in the government," Badu said at a press meet on Tuesday. Responding to Maoist leaders' remarks that the interim government should be formed within a week, Badu refused to fix timeline for their inclusion. At the press meet organized to inform about the decisions made by the cabinet meeting on Monday, Badu said that the government has decided to provide monetary assistance to the internally displaced persons (IDPs) to help them return home. The cabinet has decided to provide between Rs 300 and Rs 1000 as transportation fare to each of the IDP. They will be provided with Rs 5000 for repairing their houses and Rs 10,000 for building new one. Their children will also be given educational aid. *Compiled from reports*

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People celebrate the festival of Holi on March 3 *Annapurna Post*

THE OUTGOING CHINESE AMBASSADOR Sun Heping said his government wishes that the peace process in Nepal is successful. Talking to journalists after paying a farewell visit to the Prime Minister at Baluwatar on Friday (March 2), the Chinese envoy said, "We wish peace success." The Chinese ambassador, who is returning home after completing his tenure in Kathmandu, is learnt to have discussed with the Prime Minister about issues such as the peace process and inclusion of Maoists in the interim government. "He said that mainstreaming of the Maoists is positive. He also said it is good that processes have started to include Maoists in the government. But he also stressed the need for the Maoists to improve their behaviour," Suresh Chalise, foreign affairs advisor of PM Koirala told journalists.

THE UNITED NATIONS HAS ENDORSED Rs 6.65 billion budget for the peace process in Nepal. Nepal's permanent representative to the UN Madhu Raman Acharya informed that the budget was endorsed after discussion at the administrative and budget advisory committee of the UN in New York on Wednesday. "After it is approved by the general assembly meeting, it will come into effect," Acharya said. Secretary General Ban Ki Moon had initially proposed the budget of Rs 7 billion. The number of proposed manpower, too, has been reduced from 1272 to 1089. The UNMIN will recruit 400 local employees and other international employees.

THE FEDERATION OF NEPALESE CHAMBER of Commerce and Industry (FNCCI) and Confederation of Nepalese Industries (CNI) have reached an understanding to work together to advance the common agenda of the private sector. The meeting between senior business leaders including FNCCI president Chandu Raj Dhakal and CNI president Binod Chaudhary reached an understanding to work together as per joint strategy. They have agreed to cooperate with each other on issues such as Terai agitation, irregular electricity supply, industrial labour disputes and the government decision to cancel passports of 80 businessmen for defaulting bank loan

repayment. In a statement issued jointly after the meeting, the two associations have stated that they had expected better days for the private sector and economy after the signing of peace pact - which could not materialise, they have concluded. "The two institutions have decided to become united because unless major problems of industrial sector are not resolved, the economy will be affected and, ultimately, the private sector will collapse," said the statement.

THE UNMIN CHIEF IAN MARTIN has said that the Election Commission faced considerable challenges if an election were to take place by mid-June. The challenges were not only technical in nature, but also political. Martin, who is also the Secretary-General's Special Representative for Nepal told correspondents at UN Headquarters press conference in New York on Monday. The report from New York said that Secretary-General Ban Ki-moon had warned that the debate over the country's political future could quickly exacerbate ethnic, regional, linguistic and other tensions. If Nepal failed to include traditionally marginalized groups in the peace process, the country would lose a crucial opportunity to harness the strength and vision of its own people and leave some of the key underlying causes of the conflict unaddressed, he cautioned. The report said the UNMIN believed that unless consensus could be reached soon on the electoral arrangements for the Constituent Assembly election, the intention to hold elections by mid-June would be called into question. Responding to a question on the Madeshi people, he said traditionally excluded groups had pointed to their historically limited representation in Government and political parties. Asked to elaborate on factors that could delay mid-June elections, he said the Chief Election Commissioner had stated publicly that the legislative basis for the elections needed to be in place soon, in order for the timetable to go forward. Another issue was the need to guarantee adequate security, not just ahead of the ballot, but also during the campaign period. Regarding the number of weapons registered, he said there had not been a definitive statement on the part of the Government. He agreed that there was a striking difference between the number of weapons registered, a little less than 3,500, and the number of combatants, which was over 30,000. He said there would undoubtedly be a continuing argument as to whether the numbers showed that the Maoists had complied with their commitments to register all their weapons. The United Nations could not make a definite judgment, he said.

DESPITE BANDHS, BLOCKADES AND STRIKES, the collection of revenue has gone up satisfactorily till mid-February of the current fiscal year. According to the Finance Ministry, Rs 42.24 billion revenue has been collected till mid-February - which is 17.83 percent more than the revenue collected during the same period last fiscal year. As per the budget estimates, the revenue collection must grow by 18 percent this fiscal year. The government spending, too, has increased during the period to reach Rs 59.37 billion - 14.1 percent more than last year. On capital expenditure front, the Nepal Rastra Bank has released Rs 10.2 billion till now. This year, the government planned to spend Rs 44 billion in development expenditure. However, this expenditure including grants to local bodies and mega projects have not been made yet. ■

“There are attempts being made to incite Rai against Limbus and Magars against Gurungs and vice versa. These are the last-ditch attempts by the feudal elements.”

Prachanda, Maoist chairman, addressing a mass gathering in Nepalgunj.

“We have been surprised by the manner UML dashed ahead to register a separate amendment proposal. It is completely against our understanding.”

Ram Chandra Poudel, general secretary of Nepali Congress (NC), on the registration of a separate statute amendment proposal by the UML proposing to insert a clause to impeach the King in the constitution.

“In a roundabout way, the UML’s proposal suggests that it stands in favor of ceremonial monarchy. Otherwise, why should it have gone for impeachment against King when all of us are talking about ushering in republic right away.”

Dr. Baburam Bhattarai, senior Maoist leader, criticizing the UML’s amendment proposal.

“A republican set-up creates unrest in the nation; democracy should be established under a constitutional monarchy.”

Krishna Prasad Bhattarai, former prime minister and senior Congress leader, in The Himalayan Times.



“The NA doesn’t have its institutional and authoritative views contrary to the government’s views on the registration and storage of weapons.”

The statement by Nepali Army stating that there was “no basis and situation” for the NA to be “satisfied” with the number of Maoists’ arms that have been registered.

“A Maoist Member of Parliament boasting that he was armed in Parliament completely negates Maoist claims that they are committed to democracy.”

James Moriarty, the US ambassador, addressing the function organized by Nepal-USA Chamber of Commerce and Industry.

“Nepali Congress is on the verge of collapse. The party has already moved towards its termination. It cannot return back. Communists are already dominant in parliament.”

Radha Krishna Mainali, former minister during royal regime and a former UML strongman, in Jana Bhawana.

“One stage of management has been completed and as soon as the monitoring starts, they will be included in the government.”

Dilendra Prasad Badu, government spokesperson and Minister of State for Information and Communication, talking to reporters.

TRANSITION

RECORDED: Statements by former ministers during royal regime Kamal Thapa, Dan Bahadur Shahi, Shrish Sumshere Rana and Tanka Dhakal, by the Commission for the Investigation of Abuse of Authority (CIAA), regarding allegations of misuse of state fund.

COMPLETED: Sun Heping, Chinese ambassador to Nepal, his tenure of three and a half years in the country.

PROMOTED: Deputy Inspector Generals (DIGs) Deepak Thangden,

Keshab Baral and Hem Gurung, as Additional Inspector Generals (AIGs) by the cabinet. Thangden has been posted to the Office of the Commissioner of Metropolitan Police; Baral to Eastern Regional Police Office; and Gurung to Central Regional Police Office. Senior Superintendents of Police (SSPs) Kiran Gautam and Kalyan Timilsina, have been promoted to the post of DIGs, by the cabinet.

TRANSFERRED: Swayambhu Man Amatrya, Secretary at the Office of Council of Ministers to the National Planning Commission;

Sushil Jung Rana from the Office of the Coordinator of Camp Management to the Elections Commission; Tirtha Raj Gyawali, Secretary at the Commission for Investigation of Abuse of Authority (CIAA) to Ministry of Forest and Soil Conservation; and Abanindra Kumar Shrestha, from regional administrator to the Office of the Coordinator of Camp Management, by the cabinet.

APPOINTED: Senior Superintendent of Police Sushil Bar Singh Thapa, as the spokesperson of Nepal Police.

GREATEST TRAGEDY FOR NEPAL: *Upper Karnali Decision*

▪ By Dr. AB Thapa

The 4,180 MW Upper Karnali Storage Project is the most attractive hydropower project among the projects identified so far in Nepal. It also is, perhaps, among the very few most attractive hydropower projects in the whole world. It would be a great tragedy for Nepal if our Government did not reconsider its decision to push ahead the plan to allow private developer to implement the 300 MW Upper Karnali Diversion Project, which precludes the development of the 4,180 MW Upper Karnali Storage Project.

The Upper Karnali Storage Project can provide our country an extra net bonus benefit alone to the tune of about US \$300 million per year which is approximately the gross value of the total annual production of the paddy in the whole Nepal estimated between 2.5 million to 3 million tons at a present price of about US \$ 100 per ton. Surely such golden opportunity to enrich our country would vanish forever if we continued to stick with our decision to implement the 300 MW Upper Karnali Project which prevents the development of the 4,180 MW Upper Karnali Storage Project.

Foreign Experts Against 300 MW Upper Karnali

Mr. Paul Terrell from the Bechtel International of the USA was Chief Advisor Consultant of the Upper Karnali Project study conducted under the World Bank financial assistance. The pre-feasibility study report prepared under his supervision unequivocally points out that the 300MW Upper Karnali Project and the 4,180 MW Upper Karnali Storage Project are mutually exclusive. It is a clear cut recommendation to guide us to come to the conclusion that we should completely drop the idea to implement the relatively very small 300 MW Upper Karnali Diversion Project by sacrificing the 4,180 MW Upper Karnali Storage Project. Furthermore, Mr. Paul Terrell has categorically cautioned Nepal in his article published in the journal "HIMAL" that our country should never compromise optimum development for the sake of a quick deal.

Upper Karnali Pre-feasibility Report

The World Bank supported pre-feasibility study has clearly explained that the 4180 MW Upper Karnali Storage Project and the 300 MW Upper Karnali Diversion Project are mutually exclusive. The relevant excerpt from the World Bank supported study report is presented below.

"Even when assuming that the KR 1 A run-of-river project (it indicates the small 300 MW Upper Karnali

project) is a sunk cost, it will be seen that a single large power plant (4180 MW) associated with the major storage project is less costly than the combined cost of smaller plant at the same location (3532 MW) and a second power plant at the foot of the storage dam (408 MW) discharging directly into the KR 1A run-of-river project head pond. Based on this assessment, it appears that the later development of the major hydro storage project at Site KR 1 (4180 MW Upper Karnali Storage Project) would cause the KR 1A run-of-river project to be effectively discontinued. There may be limited opportunity for secondary energy generation during the periods of spillage".

It is a clear cut recommendation to guide us to come to the conclusion that we should completely drop the idea to implement the relatively very small 300-MW Upper Karnali Diversion Project by sacrificing the 4,180 MW Upper Karnali Storage Project.

Why Upper Karnali Storage So Attractive

The Karnali basin is the first to arouse keen interest in Nepal's vast hydropower development study. There are several attractive sites for the generation of cheap hydroelectric energy in this basin. In early 1960s an agreement was signed between HMG of Nepal and the UNDP for providing assistance to conduct a survey of the Karnali river and its main tributaries culminating in a pre-investment report indicating hydroelectric potential of the river as well as the best sites for hydropower development. The final feasibility report and general basin development report were submitted in February, 1966.

In 1980s further studies of the two projects were carried out under the aegis of the World Bank. They are the feasibility study of the Karnali Dam Project (Chisapani) and the pre-feasibility study of the Upper Karnali Hydroelectric Project (Karnali Bend Site).

The Karnali river makes a big loop in its lower reach near a place called Asare. From here the river flows in the south-east direction for about 25 kilometers, after that the river makes a complete reversal in its direction.

The river comes back to a point just two kilometers away from its earlier position near Asare. There is a drop of about 150 meters in Karnali river bed elevations between these two positions merely two kilometers away from one another. The project to utilize this bend for power generation was originally known as the Karnali Bend Project. Later on the name was changed to Upper Karnali Project. There are very good sites to build a very high storage dam at the beginning of the bend. Thus, it makes the Upper Karnali Storage Project far superior to the 10,800 MW Karnali Chisapani Project in terms of per unit capacity investment cost because its hydropower station would be operating at a firm head two times greater than that of the latter though the total length of the waterway of both these hydropower plants would be almost exactly the same.

Large Cost Reduction at Higher Heads

Of all the site characteristics, head is the most important. **Design guidelines, 1989 approved by the American Society of Civil Engineers** (a document used throughout

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the world for the design of hydropower) has given some simple reasoning that would help to explain why the Upper Karnali project operating at a head about two times greater by comparison with the Chisapani hydropower could be built at far less per unit installed capacity cost. **“Very simply if one doubles the head the quantity of water needed to produce a certain amount of energy is halved, Thus, for like site energy development the conduit area and reservoir volume are halved and further large cost reductions occur for powerhouse and machinery costs. This fundamental consideration is at the root of the large cost reductions that occur at higher heads.”** Needless to mention that the lower investment cost means the generation cost of the electricity would also be less.

Comparative Investment Cost of Upper Karnali Storage

By comparison with the mammoth 10,800 MW Karnali

Chisapani Project the firm head of the Upper Karnali Storage Project would be almost two times greater. It can be derived based on Stage A Optimization Study Data of the World Bank financed Karnali Project (Chisapani) Study report that per KW installed capacity construction cost of the Upper Karnali Storage Project could be only about 70% of such cost of the project at Chisapani. If such comparative cost reduction advantage is treated as extra bonus to accrue to Nepal in addition to normal royalty to be received from private developer then Nepal might be able to receive per year about US \$ 300 million as extra bonus which is the gross value of the total annual paddy produced in the whole country considered to be between 2.5 to 3 million tons at a price of about US \$ 100 per ton.

Duty of Engineering Community

Even foreigners, like Mr. Terrell, are seen to be deeply concerned about the mishandling of our natural resources. Alas, our own relevant authorities are hardly seen to be caring.

National Planning Commission and other related institutions instead of trying to distance themselves to avoid confrontation with their superiors should collaborate with other institutions on vital water resources development issues. Various relevant institutions, like Engineering Association, should also play active role in the development of our water resources projects. In the USA institutions like the American Society of Civil Engineers (ASCE) play very big role in development of civil engineering works. The ASCE publishes relevant technical journals. The ASCE guidelines are widely used for planning and designing hydroelectric developments. Certainly it is the duty of Engineering Association representing our engineering community to generate awareness about proper assessment of our development works among the policy makers by regularly holding discussions and seminars and prevent the great misfortune of our country being robbed of the opportunity to benefit from vital projects such as the Upper Karnali Storage Project which might be among the very few most attractive project in the whole world.

In Conclusion

Our grandiose national plans to develop our water resources to uplift the living condition of common Nepali would be nothing more than an empty rhetoric if our policy making institutions failed to intervene in time to save the 4180 MW Upper Karnali Storage Project which might be the best in the world for the generation of cheap peaking energy on a large scale. We should not hesitate to invite competent foreign experts for advice if we find ourselves not capable to make correct judgment on this very important matter. ■

(Dr. Thapa writes on water resources)

INTERIM GOVT

Operation Digression

The seven parties have dithered over inducting the Maoists into the interim government

By SANJAYA DHAKAL

Whatever they say in public, the key constituents of the ruling seven party alliance have shown hesitation in welcoming the Maoists into the interim government.

Last week, after the UNMIN reported to the government about the completion of the first phase of combatants registration and storage of weapons, the Maoists were feeling excited over their entry into the interim government.

The seven-party government, too, seemed to have left with no option than to welcome the comrades.

However, their path to Singh Durbar seems to be paved with thorns. First it was the message-bomb by the King – which completely overshadowed other political subjects for a couple of days. Maoist chairman Prachanda went on record saying that they now accorded top priority to declare republic right away while the issue of their joining the interim government or the holding of Constituent Assembly (CA) itself were under shadow.

As Prachanda took his eyes off the ball (the CA), there were simultaneous developments in the political field. Amid the flurry of foreign visitors to the Baluwatar residence, there were equally disturbing news about Maoists brandishing weapons in places like Udayapur; their cadres roughing up drivers in Lalitpur; open bragging by an Maoist MP that he carried pistol into parliament; and the increasing criticism over the huge discrepancies in the number of combatants and

number of weapons stored by the Maoists.

Quite suddenly, Prachanda and his comrades found themselves on the back-foot. They lost no time in backpedalling over the republican issue. “We have not made unilateral proposal to go for republic right away. We want to make this decision by consulting with other party leaders,” said Dr. Baburam Bhattarai, Prachanda’s chief comrade-in-arms.

Another senior Maoist leader Mohan Baidya added that his party did not want to ‘cross’ seven parties by declaring republic unilaterally.

Adding to the flummox, the Unified Marxist Leninist (UML) registered an amendment proposal at the parliament proposing to insert a clause in the interim constitution by which the King can be removed through the passage of motion of impeachment by two-third majority.

The UML’s sudden registration of the proposal has not only peeved the Maoists as well as the NC but also created distrust among them. The eight parties had earlier agreed to decide the fate of monarchy by a simple majority in the first meeting of the elected Constituent Assembly (CA).

Despite a series of meetings with Prime Minister Girija Prasad Koirala and senior NC leaders, the Maoist leaders have not been able to convince the government leadership about the need to urgently form the interim government.

In his recent television interview, Prachanda predicted that the Maoists



Prachanda: Anxious wait

would be in government at least by the end of Falgun (mid-March). “If the interim government is not formed by the end of Falgun, I don’t think it will be formed at all,” he disclosed.

In the same interview, Prachanda said his party will demand respectable cabinet berths in proportion with other parties. “We will demand some of the important portfolios like defense, home, information and communication, finance and foreign affairs

In his meetings with the Maoist leaders, PM Koirala is learnt to have urged them to control the unruly activities being carried out by the Maoist cadres in different parts of the county and public display of arms in the recent days. According to Nepali Congress general secretary Ram Chandra Poudel, there are still some more issues to be settled before the issue of Maoist inclusion could be finalized. He said the Maoists still needed to clarify about their arms that remain outside the cantonments for the security of their leaders. “And they must also hand back the seized properties and lands and allow the displaced to return home,” Poudel said. ■

TERAI AGITATION

Strike Resumes

After a month of hiatus, the Madhesi Janadhikar Forum (MJF) resumes its Madhes agitation

By SANJAYA DHAKALA

Terai region finds itself once again amid the turmoil after the resumption of indefinite Madhes bandh by Madhesi Janadhikar Forum (MJF).

The MJF has decided to re-launch its indefinite general strike across Terai region from March 6 claiming that the government was indifferent towards meeting their demands.

Earlier, the MJF had suspended its agitation in Terai following the address by the Prime Minister on February 7. They had vowed to resume it in case the government did not create environment for talks by removing Home Minister Krishna Sitaula.

In his address Prime Minister Girija Prasad Koirala had met their demands of guaranteeing federal restructuring of the state; holding the Constituent Assembly (CA) elections on mixed-proportional basis; and increasing the number of electoral constituencies in Madhes based on increased population, among others.

The MJF, on the other hand, had demanded full-fledged proportional electoral system; population-based reconstitution of constituencies and recognition to autonomous Madhes region.

Following the PM's address, the MJF had halted its strike saying it was willing to negotiate with the government. However, its pre-condition of sacking Sitaula and forming an independent panel to investigate atrocities during Terai agitation were not fulfilled by the government. Twenty-nine persons were killed during the three-week-long

agitation in the region.

MJF president Upendra Yadav had said that they will intensify their agitation in case the government turned deaf ears to their demands for meeting the preconditions. The forum declined formal invitations by the government talks team too.

On the other hand, angered by the indefinite strike and rising trend to target 'roads' by all sorts of agitators, half a dozen transport entrepreneurs' associations vowed to defy the bandh call saying it would incur huge losses to them and the general public. Nepal Transport Entrepreneurs' National Federation, Nepal Truck Tanker and Transit Entrepreneurs Federation; Nepal Transport Independent Workers Organisation, Nepal Transport Workers Assembly, Nepal Transport Workers Association and All Nepal Transport Workers Associations jointly vowed to defy the call of bandh.

Likewise, on the eve of resumption of MJF strike, trade unions affiliated with Nepali Congress, UML, People's Front and the Maoists have also vowed to defy general strike called by the MJF in Terai. They have formed a steering committee to ensure that factories continue to operate. They also declared to defy bandhs called by any party or organization in the coming days.

Business community active in Sunsari-Morang corridor have warned that they would stop paying revenues to the government if the latter fails to create smooth environment for operation of business activities.

Business Derailed

When the irate business leaders met with the Minister for Water Resources early this week, they vehemently demanded the withdrawal of the crippling load-shedding, which has virtually derailed the whole business-industry sector.

Delegations of Federation of Nepalese Chamber of Commerce and Industry (FNCCI) and Nepal Chamber of Commerce (NCC) took turns to meet with the minister Gyanendra Bahadur Karki. The minister could promise them nothing more than oft-repeated commitments to improve the situation.

But as the minister himself had early said in public frequently, Nepalese business community will have to be ready to suffer from similar crippling hours of power cuts at least up to 2012.

Earlier, the business community had issued a statement saying that load shedding of over six hours a day have cut down their manufacturing capacity by 40 percent.

The Federation of Nepalese Chamber of Commerce and Industry (FNCCI) gave this information at a press meet organized last week. FNCCI's vice president Kush Kumar Joshi appealed for alternative energy to the business and industries.

He also advised the Nepal Electricity Authority (NEA) to launch campaign urging people to stop wasting power. Joshi said such campaigns could help bring down demand pressure on NEA. According to him, the daily demand of 200 MW power of capital valley can be brought down to 120 MW if such campaigns are successfully held.

The FNCCI has warned that load shedding will affect the productivity and yield of the industrial sector. Joshi said every year, the industrial sector alone were paying Rs 5.86 billion as electricity dues to the NEA.

CONSTITUTION IN MAKING

Values In Crisis

Trapped in a very dangerous experiment of lawless law with neither the country enjoying continuity of previous constitution- which was popularly legitimized by people through series of elections - nor any foreseeable chance of the people getting opportunities to choose their representatives for the Constituent Assembly, Nepal is heading towards the prolonged course of instability and disorder. As the country prepares to write a constitution, all democratic values are in crisis. The uncertainty - which the interim constitution has unleashed in the country - is going to prolong for an indefinite period and the possibility of holding the elections for constituent Assembly is vanishing. Now, the instinct for survival is the only hope for the nation. Otherwise not only Nepal will suffer but this situation may involve the peace, security and vital interests of many countries - far and near

By KESHAB POUDEL

"The interim constitution must guarantee the right of indigenous ethnic community to elect their representatives for the Constituent Assembly on the basis of proportional representation and ethnic, geographical basis," said Navin Chitrakar, member of Nepal Federation of Indigenous Nationalities (NFIN).

"Terai's demands of federalism and the elections for Constituent Assembly on the basis of proportional representation must be incorporated in the interim constitution. Otherwise Madheshi will not allow holding the elections for Constituent Assembly," said Jitendra Dev, chairman of Madheshi

Loktantrick Manch and UML leader.

"Since the interim constitution has not guaranteed rights of marginalized community how will the underprivileged and marginalized communities get the opportunity to elect their representatives for Constituent Assembly," said Tek Tamata, an activist pleading for marginalized Dalit community.

If these opinions expressed by various ethnic and linguistic groups, marginalized communities, civil society members and leaders of political parties in two days conference organized by Constitutional Advisory Support Unit/

UNDP are any indication, they show that the values are in crisis in the process of constitution making and the issue of regionalism and ethnicity is dominating the agenda.

As many groups are coming up pressing to fulfill their demands of regional, ethnical and gender questions, the core values and ideals of democracy has become a matter of little concern. If this trend continues, there is no immediate sign of holding the elections for constituent assembly and writing a constitution to bring back the normalcy and stability in the country. After the

abrogation of previous constitution and promulgation of present interim constitution, Nepal is trapped in a vicious cycle of instability and chaos giving up all democratic values.

"Nepal has been trapped in a very dangerous experiment of lawless law. Neither the country has continuity of previous constitution- which was popularly legitimized by people through series of elections - nor there is any foreseeable chance of the people getting opportunities to choose their representatives for the Constituent Assembly. The present interim constitution has no popular legitimacy as it was imposed from the declaration of the legislative-parliament - which itself is a self appointed supreme body above the reach of accountability to the people," said a political analyst.

According to the analyst, now, the instinct of survival is the only hope for the nation. "The people, their political leaders and activists may instinctively find out some ways by consensus or reconciliation to get rid of this never ending dark tunnel. At the same time, it requires the same kind of good will and consensus for Nepal by the closet neighbors as well as its distant friends who have enormous sympathy and support for Nepal," added the analyst.

Sidelined Agenda

Others, too, agree that fundamental issues regarding the constitution making are sidelined and presently other issues of regionalism, federalism, right to self determination, separatism, ethnic questions and rights of marginalized communities are dominating the agenda.

"The fundamental constitutional issues that needed serious debate have been sidelined or completely ignored. The fundamental constitutional issues or values like supremacy of written constitution and independence of judiciary, role of supreme court as final arbitrator of constitution, separation of power, distribution of power and nature of federalism or federation do not find place in discussions," said former attorney general Badri Bahadur Karki, addressing the program on constitution making after conflict. "Any constitution



Conference on constitution-making: Diverse views

to be framed by a constitutional assembly, that is the sovereign representative body of sovereign people - can only enact a constitution embodying and enshrining those basic fundamental of constitution or constitutionalism only in the atmosphere of highest degree of consensus among the principle political actors. But, the same is totally missing as of now. The simple and apparent example of this is the present interim constitution itself which is not supreme - what is supreme is the leaders of eight parties. This has led to the common belief that what the eight party leadership say is the constitution of present day Nepal," he said.

"Let us not project and present Nepal before the world that Nepal totally lacks the constitutional experiments. Nepal's experience and experiments involves six different kinds of constitutional documents which is unique in itself by every constitutional standard. Therefore what is needed is to utilize positive experience and experiments to address present crisis and not repeat mistakes committed in the past," advocate Karki added.

According to advocate Karki, a constitutional document which is considered supreme law of the country has to be a common property of the

people and common heritage of the country. It is not the case now.

Although it was promulgated with great enthusiasm interim constitution, initially touted as the first ever constitution that made people supreme, it was denounced as a discriminatory less than 24 hours after its promulgation.

From political leaders, to constitutional experts and ethnic groups to regional groups, nobody has shown ownership to the present interim constitution. Though the interim constitution drafted was to hold the elections of Constituent Assembly, everybody wants the guarantee of their rights in it before holding the elections for CA as only eight parties enjoy all the powers and privileges under it.

"The constitution is discriminatory and it divided the people in different lines. Indigenous community will not get proper representation without amending this constitution," said general secretary of NFIN.

Solution of Present Crisis

Political leaders, whose short-sightedness is responsible in bringing the present phase of serious crisis - see holding the elections for constituent assembly is a permanent solution of the present crisis. "There is no way out but to hold the elections for Constituent Assembly in June. If we cannot hold the

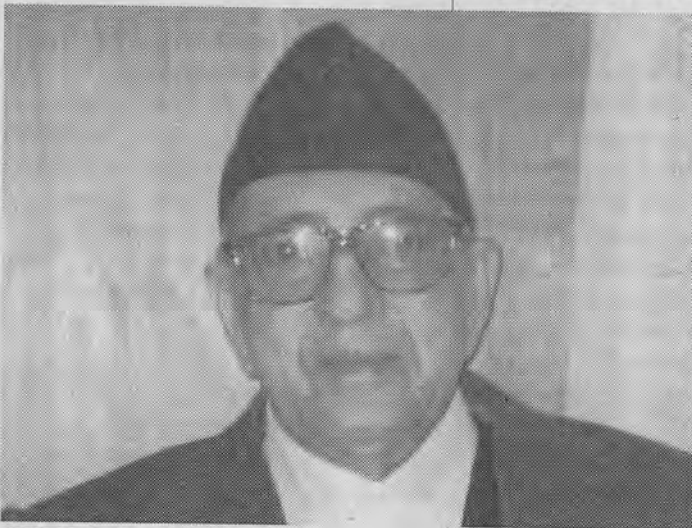
elections in June, the country will have to face new crisis," said CPN-UML leader Bharat Mohan Adhikary. "We must create proper atmosphere to hold the elections for constituent assembly.

Other groups, however, want to include their demands in the present interim constitution. "People of various indigenous groups and Madhesis will not allow holding the elections for CA without addressing our demands," said Vijaya Lal Karna, journalist and Madhesi activist.

The situation of the country is now such that nobody knows way to get rid of the present uncertainty. "An extraordinary situation alone may help Nepal get rid of the present mess otherwise not only Nepal will suffer but this situation may involve peace, security and vital interests of many countries far and near. The uncertainty which the interim constitution has brought in the country is going to be prolonged for an indefinite period. There is no hope of holding the elections for constituent assembly on time which is yet being repeatedly promised to the people," said the analyst.

Making the Constitution

Whether it is possible or not, Nepal has already decided to write the constitution through the elections for Constituent Assembly. Although there is yet to be a consensus on fundamental values of the new constitution, political parties are eager to announce the date for it.



PM Koirala: Politics of power

"A constitution could be made in many ways, but in the light of recent developments in Nepal and of recent international practices, a constitution would have far greater legitimacy or acceptance in the eyes of Nepalis and others if the process of making it involved a great deal of participation. It is what the people of Nepal are expecting," writes Yash Ghai, chairperson of CASU/UNDP.

Though it is less than three months away, the enthusiasm about the holding the elections for constituent assembly is gradually fading as many new issues are surfacing. As the new issues are appearing, country's political leaders, civil society members, too, seem to be gradually losing hope that the elections for the constituent assembly will be held in accordance with the schedule. Despite determination of political leaders, uncertainty is gradually looming in the horizon.

"I want to see the elections of Constituent Assembly elections in June as it is the demands of Nepal Bar Association. However, looking at the ongoing political scenario indicates that the elections for CA will not be held in June," said Bishwo Kanta Mainali, president of Nepal Bar Association. "The situation is so confusing now that it is unclear whether the CA will make the constitution to strengthen the democratic values and ideals or to address the



Legislative-parliament: Where is it accountable to?

issues of ethnicity, regionalism and castes.'

Confusion On Values

Political leaders and some civil society members argue that the interim constitution draws the line for constituent assembly as it makes the people supreme and sovereign.

However, the agenda for the constituent assembly is yet to be clear. "When we formulated the constitution in 1990, we were given agenda to frame the constitution on the basis of multi party democracy and constitutional monarchy. Giving supreme status to the leaders of eight parties, the interim constitution has established a new value system of eight party domination in the name of supremacy of people," said Nilamber Acharya, former minister.

After the promulgation of interim constitution, the whole value system evolved in the process of five decades was completely destroyed. Yes, the people have been made sovereign by interim constitution in an Orwellian syndrome where some are more sovereign than the others and that has become a class of leaders. The leaders themselves have been a class different from the grassroots workers in the

political play. In a most sophisticated democratic exercise, political parties have been perverted into a class of new feudal.

In a competition to grab the power, politics of self governance is being distorted into a tribal fragmentation of society. A hard felt emotional expression has come recently from a British friend of Nepal who said with a tinge of sadness that Nepal does not have a father of nation or national leaders of commitments for a higher value.

At a time when the country is in the process of making constitution, there is a crisis of values. In spite of talking about the need to reestablish democratic ideals, values, the debate is more focusing on rights of ethnic, religious, linguistic and regional groups.

Accountable to Nowhere

Present interim constitution destroyed all the essence of accountability. In traditional monarchial order, the King has to undergo an oath to maintain the trust of the people as the highest authority of the state but the people do not get alternative remedy except the right to rebel. In a democratic system, a politician renews his commitment through a periodical election to the supreme law making body.

As Nepal has been practicing constitutional monarchy in the form of parliamentary democracy, the accountability of the chief executive and law makers have been effectively established making the king in constitutional terms a figurehead for a counter check - it does not make the law though it is a part of the parliament; it does not interpret the law though judges are appointed through it; and it does not execute the law though it appoints the prime minister.

Recently abrogated constitution of Nepal 1990 had transferred all the constitutional powers from the King to the elected representatives to the people. They were accountable to the people and under binding of commitments through their elections manifestations. That was a new form of oath taking than that of the traditional monarchy.

Periodical elections were opportunity to the people as a power of reward and punishment to keep the representatives under the oath loyal to the people. There was a provision of impartial and independent judiciary which was to get matured by constant practices. All these provisions were there as check and balance of a democratic governance.

The people even at the lowest and weakest level had constitutional guarantee of rights of a person against the state in the matter of liberties. All these things were there in practice since democratic change of 1951 but the political instability of the country disrupted the values several times.

"The promulgation of Constitution of Kingdom of Nepal 1990 was itself a severe jolt to the evolutionary process of the constitution. The understanding between politicians and king at that time was to accommodate the multi-party democratic concept by amending the previous constitution but some over-enthusiastic persons in the drafting committee suggested a completely a new constitution. This disrupted the constitutional continuity but its most damaging aspect was to make all the judges of judiciary from the chief justice of Supreme Court to the judges of district court to seek reappointment by the mercy of political centers. It has passed through a very difficult stage of promulgation but the periodical elections for the parliament had, slowly and gradually, made it stable and effective," said the analyst.

The most unfortunate period for the previous constitution was the postponement of elections for indefinite period by the proclamation of the King



People of far west: Demand for identity

on October 4, 2002. Since that day the political polarization began into King Vs political parties.

"Unseen and invisible forces entered into the game and the politics of Nepal at present has gone beyond the capacity of King, the political parties and its people at large. For the success of popular April uprising, major political leaders of this country went to New Delhi to make an understating among them. The 12 points agreement, which was signed in New Delhi, was more basic than the basic law of this country including this interim constitution," said the analyst.

"From 12 point agreement signed in New Delhi to latest document of the interim constitution - all are interlinked in a chain of process. But, nobody is in a position to speak authoritatively and with confidence where it will lead this country," said the analyst.

Politics of Nepal has been degenerated to the level of power mongering. Not only on the cost of ideology and values but even at the cost of the national interest and its very existence also. ■

“Our Whole Concentration Must Go On How To Hold The Elections For CA”

-Sujata Koirala

SUJATA KOIRALA, the only daughter of prime minister and Nepali Congress president Girija Prasad Koirala, is emerging at the center-stage of Nepali Congress politics. Heading the organization called Sushma Koirala Memorial Trust, which has been working in more than 40 districts of Nepal, Koirala has been taking a bold stand in her party even demanding the resignation of home minister. Daring and dynamic, Koirala is gradually creating space in the party. Elected member of Nepali Congress central committee and nominated member of present Legislature-Parliament, Koirala spoke with KESHAB POUDEL on country's overall political scenario. Excerpts:

We should not repeat the mistakes like that committed by King Gyanendra. We should not be irresponsible towards people and country as he had been. The way Maoists are demanding the abolition of monarchy from Interim-legislature is irresponsible

How do you see the present political situation?

The country is in most difficult phase of its history. One of the major problems is that of law and order. As long as we cannot maintain law and order situation, we cannot hold free and fair elections of Constituent Assembly. If this situation continues, people will lose faith in democracy. I am not the only person who is saying this. There is virtually anarchy in the country. Even MP's have been raising this issue.

As various rumors regarding prime minister Koirala are coming out, as his daughter how do you see his health now?

It is definite that he is getting older and his health is not like it used to be five or ten years ago. But the rumors spreading in the market are completely false. Every one knows because of his age, he cannot be active as he once was. But he is spending almost all his time to fulfill most important historical duty to hold the elections for Constituent Assembly and restore peace in the country.

Then, why such rumors are spreading?

They are intended to bring uncertainty in society.

You are the person who was badly hunted during King Gyanendra's 18 months rule when then government even tried to put you in prison on charges of corruption but you are now speaking in favor of ceremonial monarchy. What do you say?

First of all, we should not repeat the mistakes like that committed by King Gyanendra. We should not be irresponsible towards people and country as he had been. The way Maoists are demanding the abolition of monarchy from Interim-legislature is irresponsible and non political demand. Instead of focusing on criticizing monarch and his actions, we need to support the efforts to hold the elections for CA. Interim constitution has clearly said that the first meeting of CA will decide the fate of monarchy. It is for the people of Nepal to decide whether they want monarchy or not. Eight parties cannot take the decision on monarchy. This is my own conviction.

What is your party's stand when various individual members have been talking about various things on monarchy?

So far as our party's stand is concerned, our party has made it clear that it is against the active and absolute monarchy. What others are saying are just their individual views. By endorsing the interim constitution, we have already accepted to respect wishes of the people. At a time when the constitution does not give any role and

place to the king, it is useless to talk about the monarchy. Our whole concentration must go on how to hold the elections for CA.

But even your home minister reportedly demanded removal of monarchy. How do you look at it?

First of all, our priority should be to hold the elections of CA. As a home minister, his duty is to maintain law and order and conduct the elections in free and fair manner. When he fails to maintain the law and order, it is nonsensical for him to talk about republic.

Personally, how do you feel about the monarchy?

If you ask me personally, the King had made every effort to ruin my political career. He even mentally tortured me by forcing me to leave the country at mid-night and under disguise. I am one of the persons in Nepali Congress who was badly humiliated by the King. They are all my personal matters. I cannot take same kind of vendetta against the King. As it is said, it is the people who have to decide whether they want monarchy or not. This is the issue which the elections of CA will settle. It is not a matter to be judged based on my personal likes and dislikes. As a democrat, we cannot be irresponsible.

There are reports in newspapers that you are emerging in the party's leadership. What do you say?

I have not dominated anybody. I have my own opinion. I always rely on party workers. What I want now is the solution of present political problem. I want to see the stable and prosperous Nepal. I have not joined the politics to get any position. I have certain clear cut views and opinions. If party workers like it, I am pleased to express their point of views.

Turning to a different matter now, there were reports of many persons being infected by jaundice in prime minister's residence. Who do you blame?

Every one has to take responsibility for it. One cannot imagine that the water pipe running into the country's prime minister's residence will be mixed sewerage. Nobody found any time to investigate it for such a long time. It is a mess. You can imagine how the life of an old person would be like in Baluwatar.

How frequently do you visit Baluwatar?

I almost regularly visit Baluwatar but I see dirt everywhere. Following the infection of hepatitis, I asked to clean the whole place thoroughly and requested to make provisions for safe and pure drinking water.

What is the situation now like?

It has improved now. I think such stories of unhygienic residence of prime minister are possible only here.

As your party is gradually said to be abandoning B.P. Koirala's policy, how do you look at it?

I don't think anybody can give up B.P. Koirala's policy. His views are more relevant today as he is the symbol of our party. Although the time has changed a lot, his national reconciliation is still a valuable asset to Nepali Congress. Nepali Congress is patriotic, democratic and socialist party as propounded by B.P. Koirala. I feel proud to champion his ideology.

Do you have any plans to contest the leadership?

First of all, we have to go for team work. As you know, Girijababu's health is not like in the past. Since our party has many senior leaders, it is unnatural for me to aspire for top leadership now. Our efforts should be to strengthen our party and party organizations.

At a time when the country's situation is gradually eroding, do you believe that the elections for Constituent Assembly will be held in coming June?

When Girijababu has been expressing such a strong commitment to hold the elections in June as it was originally scheduled, I don't think we need to have any doubt over it. Even Girijababu has reiterated his commitment in the Nepali Congress Central Committee meeting (Sunday) that the election must be held in accordance with the schedule. Although Girijababu is old physically, he still has his own hard working spirit.

How do we believe that the elections will be held when the government is yet to present elections bill in the legislative parliament?

Prime minister has already directed to the government to table all the bills necessary to hold the elections. The government has already tabled some bills in legislative parliament and the legislative parliament will pass them within few days.

As many groups like Madheshi Janadhikar Forum and Indigenous and ethnic communities are pushing their demands, don't you think the elections cannot be held without bringing them to the mainstream?

Of course, we have to address genuine demands raised by Madhesis, Janajatis, Dalits women and other marginalized communities. It is the duty of the democratic government to address the problems raised by people. Madhesis, Janajatis, Dalits and women all of us are Nepalis. Girijababu had already addressed the nation twice expressing his commitments to solve these problems. Under his directions, an amendment proposal has already been tabled in the parliament. There are no issues which cannot be solved through negotiations. Overwhelming number of our party's central committee members have also suggested the government to take care of issues raised by these groups.

When MJF is demanding the resignation of home minister Krishna Prasad Sitaula as a minimum gesture to start dialogue, will it be fulfilled?

There were so huge losses of lives in terai during the agitation. As a home minister it is naturally Sitaula's moral responsibility. Home minister Sitaula has played very important role in bringing the Maoists to the mainstream by supporting Girijababu. If his remaining in power hampers the elections process, he must resign. I have been demanding the resignation of home minister Sitaula since last few



weeks. If there is a need to hold the elections for CA, the government has to invite the leaders of MJF and start the dialogue as soon as possible.

Your father is leading the government as a prime minister, is not it his responsibility rather than home minister Sitaula?

As prime minister has given him full responsibility of home ministry, there is no question of any responsibility on the part of prime minister. Home minister is solely responsible for maintaining law and order. Not only me but many other Nepali Congress members are also demanding the resignation of home minister.

Why have you been pressing the demands for his resignation?

As all of us know, the law and order situation has completely broken down and Maoists are openly threatening common people. Maoists are openly displaying their weapons in public meeting and police are not taking any actions against them. Even parliament is no safer where Maoists are freely carrying their guns. Maoists have not yet returned the properties of villagers confiscated by them. They are using terror tactics in villages. As a home minister and chief of government negotiation team, he has to morally take all responsibilities. Moreover, Maoist members of legislative parliament are freely roaming in the parliament with guns. In a situation when the country's law and order situation has deteriorated and many organizations like Madheshi Janadhikar Forum are paralyzing normal life in Terai, home minister Sitaula must resign.

Maoist MPs and leaders are defending home minister Sitaula saying that he is inevitable to continue peace process. How do you look at it?

It is natural for Maoist MPs and leaders to defend home minister Sitaula since he is, knowingly or unknowingly, supporting their acts. I don't think any peace process will rely on particular individual. There are charges in the party against home minister Sitaula that he is acting as if he is the minister of Maoist party.

Don't you think it is embarrassing for prime minister to listen to the criticism of his home minister from his own daughter?

Of course, prime minister is my father but I have my own personality and thinking. When I see the deteriorating law and order situation is hampering the elections for Constituent Assembly, it is my moral duty to say what the ground reality is. When I meet many of our party workers who have still not been able to return to their homes and whose properties have not been returned yet by the Maoists, I cannot remain a silent spectator. It is my duty to speak the truth. I don't have any personal grievance or bias against anybody. ■

Law and order situation has completely broken down and Maoists are openly threatening common people. Maoists are openly displaying their weapons in public meeting and police are not taking any actions against them. Even parliament is no safer where Maoists are freely carrying their guns

INCB REPORT 2006

Dangerous Abuse

The 2006 report of International Narcotics Control Board (INCB) has pointed out to lax legal provisions to control substance abuse in Nepal

By A CORRESPONDENT

Often, media reports suggest the growing trend of youths abusing drugs like phensidyl. Likewise, there have been reports of abuse of clinical sleeping tablets, anti-depressant drugs etc which ought to be sold strictly based on proper medical prescription. However, due to lack of strict laws to control them and enticed by quick money involved, these substances are availed to the youths.

Likewise, there have been cases where street children have been found addicted to glue-sniffing. Glues like dendrite are being abused by these children. But there is no legal mechanism to control the sales and distribution of these substances.

Perhaps given the rising trend of the substance abuse, the latest global report on narcotics use has pointed out to the weak legal provisions in Nepal as one the major reasons for helping this trend grow in the country.

The International Narcotics Control Board (INCB) report of 2006 has said that Nepal has problems with the legal control of pharmaceutical preparations containing controlled substances.

"This has led to widespread abuse of such preparations among all segments of the population. In general, pharmaceutical preparations are diverted from domestic distribution routes and are sold without prescription in pharmacies and various other retail outlets in the region," said Matthew Kahane, Resident and Humanitarian Coordinator of UN system in Nepal, on the occasion of the launching of the report last week.

Likewise, Dr. Philip O. Emafo, President of INCB, has cautioned in the report that it is important for consumers to realise that what they think is cheaper medication bought from an unregulated market may have potentially lethal effects whenever the consumed drugs are not the genuine product or are taken without medical advice.

The Board is especially concerned about the existence of unregulated markets where substandard and sometimes even lethal medication is sold to unsuspecting customers. The INCB has called on Member States to enforce legislation to ensure that narcotic drugs and psychotropic substances are not illegally manufactured or diverted from legal manufacture and distribution channels to unregulated markets.

According to INCB, the abuse and trafficking of prescription medicines is set to exceed illicit drug abuse. In fact, medication containing narcotic drugs and/or psychotropic substances has become a drug of first choice in many cases. The demand for these drugs is so high, that it has given rise to a new problem – that of counterfeit products.

Abuse of prescription medicines can have lethal effects. "The danger is real and sizeable. The World Health Organisation (WHO) estimates that 25-50 per cent of medicines consumed in developing countries are believed to be counterfeit," Kahane said.

The INCB report and its recommendations should serve as a wake-up call to the authorities. ■

BILL TO TAME PARTIES

The government has tabled the bill on political parties at the interim parliament on Friday. The bill, which was registered at the parliament secretariat a few days ago, was tabled on Friday. It proposes to make it illegal for political parties to announce bandh.

The bill proposes that parties avoid organizing any programs like bandh that can affect country's economy or traffic blockades that affect people's lives. Likewise, the bill proposes against wall-painting, pasting and graffiti-writing by parties on private properties without owners' consent. They are also asked not to vandalize public or private properties when organizing their programs. All these activities have been deemed illegal.

Another significant aspect of the bill is that it also attempts to introduce the concept of state-financing of parties. The bill proposes that the state provide grants to the parties based on the votes they garner. Parties that garner at least one percent of votes in the national elections will be granted with proportional amount of resources.

It has also made provisions regarding the donations or financing of the parties by national or international government, organizations or individuals. The bill also prohibits the parties from enlisting corrupt persons, black-listed defaulters and those declared bankrupt by the court, as their members.

It asks parties to make their executive committees inclusive and properly keep and regularly publicize the asset lists of their office-bearers.

As per the provision in the interim constitution, the bill makes it mandatory for parties to submit signatures of 10,000 people if they want to be registered at the Election Commission (EC). This provision, however, will not be applicable to the parties that are represented in the current parliament.

The parties will have to audit their financial transactions and present the report to the EC within six months of the completion of a fiscal year. The EC can impose fines on the parties who do not abide by this provision. The bill will come into force after the parliament approves and enacts it. ■

EXHIBITION

Painting of Darkness

Various artists from India and Nepal painted arts based on BP Koirala's story Ek Raat

By A CORRESPONDENT

As philosophers say, man is born free. It is definite that human being enjoys their life in freedom. This is what one can see in the expression expressed by various painters of Nepal in week long painting exhibition based on the Ek Raat story of B.P.Koirala.

Organized by Embassy of India and BP Koirala India-Nepal Foundation, the paintings displayed at the wall of Siddhartha Art Gallery express human feelings and suppressed voices.

From difficulties to agonies, Nepal's prominent artists displayed various facets of feelings associated with freedom of individuals. Inaugurated by Indian ambassador to Nepal Shiv Shanker Mukharjee a week ago, the

exhibition is on till March 10.

From prominent Nepali artists Ragini Upadhyay-Grela, Durga Baral to Ratna Kumar Rai, Hridaya Ballav Pandey, Radheshyam Mulmi, Chanda Shrestha and Indian artists S Pranam



Singh, DP Mohanty, Hiralal Prajapati, Santosh Kumar Singh, Vijaya Singh and Dr. Shrivanta's paintings decorated the wall of Siddhartha Art Gallery.

Each paintings conveyed the story of human bravery, sacrifice for the cause of freedom and emancipation in their own ways. From revolution to emotion, the paintings describe various moods of human.

"My paintings depict the two different phase of Nepalese society as they portrayed the time of 2022 BS and 2062 BS," said Grela under whose request the exhibition was organized.

"Ek Raat has been shown in two different genres of art and both have done it beautifully and are very relevant in today's context," said Gopal Bagley, Consular at the Indian Embassy.

From color to imagination, painters have used all kinds of media to express their inner feelings regarding freedom and liberty. Although the feeling regarding the freedom and liberty are abstract, every one can feel it whenever some one tries to depict it through art. This is what one can see in the paintings.

As almost all artists are well known in their field, they have carefully plays with colors and their themes of freedom to bring out real message regarding the importance of freedom in human life.

MADHU CHHETTRI

Legendary Singer

Madhu Chhetri's recent solo concert reminded the people about the talented singer

By A CORRESPONDENT

Although he was an outsider to the valley, singer Madhu Chhetri established himself as a popular singer in Nepal. In his three decade long career, Chhetri had sung more than 250 songs.

Like many other modern singers, Madhu Chhetri has a unique place in Nepali music. Having entered into the music field three decades ago, Chhetri has many popular songs in his name. Born in southern town Birgunj, modern singer Madhu Chhettri dominated Nepalese music market during the decade of 1980s with some very beautiful

songs.

Following more than three decades long experiences in modern Nepali music, Chhetri performed a solo music program recently in town. He sang dozens of his songs in the full-capacity crowd at Birendra International Convention Center.

Madhu Chhetri has established himself as a popular singer. He started his career in early 1980s - the singer from Birgunj, southern border town, has contributed many popular songs to Nepali music.

In early days, singer Chhetri also sang



duet with another popular singer Udit Naryan Jha who is one of the popular singers in Bollywood now. From Bhojpuri to Nepali, many of his songs were quite popular.

Along with Nepali and Bhojpuri, Madhu Chhetri also sang a number of songs in Tharu language. In his long career, this singer received a number of awards including Chhinnalata Award, Birendra Aiswarya Award etc.

When he sang his songs in Madhu Chhetri Ekal Sanjh 2063 on March 4, the crowd at BICC hall was thrilled.

“Nepal Has A Unique Advantage To Bring The Best Constitution In The World”

-Nicholas Haysom

Professor NICHOLAS (NICK) HAYSOM is a well known constitutional lawyer of South Africa. A former legal advisor to the former South African president Nelson Mandela, Haysom worked as a consultant in Burundi peace agreement. Haysom also involved in Sri Lanka and Indonesia. Haysom, who was in capital recently to share his experience in a conference on constitution making by Constitutional Advisory Services Unit/UNDP, spoke to KESHAB POUDEL on various issues related to difficulties and challenges on constitution making. Excerpts:

Every one has been talking about South African model of Constitution making process in Nepal. Which of its experiences are applicable in Nepal?

My own experience is also beyond South Africa as I participated in transitions in African and other Asian countries including in South Asia. South African model has a greater capable logic in a way of transitional roadmap construction. That is applicable to many societies which are in transition. What comes after the roadmap is much more particular. The logic of transition has much greater universal applications. South African one is acknowledged as a successful transition from a very difficult situation to remarkably peaceful and prosperous one. So, it is understandable that Nepalis would look to the South African model to see what it proposed. Some aspects of South African model have already been applied to the transition. In fact, I don't want to call it South African model. It is a more gradual international based practice around transition which was applied in South Africa and now it is being applied here.

What is the purpose of using this principle?

To guarantee certain outcomes of transition, South Africa used a technique like the use of two phase process in interim constitution- the constitution making assembly and final constitution.

Apart from that, there are some concerns in Nepal which were similar to South Africa. The concern in Nepal has been expressed about inclusiveness, pluralistic democracy, independent judiciary and identity of nation. The constitution making should not be an elite process as Nepal is characterized by diversity. It needs to be expressed that there is diversity in constitution making process allowing access to all the groups.

Why everybody wants participation?

Nobody wants to make the constitution for another five years as everyone knows that they have been lost in experimenting constitutions one after another. Everybody should be given opportunity to have ownership of the constitution. And how can you express that need for ownership in practical functioning of constitution assembly is very crucial.

You quietly listened to the two-days of dissections. How do you see the challenges of making and implementation of modern constitution in a country which does not have any modern institution like that of those colonial countries?

Look, you don't need to have same colonial experiences to implement and make a constitution if your head is clear and you have absolute faith in the values included in the document. Of course, you have very different settings than the South African. But in any transition, you need to incorporate wide range of groups including many of whom who feel that they have been marginalized in the past. Like in Africa, there are strong voices of marginalized community in Nepal.

Don't you see advantages for countries like South Africa and India- which had colonial past – than Nepal?

There are some issues which would come to the fore when you are looking at your substantive text in South Africa as with India, former British colonies. One of the advantages of both the

countries is that they have relatively strong rule of law consciousness and institutions. I don't know whether Nepal has developed those to the same extent. If you do have developed the institution of rule of law and rely on those institutional mechanism of enforcing the constitution, the rule of law and guaranteeing the right, it makes easier for you. If you don't develop such institutions and people are less satisfied with them, then it will create problems.

Being a small country between two big neighbors and being a multi ethnic and multi-religious, multi-linguistic country, how do you view the debate on federalism?

These are very broader issues and federalism itself has a broader trend. Many countries want to establish this pattern of government as a closer to the people and more accountable to them. But, there are quite some difficulties in the implementations of system of federalism. The viability of the units and number of units and so on are difficult to determine. We need to recognize that there are differences within federalism between federal and non-federal state. Some federal states are more unitary than the unitary states and there are some unitary states which are more federal than federal states.

How do you see its relevance in Nepal?

Slogan of federalism is something - which Nepalis people fashioned themselves - that have a wide range of options. I would not underestimate the difficulties of implementation of federalism in the country like Nepal. Even South Africa has adopted federalism with unitary features. There are nine states - each has legislatures, executive and degree of law making functions largely responsible for essential service. The countries like Nepal - which wants to establish new kind of national identity which includes the people that were previously excluded from the notion of national identity - has to pass through these kinds of debates.

Can the federalism accommodate all ethnic identity?

Whether federalism and autonomy accommodates ethnic identity is not a question. The question of ethnic identity

is everywhere in the world. From a country like France to Asia and Africa that are dealing with diversity are facing this new crisis. This is particularly a 21st century issue. All the notion of culturally homogenous countries with single prototype is challenged. People of different religions and different languages are coming to challenge the prototype. In terms of diversity of languages, religion and ethnicity, Nepal has many similarities with India. It is real challenge to manage the heterogeneous and diverse population.

What kinds of federalism do you prefer?

You grant autonomy to the small units particularly on the basis of cultural and religion but for delivery of administration and delivery of public service you need a viable administrative unit with some kind of resources base and human capability. There are ways of establishing certain autonomy. As I was listening, too many fully autonomous units are too much for a small country like Nepal.

If five previous constitutions were thrown into dustbin without experimenting them for a certain period of time, how would anyone guarantee that the forthcoming constitution will be sustained?

The point I would like to make Nepalese constitution maker is that Nepal is one of the last countries making the new constitution in the year 2007. One of the advantages for Nepalese is that they can look around the world and broaden imagination to deal with wide range of institutions and mechanisms. There is a constitutional technology available to deal with problem much broader than in the past. Nepal has a unique advantage to bring the best constitution in the world.

A decade ago we also used the best technology available in the world and three subsequent elections for the parliament were held under the previous constitution. It again failed. Where do you think the fault lies?

I particularly distinguish the present constitution making with previous exercises. This is the first time when you are making the constitution through



popular involvement of the people that gives it more advantages than all the previous constitutions. If the upcoming election will be popular, there will be popular ownership. This means people will defend the constitution they made. If the constitution making process provides truly genuine popular participation, it is wonderful opportunity for education and nation building. People will know how it binds them and what are the new values it wants to celebrate. In that way you can jump into the future in a way which other societies have not been able to do.

What is your impression about Nepal?

This is a typical way of constitution making process elsewhere in the world through popular participation. The challenge might be to find a way to supplementing political party representation together with an open access to the man in the street.

Looking at the experiences of other countries, how easy is it to bring the constitution through the constituent assembly in a very short span of time?

Of course, it is not an easy way out but you have already entered into the process of constitution making through the popular participation of people. The constitution is much more important document through which a nation is created. It not only expresses the relations internally but its relations to the outside world. This means that the way in which one makes the constitution is as important as product. If people play a meaningful role, it will last for long.

If constitutions made by Constituent Assembly represented the

popular participation, why many countries of the world including some South Asian countries saw it thrown to dustbin?

Writing a good constitution is easy as we have knowledge to do it. Making it good is going to be important. It also embraces a task of making a nation. That is much more difficult than making a state.

Nepal has had the institution of monarchy as a unifying institution. And now political parties want to declare Nepal as a republic. How do you look at it?

I don't know about the situation in your country. It will be largely on the people of Nepal to decide whether to retain the monarchy or to introduce republic. If it divides the nation it would not be right to retain the monarch. If it unites the people, no doubt it should be retained. We must respond to the wishes of people. The issue is what keeps people together is a sense of belonging, shared values and understanding of common destiny. Those three are what are really important.

As you worked as a legal advisor of Nelson Mandela, how did he pursue the national reconciliation? As Nepal is divided now, how important reconciliation is now in Nepal?

It appears to outsiders in any event that Nepal is in a need and perhaps even in engaged process of reconciliation which is a process of bringing the citizens together dealing with the past so you can go into the future. Each country follows the different modalities of reconciliation. It draws on its own treatment of forgiveness of traditional modalities of reconciliation. In South Africa we followed a particular model and formed a commission of enquiry to understand what has happened in the past and in large we granted amnesty to people on both the sides who committed human rights violations provided they met the conditions. However, other societies have not followed that. What I would say about the example of Nelson Mandela is that it underlines and emphasizes the importance of leadership in a society creating a new sense of national purpose and national identity.

Nepal: The King speaks his mind

-Dhruba Adhikary

Peace accords signed in preceding months helped Maoist leaders find a place in Nepal's first interim legislature in mid-January, but their desire to create yet another bit of history by becoming a part of an interim government is as elusive as ever.

Prime Minister Girija Prasad Koirala, who heads a caretaker government of a Seven Party Alliance, is reluctant to induct former Maoist insurgents in the government until their weapons as well as combatants are registered with United Nations peace monitors.

And the process has not been smooth, amid independent media reports saying the rebels have handed in only half of the weapons they possess. In a related development, the UN Mission in Nepal (UNMIN) expressed concerns (recently) when Maoist combatants in Chitwan left their designated cantonment in large numbers. It amounted to a breach of the agreement concluded in December for monitoring of arms and armies.

While a lack of trust between the Maoists and partners in the Seven Party Alliance and among the political parties belonging to the alliance has been an element delaying the peace process, significant hindrance surfaced last week in the form of a hullabaloo originating in the palace of "suspended" King Gyanendra.

Defying restrictive provisions of the interim constitution, enacted on January 15, he issued a message addressed to "my beloved countrymen" on February 19. In it he defended his coup of February 2005, saying he had been compelled to take the step "in accordance with the people's aspirations". Gyanendra also refused to admit that a pro-democracy movement forced him to restore, through a proclamation last April 24, the country's Parliament, which was prematurely dissolved in May 2002.

The underlying tone of the message was that he would not accept measures employed to remove him (and the monarchy) from Nepal's political landscape. He selectively used words to rebuke politicians and their parties, simultaneously praising the Nepali people who, he thought, were the source of all state powers.

These polite words, however, could not impress the 330-member interim legislature - the institution supposed to represent the people's collective will. On the contrary, members of the assembly perceived Gyanendra's message as an affront to the people, and passed a unanimous resolution describing the king's statement as unconstitutional, unauthorized and undemocratic. The Koirala government was directed to take appropriate action.

Some of the deputies want Nepal to be declared a republic forthwith. The interim charter stipulates that the fate of monarchy will be decided by the first meeting of the Constituent Assembly, the polls for which have to be held by June.

Bickering among the political parties, inadequate election laws and inability of the Election Commission to announce a date for the polls have intensified the uncertainty.

Apprehensions abound. "The fact that a suspended king made a statement ... means he is challenging the people," top Maoist leader Pushpa Kamal Dahal (aka Prachanda) told an audience in the eastern town of Biratnagar immediately after the king's message was broadcast.

Prachanda's denunciation of conspiracies against democracy lent credence to demands for an immediate declaration making Nepal a republic. Analysts blame the governing alliance as well as the legislators for their lackluster performance in the preceding months, giving Gyanendra an opening to attract the attention of an ambivalent population. Events in the past decade have also proved that political parties have not been effective in mobilizing masses.

Those in favor of retaining monarchy in some ceremonial form contend that as a citizen of Nepal, Gyanendra too has a right to speak his mind. After all, he too was concerned with the "sovereignty and integrity" of the country.

Speculation that in the course of his privileged communications Koirala might have approved the king's interest to address the people has been denied by his colleagues. But Koirala himself has conspicuously refrained from reacting to these developments.

Considerable significance, however, was attached to what Prime Minister Koirala did a day after Gyanendra's controversial message was aired.



The eyes of Kathmandu were focused on the televised reports on two early-morning visitors to Koirala's official residence. The first visitor was Rookmangud Katawal, chief of the 100,000-strong Nepalese Army. The second person was omnipresent Shiv Shankar Mukherjee, the Indian ambassador to Nepal. One represented an institution responsible for defending the country's sovereignty, and the other was the envoy from an influential neighbor with which Nepal shares a porous and unregulated border more than 1,800 kilometers long.

Violence last month in some of the border districts was believed to have been instigated by some Hindu fundamentalist groups operating from Indian territory. What became palpable during that agitation was that some of the groups belonging to Terai (southern plains), known as Madhesi, raised separatist slogans. These factors obviously become an additional challenge to Koirala, who remains committed to institutionalize multiparty democracy by bringing Maoist insurgents into the political mainstream.

Ailing Koirala, at 86, has been facing severe criticism from the people at large for having failed to maintain law and order by stopping Maoist-related extortion, abductions, attacks and killings. Recurring transport and labor strikes together with cases of simmering ethnic unrest amount to a formidable challenge that a police force with low morale is unable to handle.

Koirala's commitment to human rights and democracy appears unflinching. However, if some of his recent statements are to be taken into account, he prefers to give priority to the issues that could pose a threat to national unity and independence. This was strikingly evident when Louise Arbour, who heads the UN Commission on Human Rights, visited Nepal last month. In her meeting with

Koirala on January 20. Arbour referred to increasing cases of human-rights violations. Koirala attentively listened to some of her concerns but did not hesitate to add a few remarks in an enhanced voice. He told her he could not think of compromising on serious matters pertaining to the country's sovereignty, territorial integrity and unity.

Coincidentally, army chief Katawal's views are not markedly different from those of the prime minister. In the address to his fellow officers and soldiers on Army Day, February 16, General Katawal pledged not to compromise on issues having to do with Nepal's independence, integrity and sovereignty.

In the meantime, he made it clear that the army would honor the supremacy of the civilian authority. This assurance was ostensibly added to allay fears that Koirala and other politicians possibly have about the army, which remained loyal to the king until a new army law cut off its traditional linkages a few months ago. The law abolished the system whereby the king was the commander-in-chief of what then was the Royal Nepalese Army.

The king also used to be the one taking the Army Day salute. That tradition was abandoned this year. With the commencement of new law, the Nepalese Army's role has changed from a ceremonial one to that of a functional standing force. The experience men and women in uniform gained over a decade of Maoist insurgency at home and peacekeeping missions abroad has been a foundation for their enhanced confidence.

Provisions of the peace agreements signed with Maoist rebels require soldiers to stay in their barracks, at least until the Constituent Assembly elections. On a reciprocal basis, the army also has to place an equal amount of weapons under the supervision of UN monitors.

This is a visible constraint to the Nepalese Army. Despite this, General Katawal has kept the army under his command and in a state of readiness. Had the situation in the southern plains become aggravated last month in the course of Madhesi agitation, the army would have mobilized several units as an "aid to civilian authority". Information on this preparedness came through a controversial speech one of General Katawal's deputy commanders gave at a function held in the tourist town of Pokhara early this month.

Since the speech delivered by Brigadier Dileep Rana contained critical remarks about politicians who, in his

opinion, were responsible for the instability the country underwent after restoration of democracy in 1990, it sparked a major uproar as some politicians took it as an ominous sign of an army takeover.

Rana was recalled from duty and his promotion to a senior rank was canceled. This was a punitive action, apparently taken to pacify the instant resentment witnessed in civilian circles. "Our profession does not allow us to engage in politics," Katawal said in a speech afterward.

This statement amounts to a promise that the Nepalese Army is unlikely to intervene in the country's political process. But it would be preposterous to assume that the army would not take notice of trends and tendencies in politics and allow further anarchy and disorder. Conversations with some senior officers in the past few weeks have led this correspondent to a conclusion that no number of peace agreements would convince them that Maoists have given up the path of violence to capture power.

And it would be sheer foolishness to believe that once firmly in the saddle they would not take measures to turn Nepal into a communist state - a state where freedom of association and speech and other democratic rights are denied to the people.

That suspicions are not totally unfounded was underscored by the remarks made by one of the senior Maoist leaders, Chandra Prakash Gajurel (aka Gaurav), on February 2 at an interaction organized by a group of Nepali students of Jawaharlal Nehru University in the Indian capital, New Delhi. Gajurel told his audience that the Maoist decisions to join the interim legislature and maintain a soft policy in relations with India were only a part of its grand strategy.

He also revealed that the Maoist People's Liberation Army, which initially had about 10,000 combatants, now fielded 37,000. Gajurel, who heads the foreign-relations cell of his party, also mentioned a plan to launch an urban insurgency should the Maoists be unable to obtain the objective through parliamentary exercises.

Gajurel's disclosures were made at a closed-door session (in the context of criticism of Indian Maoists who thought that in their greed for power Nepali Maoists were abandoning the revolutionary path). But the searching eyes of media did not leave the New Delhi encounter unnoticed.

An emerging scary scenario suggests

that the army's intervention at some point could be unavoidable. Such an intervention might not be in the form of a coup as in Thailand or in Fiji where tanks took to the street. Men and women who know that General Katawal was once Pakistani President General Pervez Musharraf's classmate tend to predict a Pakistani-style coup, but analysts with a more mature approach think of a Bangladeshi model.

Bangladeshi army generals asked President Iajuddin Ahmed to declare a state of emergency on January 11, just days before elections planned for January 22, to avert an election that was sure to become violent. Basic civil rights were suspended and a caretaker government consisting of technocrats was appointed.

Political parties and their leaders have been sidelined for a while, and took measures to bring corrupt ones among them to justice. No Western diplomatic mission in Dhaka issued any statement to register a protest over the army intervention. If what a British newspaper, *The Economist*, reported is true, the United Nations even gave the Bangladesh Army a nudge in the shape of a warning that if it participated in a biased poll it might lose contracts to provide peacekeepers to the UN.

Nepal's history does not provide examples of the army staging a coup on its own. It has worked on the king's orders, in 1960 and again in 2005. As the king is no longer in a position to repeat the play even if he wanted to, there appears a possibility of Koirala, who is also in charge of the Ministry of Defense, directing the army to move should it become necessary to declare a state of emergency. In present circumstances, it is difficult to expect a fair poll for the Constituent Assembly in the midst of Maoist intimidation.

How would India and the United States react if the army acted to prevent a Maoist takeover? What would be the Chinese stance? Who would the diplomats of European Union blame if such a major development took place?

What would they do should an army takeover become inevitable? It is clear that an army mandate usually runs out in time, whereas the implications of a Maoist takeover can be as unpredictable as its strategies.

(Dhruba Adhikary, who has been a Dag Hammarskjold fellow, is a Kathmandu-based journalist. The article earlier appeared in Asia Times Online)

CHINESE DELEGATION VISIT

Peace Concerns

A Chinese delegation has reiterated that China wants to see Nepal as independent, sovereign and prosperous country

By KESHAB POUDEL

At a time when countries from around the world are eagerly watching the unfolding peace process and political development in Nepal, China, Nepal's northern neighbor which shares border with Nepal, too, have natural concerns about it. Unlike other countries far away, China has security stakes in Nepal as it shares most sensitive border of about 1500 kilometers length with Nepal.

Following the beginning of peace process and change in the political situation in Nepal, a number of Chinese delegation has already visited Nepal including the government level delegations.

Led by Sun Jingtao, assistant president of China Association for International Friendly Contact (CAIFC), the delegation of CAIFC is a high-level non-governmental visitors consisting of persons having interest in foreign policy matters.

As Nepal has been passing through a

economically prosperous country.

"Our team came to visit Nepal to understand how peace process is going," said Sun after meeting CPN-UML general secretary Madhav Kumar Nepal at his residence in Koteshwor. "We are happy to know that peace process is in progress and the return of peace and stability in Nepal."

Visiting at the invitation of China Study Center - Nepal, the delegation of CAIFC, under the leadership of Sun Jingtao also met with prime minister Girija Prasad Koirala, Nepali Congress leaders, Nepali Congress-Democratic leader Sher Bahadur Deuba, CPN-UML leader Madhav Kumar Nepal and so on. The delegation also met with Maoist politburo member and head of foreign policy department C.P. Gajurel at a reception organized to welcome Chinese delegation.

"Being a neighbor and good friend of Nepal, China supports Nepal's sovereignty and independence. China

Whatever the political systems and power structures in Nepal, China's main concern in Nepal is stability and peace - vital components for the survival of Nepal as an independent and sovereign nation.

very critical phase, a Chinese delegation, which comes to get better understanding about Nepal's peace process and political transition has firmly expressed its stand saying that China wants to see Nepal as an independent, sovereign and

appreciates Nepal's support on one China policy," said Sun Jingtao addressing a reception organized by the China Study Center. "China welcomes peace process in Nepal and progress made in this country."

"You are visiting our country at a time when our country is passing through a transitional critical phase in its history. While the peaceful resolution of armed conflict is under way and is about to be settled, attempts are being made to disintegrate our country itself. However, it is heartening to find that China continues to help Nepal to restore stability, peace and national development and its such effort through the United Nation is explicit," said Madan Regmi, chairman of China Study Center Nepal. "Moreover most of the patriot Nepal's have now fully realized that our sovereignty and national independence solely depends on our own strength and struggle for existence, it is but natural for us to seek strong political support of China which is our immediate neighbor. China's Nepal Policy has remained friendly and cooperative and we Nepalese have always maintained tremendous goodwill and respect for China and its people."

Whatever the political systems and power structures in Nepal, China's main concern in Nepal is stability and peace - vital components for the survival of Nepal as an independent and sovereign nation.

"China never interferes internal affairs of Nepal and it is up to Nepalese people to settle their problems. China will be happy to see independent, sovereign, prosperous and stable Nepal," said Sun.

In more than five decade long history China continues to follow the policy of non-interference.

As Nepal has been passing through a very critical phase in its history and Nepal's neighbors are the first to face any consequence of Nepal's political instability, Chinese naturally seem to be worried about Nepal's peace process and progress. Only sovereign, independent and stable Nepal can guarantee security of Tibetan Autonomous Region of China. ■

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