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SPOTLIGHT

Nov 02-22, 2007



Changing Nature Of Conflict

Role Of UNMIN

Parliament Session : Crucial Debate

Fuel Price Hike : Will The Shortage End ?

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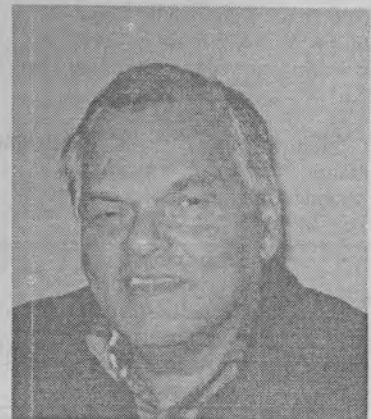
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Joshi says only national reconciliation can rescue the country from the current turmoil

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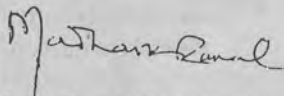
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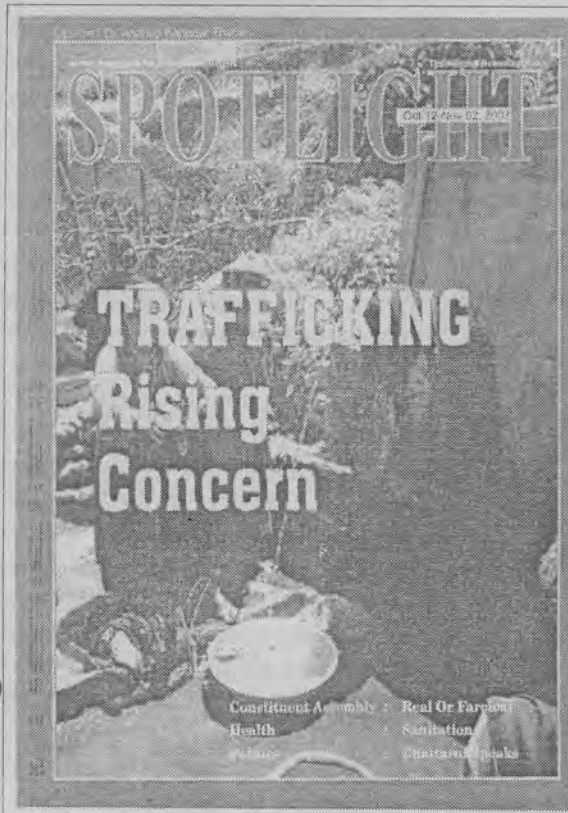
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Amidst unending miseries and increasing political uncertainties, the biggest festival of poor Nepalis has come and gone. In what way the festive occasion gave joy an happiness to the beleaguered Nepalis we don't know. But we do know the SPAM politicians are taking the country towards the brink of the precipice and the international community and Nepal's traditional friends refuse to accept the reality by giving a blind eye to their anti-national behavior. The postponement of the elections to the Constituent Assembly *sine die* has not only exposed the ruling parties and their collaborators to their bones but also disillusioned the poor Nepalis about the sincerity of the concerns shown by Nepal's friends and benefactors for the Everestean problems facing her. With such a huge and powerful country like India as its immediate neighbor on three sides that Nepal has not been able to reap any substantial benefits is a clear indication of the severe lacunas persisting in their bilateral relations. Despite the social, cultural, religious and historical commonalities, both the countries continue to harbor mistrusts and misgivings against each other. It is high time India made a detailed reassessment of her policy towards Nepal. Winning over a handful of self-oriented and unscrupulous politicians does not mean that India has won the goodwill and admiration of all the Nepalis. As a matter of fact Nepal too, it seems, has become an extension of India's failed foreign policy in her entire neighborhood. And this demands that Nepal also started reshaping her foreign policy with her two big neighbors in particular and SARRC countries in general. Her lopsided and submissive policy has not been able to win her friends even in her own region. Nepal has never made any sincere endeavors to cement relations with Pakistan, Bangladesh and Sri Lanka. Pakistan, as the second largest country with nuclear capabilities should have played a much bigger role in the region. But, she thinks, her interests lie more in her west than in her east. And as far Nepal is concerned, Nepal has not been able to make any tangible impact on Pakistan policymaking cells and as such, the bilateral relations have stayed superficial. If both countries desire, there is ample room for development. It is very unfortunate that Nepal's policy makers have never thought of expanding her relations with Bangladesh and Sri Lanka. Even Nepal's traditional friends like the United Kingdom and number one country, the United States have started looking at Nepal through Indian eyes and heavily following Indian guidelines. The most regressive part of Nepal's foreign policy has been her unpardonable failure to cash on China's good will, the most dependable friend and neighbor. China has never tried to destabilize politics in Nepal. Ever since the starting of the diplomatic relationship in late fifties of the last century, China has constantly stood by the Nepali people. This author still remembers his talks with Chinese foreign minister Chen Yi in 1964-65 when he minced no words saying "China will ever be with you when you need her." Indeed, times have changed but China's policy towards Nepal has not. And if the integrity of poor Nepal is really endangered by the submissive policy of the anti-national politicians, the Nepali people shall have to forsake all diplomatic niceties and directly make public appeal to their Chinese friends to come to their rescue. Such a predicament would not arise if India stops fishing in Nepal's troubled waters by continued destabilization of her domestic politics.


Madhav K. Rimal
Chief Editor & Publisher



Trafficking Trouble

The cover story on girl trafficking once again brought this vital issue to the fore ("Girl Trafficking: Rising Concern, SPOTLIGHT October 12). Nepal's image has been tarnished because it has been unable to check the growing girl trafficking. Thousands of naïve girls are trafficked every year. They end up in brothels in Indian cities. This inhuman activity has been going on despite efforts by various quarters including NGOs. The need of the hour is to bring together authorities of both the countries, NGOs, INGOs, and activists to jointly fight the menace.

*Janak KC
Balaju*

derailing the polls. They said they want republic now. Republic would have come on November 23 but they derailed the election. Who has benefited? Not the people of Nepal, that is for sure.

*Krishna Gautam
Siphal*

Hold Elections

It is sad to see how things have started unraveling in Nepal. Gone are the euphoric days post Jana Andolan II when everybody was talking about new Nepal. Now, the very word new Nepal is beginning to sound allergic to many. The pivotal issue of Constituent Assembly election has been submerged due to unreasonable politicking. Even though all the parties have agreed to establish republic, the election could not take place.

It is strange to see how such a wide understanding on such key issue has failed to bring the various parties together. The Maoists are adamant on two demands – they say you fulfill either full republic or full PR election system.

This pattern of position shows they are not sincere on either of the two demands. So, it is nothing but their intention to derail the election, which has brought about this situation. Fulfilling their current demands is no guarantee that election will be allowed to take place smoothly. Troubled days lies ahead for this nation.

*Birat Rai
Satdobato*

Stop Trafficking

It is essential to work hard within the boundaries of the country to root out the problem of girl trafficking ("Girl Trafficking: Rising Concern, SPOTLIGHT October 12). Because, in villages people close their eyes towards the trafficking due to extreme poverty. Lured by fast cash and job, families tend to overlook the inhumane aspect of this business. Socio-economic uplifting and awareness-raising programs are needed in these villages. Income-generating activities should be promoted in rural poverty-stricken areas. This will automatically take care of the problem.

*Himal Bista
Sanepa*

Remembering Rangoon

The article by Shishir Gupta "Rangoon Isn't Kathmandu" (October 12) reproduced in the Spotlight pointed to some stark facts. It shows how gullible our leaders are to the foreign

influence. From 12-point deal signed in New Delhi to various hobnobbing, the leaders seem to have forsaken the issue of national sovereignty in their rush to restore democracy. Shouldn't democracy and nationalism co-exist? Shouldn't they be compatible with each other? Why is it that in Nepal, democracy and nationalism have been two poles apart? It is high time that the leaders bring democracy and nationalism together in order to safeguard sovereignty and integrity of this nation.

*Bhaskar Basnet
Samakhusi*

Election Mirage

Nepali people have once again been robbed off their chance to vote their representatives to power. Because of irrational behavior by the Maoists, the November 22 election has been cancelled. No one is sure when next election will take place. The Maoist have exposed their real face by

NOTICE

*The next issue of
SPOTLIGHT will be
published November 23rd
after Tihar Festival, Ed..*

Congress Leaders Lash Out Against Maoists

Nepali Congress (NC) leaders have stepped up their verbal attack against the Maoists for posing 'unnecessary demands that have destabilized the politics.' Addressing an interaction program at Reporters' Club, acting



president of NC Sushil Koirala has said that the party can no longer compromise with the Maoists. Koirala said that NC had compromised on numerous issues with the Maoists and has reached the limit. He denounced the Maoists for demanding fully proportional representation based election system after having 'agreed on mixed system after two months of deliberations.' Koirala also cautioned that prolonging instability was pushing the country towards precipice. "I see the chances of civil war," he said urging the Maoists to reconsider their stance. He also denounced the Maoists for continuing with intimidation, abduction and extortion. He said the issue will have to be resolved through voting in the parliament if there is no compromise. Likewise, speaking in Pokhara, NC vice president Gopal Man Shrestha said fulfillment of Maoists' demand on PR system could lead to disintegration of the country. He said NC would vote against

Maoist proposal in the parliament. Addressing a program in Tanahun, another NC vice president and Minister for Peace and Reconstruction Ram Chandra Poudel, said it would be 'childish' to declare republic through the parliament. Stating that the whole world had praised NC's stance, Poudel also derided UML for demonstrating double

standards. He was referring to UML claim that NC and Maoists had created the instability by being rigid on their respective positions. "UML has forgotten the understanding signed by the eight parties. NC has only said that all should respect the already signed understanding. We have not put forth any new position," he said. Speaking at the same program, NC leader Govinda Raj Joshi said that the current situation has emerged because the seven parties sided with the Maoists. He said NC made a mistake by opting for republic. He added that election will take place only if seats are reserved for Maoists. *Leading dailies report*

UNMIN Term To Be Extended

Foreign Minister Sahana Pradhan has said that the government will take a decision to request for extending the tenure of UNMIN after consulting with seven parties. She hinted that request for

extension of its tenure by one more year could be made. The tenure of UNMIN, which was set up by the Security Council with one-year mandate, is expiring in January. Meanwhile, addressing the 62nd UN day function in Kathmandu, the deputy special representative of the United Nations Secretary-General in Nepal Tamrat Samuel on Wednesday said that the UN is committed to extend support to the peace process in Nepal in the changing political scenario. "The international community remains committed to assisting Nepal's peace process. UN Mission to Nepal will continue to fulfill its function and be of even greater help if required," Samuel said. He said that the UN is playing and will play the roles that are "asked of it." Talking to media persons after the program, Samuel indicated that UNMIN staff strength would be changed according to new circumstances. He also said that the UN is ready to extend its assistance but the government should ask for it. *Compiled from reports*

WB To Observe Nepal Day

The World Bank is observing Nepal Day in coming December. According to Finance Minister Dr. Ram Sharan Mahat who is in Washington DC to take part in annual meeting of WB and International Monetary Fund (IMF), discussions will be held on Nepal and new programs approved during the Nepal Day function. In the last one month, the WB has committed to provide aid worth Rs 16 billion to Nepal. Dr. Mahat had appealed for Rs 17 billion worth support for 2008 at the meeting. He said that at the Nepal Day function support worth Rs 9.5 billion will be approved. The support would be utilized for reconstruction, poverty alleviation, local road, irrigation and education purposes. Addressing the meeting, Dr. Mahat had called on the donor community to help Nepal in post conflict rehabilitation and reconstruction. In 2007, WB was the largest donor to Nepal. The Bank is also hosting a South Asian regional meeting in Kathmandu in November. In Washington, Dr. Mahat said that the WB officials expressed interest over the economic policies amid

sensitive political situation. "I tried to allay their suspicions," he said. He said that the Bank believed in strong action against willful defaulters of bank loans. Dr. Mahat also held talks with IMF officials to give continuity to Poverty Reduction Growth Facility (PRGF). He said Nepal appealed for quick establishment of the office of International Finance Corporation (IFC) in the country. The IFC has shown interest in setting up infrastructure development bank and reforms in airlines. Dr. Mahat also held talks with Indian Finance Minister P. Chidambaram on the sidelines of the meeting. "We discussed about Nepal's political situation. He expressed concerns about Maoist attitude," Dr. Mahat said.

Kantipur daily reports

PM Dismisses Possibilities Of Immediate Return Of Maoists To The Govt

Prime Minister Girija Prasad Koirala has said there is no immediate plan to bring the Maoists back into the government. Talking to media persons at his residence in Biratnagar, he said it was meaningless to bring the Maoists into the government before the announcement of constituent assembly polls. Answering to a reporter's query, Koirala said, "The Maoists will be brought into the government only if they agree to go for polls. I do not see any immediate reason to include them in the government." When asked why he would not accept the Maoist ministers' resignations, he said he was giving them an opportunity to reconsider their decision. Koirala claimed that the CA polls had to be deferred just because of the Maoists' hesitation to go for polls. He claimed: "I wanted to hold polls on time." He said he would continue efforts to declare the next poll date. He added that the seven-party alliance had lost credibility in the international, as well as national arena, due to the poll deferral. He claimed that Maoist chairman Prachanda had not lost fascination for weapons and same was the case with the Maoist cadres. It would be tough to bring the Maoists into the

mainstream until their fascination for weapons diminishes, he added. *The Himalayan Times daily reports* **UN To Increase Its Role If Parties Want**

Saying that there is weakness in the ongoing peace process in Nepal, the UN Secretary General Ban-ki Moon has said that UN could increase its role if there is a request from parties. In his latest



Nepal report, which is going to be presented to the Security Council soon, Moon has said that UN is ready to take over increased role if the parties in Nepal want. Earlier, senior UN officials had said that UNMIN should be given bigger role and also executive role in the management of cantonments. The UN SG is presenting his 20-page long report to the SC on Thursday. *Kantipur daily reports*

Refugee Repatriation Before Bhutan Election: PM Koirala

Prime Minister Girija Prasad Koirala has said that Bhutanese refugees who wish to go back to their country should be repatriated before 2008 so that they would be able to participate in the general election scheduled to take place in Bhutan that year. During his meeting with Bhutanese human rights leader Tek Nath Rizal in Balwatar Sunday morning, PM Koirala said Nepal was ready to apply appropriate pressure to ensure their right to participate in the polls in Bhutan. "Prime Minister Koirala told

me that it is up to the Bhutanese refugees to decide whether they want to be resettled in a third country or go back to Bhutan and that Nepal would respect any decision of the refugees," Rizal said after the meeting. However, the Bhutanese leader said that since there has only been verbal agreement to resettle the Bhutanese refugees in a third country, Nepal should stress on the repatriation of the Bhutanese refugees in their own

country. The meeting between PM Koirala and Rizal comes a day before US Assistant Secretary of State for Population, Refugees and Migration Ellen Sauerbrey is to embark on a visit to Nepal, Bhutan and India to make fresh effort for resettlement

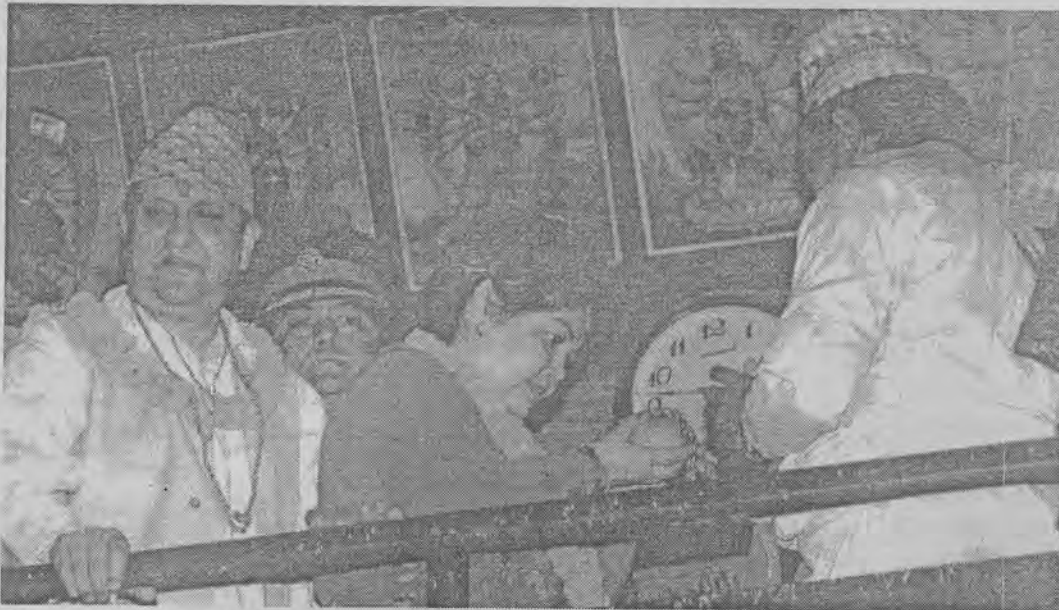
of Bhutanese refugees living in Nepal.

Nepalnews.com reports

Mallik Panel Fails To Identify Culprits

The panel formed by the government to find out facts regarding who staged Kapilvastu incident has failed to reach to any conclusion. The chief of the panel, judge Lokendra Mallik said that they could not be clear as to who caused the carnage in Kapilvastu. The panel's preliminary report states that 14 persons were killed in the series of rioting and violence that was triggered after unknown assailants killed a local leader Mohit Khan on September 16. Earlier, various media reports had put the number around 30 – even the National Human Rights Commission (NHRC) had said 19 persons were killed in the incident. The report also states that around 550 houses were torched and 150 vehicles damaged in the violence. The panel report also states that all the persons said to be missing have come into contact. "There is no one missing there now. We went to villages to contact them," said Mallik.

Compiled from reports ■



King Gyanendra and Queen Komal visit Nava Durga temple in Bhaktapur on the occasion of Kojagrat Purnima

Photo: News Front weekly

ON THE OCCASION OF DASHAIN FESTIVAL, Prime Minister Girija Prasad Koirala issued a message stating that only joint efforts can help transform the country. "To transform the country into a new and prosperous Nepal is possible only through mutual goodwill, unity and harmony," PM Koirala stated in his Dashain greeting. He has also urged all to brush aside their petty interests for the sake of sustainable peace in the country.

KING GYANANEDRA EXTENDED Dashain greetings to Nepalis residing both in the country and abroad as well as all Hindus, wishing them happiness, peace and prosperity. The king, in his message, said that the success of the ongoing peace process to guarantee peace and security was the aspiration of the people and the need of the country.

THE OFFICE OF THE HIGH COMMISSIONER for Human Rights in Nepal (OHCHR-Nepal) has welcomed the decision last week of a cabinet meeting to allocate quotas for women and members of marginalized groups - Janajatis/Adivasis, Madheshis, Dalits and people from backward areas - in vacant posts in Nepal Police and Armed Police Force (APF). "The police forces' adoption of quotas for filling vacant posts can serve as an example to all civil services of the steps they can take in order to make their recruiting processes inclusive," a release issued by the OHCHR said. "During riots in Nepalgunj in December 2006, the Nepal Police was accused of acting partially. The issue resurfaced again in the January and February 2007 Madheshi Andolan in Terai districts. The recent violence in some Western Terai districts again stresses the need for such inclusive hiring measures." OHCHR, however, expressed disappointment over the appointments in 28 secretary-level posts last week because only three persons from marginalized groups got chances. "Making provisions to include historically marginalized groups in the police forces and other civil services will signal that the commitment to inclusion made by political leaders is indeed genuine. It will

also address some current demands of these groups, thus strengthening the peace process as it moves toward Constituent Assembly elections," said Richard Bennett, Representative of the UN High Commissioner for Human Rights in Nepal.

I N D I A N GOVERNMENT HAS agreed to help in the construction of Dharmashala and school in Mustang district. The Embassy of India, Kathmandu has signed two separate memoranda of understanding on October 26, 2007 with (

DDC, Mustang and Muktinath Development Committee for providing grant assistance of Rs. 30 million for construction of a Dharmashala at Muktinath; and (b) DDC Mustang and Shree Jana Shanti Secondary School, Kagbeni for providing grant assistance of Rs. 6 million for construction of school's new library building and provision of books and furniture. "Considered as one of Nepal's most sacred religious shrines, Muktinath Temple located in ward number 1 of Muktinath VDC in district Mustang is a symbol of age old cultural bonds between India and Nepal, and of significant importance for followers of many religions, including Hinduism and Buddhism. Pilgrims visiting the temple provide an important base for the VDC's local economy. In order to encourage greater inflow of pilgrims and tourists, the need for a good quality and affordable Dharmashala for the visitors has been long felt by the local authorities. The new infrastructure to be constructed with the Indian assistance will be managed by the Muktinath Development Committee and have a capacity of 56 beds with separate space for office, reception, meditation hall, kitchen, cafeteria, dining hall, a guard-house and furniture," states a press release by the Embassy. Likewise, Shree Jana Shanti Secondary School in Kagbeni VDC of Mustang was established in 1965 as a primary school and later upgraded to secondary level in 1995. The new library building to be constructed with the assistance of Rs. 6 million from the Government of India with provision of furniture and books will provide better reading resources and space to the children and residents of Kagbeni and adjoining VDCs. "These are among five developmental projects undertaken by the Government of India in this remote northern district and overall, form part of more than 265 large and small projects currently being implemented under the India-Nepal Economic Cooperation Programme in the sectors of education, health, community development and infrastructure covering all the districts of Nepal with an outlay of over Rs. 21 billions."■

"I am habituated to finding out understanding from among differences. So, I am confident that this problem will also be resolved through talks."

Prime Minister Girija Prasad Koirala, expressing confidence in resolving the political impasse.

"If republic is declared in a language that people will understand, we will agree for increasing PR component within existing mixed election system. If all agree for fully PR system, then we will agree for passing commitment proposal on republic by the parliament."

Prachanda, Maoist chairman, talking to reporters, outlining the position of his party.

"The nation will face disaster if election is not held within 2064 BS."

Madhav Kumar Nepal, general secretary of the Unified Marxist Leninist (UML).

"An understanding could not be reached due to stance of the Nepali Congress."

Dr. Baburam Bhattarai, Maoist leader, in Kantipur.



"Nepali Congress has made a number of compromises. We have now reached the limit of compromise. We can compromise no further. We cannot compromise our principle."

Sushil Koirala, acting president of NC, addressing an interaction program.

"The Maoists' demand is only strengthening the royalist and regressive forces."

Ram Chandra Poudel, vice

president of NC, in Tanahun.

"The current problem resulted because parties went into the fold of Maoists."

Govinda Raj Joshi, senior leader of NC, in Tanahun.

"There is a need to go into agreement with the Maoists from the starting point. Let us first be clear whether the Maoists really want to join the democratic political mainstream."

KP Oli, former deputy prime minister and senior UML leader, in Kantipur Television.

TRANSITION

LEFT: Dr. Ram Sharan Mahat, Finance Minister, for Washington DC, to attend the annual meeting of the board of governors of the World Bank and the International Monetary Fund.

RETURNED: Sahana Pradhan, Minister for Foreign Affairs, after attending the 62nd UN General Assembly in New York.

ARRIVED: Ellen Sauerbrey, US Assistant Secretary of State for Population, Refugees and Migration, for a visit to Nepal.

ALLOCATED: Quotas for women, Dalits, Madhesis, Janajatis and backward classes, when filling the vacant positions in Nepal Police and Armed Police Force.

CANCELLED: The visit by Denmark's Foreign Minister

RESUMED: Special session of the parliament on October 29 after two weeks' recess.

APPOINTED: Dr. Suresh Chandra Chalise, as the ambassador of Nepal, to the United States of America.

Pradeep Khatiwada, as the ambassador of Nepal to Bangladesh.

Murari Raj Sharma, as the ambassador of Nepal to the United Kingdom.

Baijanath Thapaliya, as the ambassador of Nepal to Israel.

KILLED: Prabhu Yadav, assistant-level official at District Development Committee of Saptari, by cadres of Janatantrik Terai Mukti Morcha (JTMM-Jwala Singh)

ABDUCTED: Amir Yadav, secretary of Baininiya VDC and Jeewan Dhital, secretary of Chandralalpur VDC of Saptari districts, by armed outfits, separately.

INDUS AND GANGES DISPUTES: Nepal's Water Right

-By Dr. AB Thapa

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

International Water Law Making Process

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

The Indus Dispute

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

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

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

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

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

The Indus Treaty

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

1. *It is expressly understood that*
 - (a) *this Treaty governs the rights and obligations of each party in relation to the other with respect only to the use of the waters of the rivers and matters incidental thereto, and*
 - (b) *nothing contained in this Treaty, and nothing arising out of the execution thereof, shall be construed as constituting a recognition or waiver (whether tacit, by implication or otherwise) of any rights or claims whatsoever of either of the parties other than those rights or claims which are expressly recognized or waived in this Treaty.*

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

2. *Nothing in this Treaty shall be construed by the Parties as in any way establishing any general principle of law or any precedent.*
3. *The rights and obligations of each Party under this Treaty shall remain unaffected by any provisions contained in, or by anything arising out of this execution of, any agreement establishing the Indus Basin Development Fund.*

The Ganges Issue

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

Ganges diversion scheme at Farakka in 1960s.

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

Precedent or General Principle of Law

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

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

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

The Kosi & Gandak Treaties of 1950s

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

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

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

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

Revised Gandak & Kosi Treaties

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

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

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

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

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

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

Why a Treaty is Necessary?

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

(Dr. Thapa writes on water resources)

SPECIAL SESSION House In Deadlock

Instead of bridging differences, the special session exposed deep divide among key parties

By SANJAYA DHAKAL

Unable to bridge differences, the special session of the parliament – called at the behest of the Maoists to discuss their two-point proposal on republic and PR election system – looks headed towards a bruising voting.

Since the special session resumed on October 29, the MPs have been addressing the parliament on strict party-line. While Nepali Congress (NC) and Unified Marxist Leninist (UML) MPs have urged the Maoists to withdraw their proposal, the latter have refused to do so.

As likelihood of voting has increased, leaders have started saying that even the voting will not resolve the issue.

“If there is a voting, parties will vote in favor of their respective proposals. The UML will vote for its amendment proposal,” said UML leader Jhal Nath Khanal.

NC, on the other hand, has outright rejected Maoist demands. “We cannot cut our neck and give that to the Maoists. We have reached the limit. We can no more compromise on our ideals,” said NC acting president Sushil Koirala.

The NC has decided to vote against both Maoist and UML proposals. “The proportional representation system will trigger disintegration of the country,” say NC leaders.

Maoists have also hardened their position. Maoist deputy commander Barshaman Pun aka Ananta warns that seven party unity would break if their proposal is defeated in the parliament. “There is no meaning to remain in the seven party alliance if the proposal on republic and proportional representation

because of republic,” said Acharya.

He added that while RJM support republic declaration demand, it is against PR system. “Fully PR system will trigger ethnic revolt,” he said.

Former prime minister and president of Rastriya Janashakti Party (RJP), however, came down hard against proposal to declare republic. “This House does not have the authority to declare republic,” he said, adding that



Special session of Parliament: In deadlock

election system is defeated through voting,” he said.

This time in the parliament, smaller parties, too, raised their voice against the Maoists. Dilaram Acharya, MP of Rastriya Jana Morcha (RJM) – which had supported Maoist proposal in the parliament - accused the Maoists of gambling with the republic proposal.

He said that the Maoists had stepped down to two demands from 22-point demands. And even among two demands, they appear ready to give up either one, he accused. “Shouldn’t we understand that Maoists are gambling with republic proposal? If we don’t support their proposal, we will not be supporting republic and if we do, they appear to be gambling with this issue. We had supported their proposal only

the issue must be left for the people to decide.

Similarly, Nepal Workers and Peasants Party (NWPP) MP Suraj Prajapati urged the parties to vote in favor of its own amendment proposal demanding socialist republic by rejecting proposals put forth by the Maoists and UML.

As such, the parliament is in no shape to settle the issue and break the deadlock. Forgotten in this melee is the Constituent Assembly election. Nobody is sure when it will be held. Perhaps worried by this prospect the Chief Election Commissioner (CEC) Bhojraj Pokharel had to call on the Prime Minister requesting him to create proper political atmosphere and fix the new election date at the soonest. ■

DASHAIN RECEPTION

Reconciliation Is The Key

Organized by Nepali Congress and CPN-UML, two major political parties, Dashain receptions provided unique opportunity to meet divergent interests of people

By A CORRESPONDENT

Many see the gathering of hundreds of people and party leaders in Dashain Reception organized by Nepali Congress and CPN-UML, country's two major political parties, as just a jamboree. In practice, it has a political meaning.

Presence of unmanageable huge crowd showed that this kind of public reception has no meaning in other sense. However, this kind of reception is politically important in negotiations and reconciliation.

Started by Nepali Congress leader B.P. Koirala following his return from exile in 1977 as a part of reconciliation process, the Dashain Tea Reception continues to play an important role to bring all political forces together. Despite giving up political ideology of B.P.

going to become a permanent character of Nepali politics to strengthen the political relations.

This is now a reality. In all kinds of circumstances, whether amid high tensions or normal relations, Dashain Reception has become a venue where political leaders of divergent interests and various ideologies find it comfortable to renew their relations.

This kind of reception has made such an impact that even CPN-UML leader Manmohan Adhikary started it since 1996 as a *Dipawali* reception. After Adhikary's death, CPN-UML has carried on the tradition by rescheduling the date.

"The presence of such a large number of party workers of different political parties and meeting of various political leaders proves again that B.P. Koirala's national reconciliation is more relevant today than ever," said Nepali Congress leader Sujata Koirala. "Nation and democracy will

survive only through the reconciliation between all the political forces."

Like previous years, all political leaders and party workers attended two receptions. From prime minister Girija Prasad Koirala to CPN-UML leader Madhav Kumar Nepal and from Maoist leader Krishna Bahadur Mahara to Rastriya Janashakti Party leader Surya Bahadur Thapa, they all exploited the reception to try to bridge differences.



NC hosts tea reception: Tradition of reconciliation



Sujata Koirala (L) with foreign envoys : Warm welcome

Koirala, Nepali Congress could not do away with this tradition.

When B.P. Koirala initiated the Dashain Reception, even he could not have imagined that this tradition was

Along with the political leaders, the presence of foreign diplomats, senior state officials and retired bureaucrats were other highlights of the reception.

"This presence of party workers and party leaders of various political parties gave opportunity to renew political relations," said CPN-UML leader Raghujai Panta.

Nepalese people and political leaders have demonstrated that they are accommodative towards each other. At a time when this kind of open political gathering is rare in other South Asian countries, it is still possible in Nepal.

Interestingly, when Nepali Congress workers and leaders were celebrating Dashain festival, King Gyanendra also received warm welcome in Bhaktapur Navadurga Temple. Contradictory to populist newspapers' negative publicity, King Gyanendra mingled with the crowd.

All in all, this shows that despite the armed struggle for more than a decade, Nepalese political culture is still tolerant and peaceful. ■

CHANGING NATURE OF CONFLICT

Role

Of

UNMIN

At a time when the elections for Constituent Assembly has been postponed for indefinite period and restoration of peace is elusive following the upsurge of new conflicts in terai, southern plain, the debate over the possible extension of United Nations Mission in Nepal (UNMIN) – which was given no effective role except that of a witness in the last one year – has begun. With a mandate to monitor peace process and provide support to hold the free and fair elections for the CA, UNMIN was constituted a year ago by United Nations Security Council as a political mission. Despite appearance of several armed groups and complex political situation, UNMIN's present jurisdictions limit its role as a mere witness. In this situation, what role the UNMIN, if its tenure is extended, will be given in the context of changing nature of conflict remains to be seen

By KESHAB POUDEL

Till a year ago, leaders of present seven party alliances, populist media, civil society members and Maoists, - all of them considered the presence of United Nations Mission in Nepal (UNMIN) as a panacea to overcome Nepal's entire crises including holding the free and fair elections for Constituent Assembly and monitoring and managing of the Maoist arms.

From 12 points agreement - which was signed in Indian capital New Delhi - to the Comprehensive Peace

Agreement and other agreements, Maoists and seven party alliances reached consensus to give UN Mission a role of guarantor of peace. Though the UN was given no role in political negotiations and dialogues, seven parties endorsed the UN as a witness.

However, the situation seems to have changed now and even its role as a witness has become objectionable for many. Maoist leaders and civil society members are questioning the intention of UNMIN and populist media are now

more concerned about the resources and facilities used by UNMIN and its employees recruited arbitrarily and in non-transparent manner rather than positive contributions made by it under its limited jurisdiction.

Not only Nepal's internal forces, Nepal's two neighbors are also concerned about UNMIN's activities. India, which backed seven party and Maoist proposal to bring the UN Mission in Nepal – has already expressed unhappiness over some of mission's

recent activities. India – which has high security stake in Nepal, has already send its message that UNMIN has to limit its role under the present mandate as an observer.

According to News Front Weekly, a few months ago India had strongly protested against some top UNMIN official's crossing over to India without informing their government to meet the leaders of Nepali Terai insurgent groups. India communicated to Nepal that UNMIN's role should not exceed managing arms and armies of the government and the Maoists and observing the elections.

In his recent interview given to Nepal Weekly, Nepal expert in China professor Wang also revealed China's view on UNMIN. "As a Chinese scholar, I can say it is best for Nepalese to solve their internal problems by themselves without involvement of foreigners. So far as UNMIN's role is concerned, its present mandate is more than enough," said Wang.

The Brussels based International Crisis Group Policy briefing of 28, September 2007 said "the UN mission has ridden out criticism from both the Maoists and their opponents but faces challenges in fulfilling its mandate as well as calls to extend its involvement in the political process. Even if the elections take place on schedule, it will almost certainly be extended, not least to continue the arms and armies monitoring role that no other body can perform. Neither India nor China is keen for any expansion of its responsibilities, although the incentive of seeing a quick, clean exit might suggest acceptance of a greater role in facilitating discussion of security sector issues."

Sandwiched between Asia's two Juggernauts India and China, Nepal's geo-strategic location is completely different than any country of the world. Working in a country neighboring with two such big powers, UN's political mission has a very difficult job. Besides,



UNMIN verifying Maoist PLA: Limited duty

one of the problems of UN is that it has failed to make a correct diagnosis of Nepal's problems.

UNMIN's Presence

Whether one likes it or not, UNMIN is a reality for Nepal and it cannot pack its bags just on the likes or dislikes of some leaders or individuals of political party. The global experiences of UN deployment are not very encouraging. Once UN mission is permitted to enter, it will be there for a long time to come. As UNMIN is yet to correctly diagnose Nepal's internal crisis, its treatment cannot be expected to cure Nepal's ills.

"UN mission cannot move on the whims of particular party or individuals. UN mission will be there till it fulfills its mandate," said former Nepalese Ambassador to UN and ambassador designate to United Kingdom Murari Raj Sharma.

Despite voices of opposition, the seven party government is informally in consultation to write a letter to Security Council to extend UNMIN's tenure. It seems certain that UNMIN will be there for at least another year.

"As Nepal's peace process is yet to complete, we want to continue UNMIN. The government will soon send its formal letter to UN security council,"

foreign minister Shahana Pradhan told Spotlight." We want its jurisdiction as was in the past to manage the Maoist arms and support for CA elections."

UNMIN's chief Ian Martin recently said in New York that Security Council members in discussion made very clear that they would give sympathetic consideration to a request from the government if such formal request is made.

The extension of tenure is merely a formality but the question remains how UNMIN is going to fulfill its obligation to help hold the free and fair elections and to restore the peace in Nepal.

"Until and unless a correct diagnosis is made, it is impossible to have a correct treatment. UNMIN has been working keeping in view the nature of conflict as an ideological one but the nature of the conflict has now suddenly changed into different categories, with tilt towards regionalism, ethnicity and fragmentation of Nepal into several parts. However, in totality, the nature of conflict in Nepal is neither ideological nor the aspiration for self determination. All these have been changing one after another. The real nature of conflict has its origin in the conflict of regional/zonal nature," said a political analyst.

As its role is just limited to manage crisis appearing in surface, the presence of UNMIN will have no effect to the people living in different parts of the country where extortion, abduction and inhuman killings are continuing.

After the postponement of elections twice and the sudden upsurge of new kinds of violent conflict in southern terai, relevancy of UNMIN, a political mission of world's powerful body, is too fading away.

In the context of new conflicts, some argue that UNMIN needs broader mandate. If political leaders postpone the elections third time, would the UNMIN's mere moral sanction be enough?

UNMIN lacks the mandate to go into root cause of conflict and find out a lasting settlement for peace. Even UN Secretary General's Ban Ki-Moon's special representatives Ian Martin in his recent interview proposed enlarged role and mandate for UNMIN in Nepal.

However, just like the presence of UNMIN is reality in Nepal, it is no more than a distant dream for anybody to think about enlarging the role for the UN body in the context of geo-strategic position

serious political crisis one after another since more than half a century. The nature of this conflict has in its background a changing regional context. In this long crisis, Nepal has already seen five constitutions including the last one which was regarded as the

been a new thing in Nepal. In the past, all armed conflicts ended without bringing any third party involvement.

This time, however, UNMIN came carrying a very big hope to resolve the conflict and bring stability and effective



UNMIN officials in Maoist camps: Overseeing arms management

best constitution in the world and four different political systems.

From Gandhian Nepali Congress to

agreement on the management of arms and armed personnel of both sides, as provided for in that agreement;

c) To assist in the monitoring of the ceasefire arrangements;

d) To provide technical support for the planning, preparation and conduct of the election of a Constituent Assembly in a free and fair atmosphere, in consultation with the parties.

e) To provide a small team of electoral monitors to review all technical aspects of the electoral process and report on the conduct of the election

The tenure of UNMIN will expire in January 2008. The termination or extension of UNMIN will depend on a request from the government of Nepal.

peace in Nepal. But the hopes ended soon. Now the situation is such that even after completion of negotiation between parties in conflict along with UNMIN's involvement, the country is yet to see any respite from instability and violence.

"The nature of conflict was an outcome of a covert operation against Nepal's independence in which UNMIN had no role to play to provide stability in Nepal," said the analyst.

Whether the UN has role to play or not directly in this conflict, once UN is involved in a crisis and conflict, it is difficult to get rid of it. Unlike in the past, international observers, who might not speak the reality publicly, will learn Nepal's reality now and know about the actual players behind the conflicts. With more than 700 staffs both local and international, UNMIN has nationwide presence. From observing the armed cantonment to supporting elections officials, UNMIN is involved in different areas. Some UNMIN officials even

United Nations Security Council Resolution 1740

The Security Council decides to establish a United Nations political mission in Nepal (UNMIN) under the leadership of special representative of the Secretary General and with the following mandate based on the recommendations of the Secretary-General in his report.

a) To monitor the management of arms and armed personal of both the sides, in line with the provisions of the Comprehensive Peace Agreement;

b) To assist the parties though a Joint Monitoring Coordinating Committee in implementing their

of Nepal.

Series of Conflicts

Nepal has been going through a very

regional based Ram Raja's party, CPN-Maoists and now several brands of regional parties, armed rebellion has not

approached armed groups in terai.

People-, who have been helplessly going through a pain of unrepresentative governance, see the presence of UNMIN as the witness of this tragic situation as something good. Though there has been no significant contribution of UNMIN in the normalization of conflict, at least as an international body, UNMIN has a significance in its role as a witness.

Experts argue that wrong image given to the UNMIN as a white elephant need to be corrected timely.

Change of Situation

When UNMIN arrived, Maoist problem was their main agenda to deal with and holding the elections for CA was the basic priority. As soon as UNMIN has expanded the countrywide network, suddenly a conflict of completely different nature has erupted in southern terai which consists about 45 percent of the total population. Eventually, the elections for the CA were postponed twice.

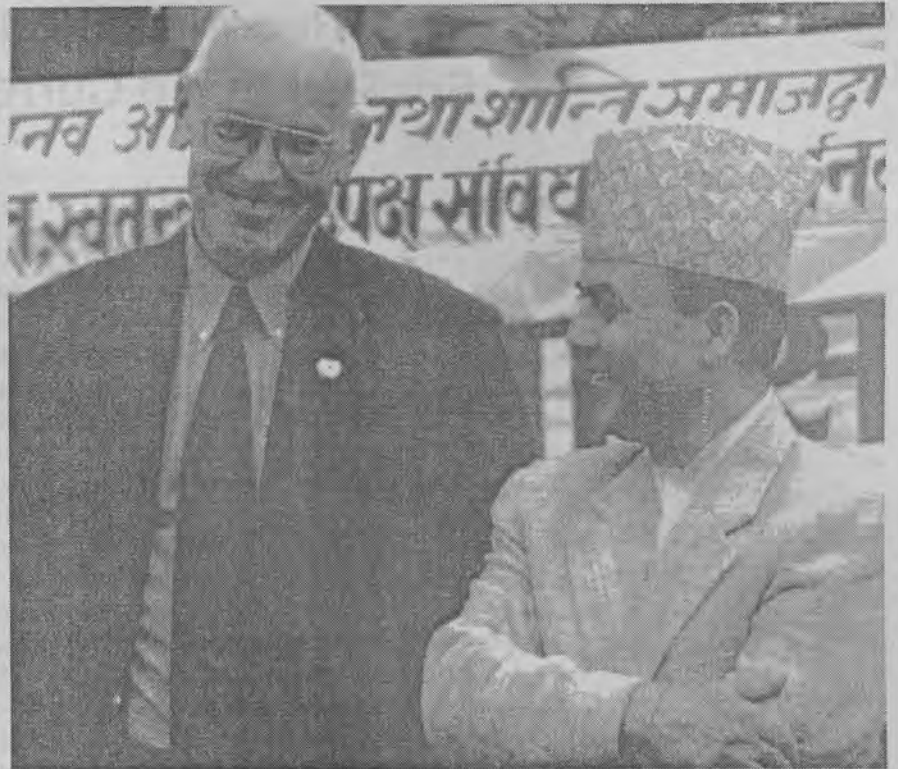
“Although the UNMIN has made no positive contribution even as a witness of a situation, observers of multinational combination have assured the right thinking persons of Nepal that these persons would be the witness of the whole covert operation against a peaceful country like Nepal,” said the analyst.

If UNMIN’s officials think the new conflict is not within their terms of reference, people will now start asking what then is the use of them remaining here?

What one can think of their role in the future? In the eyes of seven party ruling leaders, common people in Nepal and the rest of the world, they are still no player to be watched.

ICG writes that despite public snipping (based largely on the perception that a sizable budget by local standards is not reflected in immediate achievements), UNMIN has built and retained credibility with key political players.

“Persons leading the UNMIN might have understood well that the source and



UNMIN Chief Martin with CEC Pokharel: Waiting for new polls date

purpose of conflict is the same though its means and ways are changing to create a “smoke screen.” Unfortunately, persons in UNMIN neither take it up as an issue nor they can expose the real nature of conflict for it,” said the political analyst.

One cannot expect a greater role from the UNMIN which had no role in the 12 point agreement and subsequent several agreements signed between major parties. “UN was unable to penetrate any time anywhere in the dialogues and negotiations between parties including Maoists. UNMIN was always kept away from the crucial meetings and agreements. From the very beginning UNMIN officers were put in complete dark in vital decision taking moments, though the UN officials had been given a ceremonial welcome and photographic session with prime minister and all other prominent political leaders,” said the analyst.

It does not matter what kind of constitution Nepal has in the context of peace and stability of this country As long as the whole region is in turmoil, for smaller countries of this region,

stability will remain a wishful thinking.

“UNMIN should have more meaningful role so that the success story of Cambodia and East Timor could be replicated in Nepal also,” said a senior official with UN “If there are deficiencies in its mandate for UNMIN to play effective role, that should be corrected and there should be an effective mechanism to ensure the implementation of its mandate and effective monitoring of the implementation of Comprehensive Peace Agreement.”

As one year tenure of United Nations Mission in Nepal (UNMIN) comes to an end, debate is on regarding the extension of its tenure. Unlike in its initial year when Maoist was a major factor of conflict, now there are several armed outfits in southern plain. What role the UNMIN will have in the changing nature of conflict is a matter of question.

Unlike other parts of the world, Nepal’s geo-strategic position and presence of two powerful neighbors cannot allow UN’s unlimited presence.

“National Reconciliation Can Be The Basis For Resolving Current Problems”

-Govinda Raj Joshi

We don't have to borrow views from outside. Our leader B.P. Koirala's proposal of national reconciliation, which he proposed while returning to Nepal after eight years long political exile from India, can be the basis for unity among all patriotic and democratic forces. Instead of going for revenge and bitterness, this is time for broader reconciliation between patriotic and democratic forces.

Despite so many ups and downs, former minister and member of Nepali Congress Central Committee GOVINDA RAJ JOSHI is still known as a strongman in Congress. Joshi who was criticized for his moderate views spoke to KESHAB POUDEL on various issues of current political developments. Excerpts:

What is the solution of present political crisis?

Holding the elections for the Constituent Assembly is the only solution for the present political crisis.

Do you think the present special session of Legislative Parliament will find the solution?

The special session of the parliament has nothing to do with the political solution as it was summoned to block the holding of the elections for CA. After the postponement of the election, the utility of special session has ended.

If it has no sense, why are you taking part in the session?

All parties want to exploit parliamentary session to prove that they are sincere to CA polls.

How do you see the possibility of elections on the next date – by mid-March as proposed by prime minister Girija Prasad Koirala?

Nepal's situation is more complicated now. If leaders of seven parties fail to understand the crisis generated by ground reality of the country, I don't think we can hold the elections for CA.

How do you see the suggestions of United Nations, western countries and Nepal's two neighbors about the need to hold the elections as early as possible?

That is their good will and good wishes towards Nepal. But, as long as the leaders of country's major political parties are not prepared to translate their words in deeds, I don't think there will be elections. At a time when our political leaders are more concerned about their own personal and party interests rather than national interest, holding elections is no body's priority. Elections are needed only by the people who want to choose their own representatives to safeguard national interest and democracy.

Who will benefit from the prolonging political instability in Nepal?

Nobody will benefit from prolonging political instability in the country. But, I have not seen the

realization of consequences on the part of leadership regarding chaos and instability.

Since prime minister says he wants to announce new election date, does that not reflect his effort to end the present transition?

Announcement of new election date is not the solution at all. Our efforts now must be centered on how to make conducive environment for the elections. I do not see sincere efforts on the part of leaders regarding holding of the elections. As long as we cannot identify the reason behind the postponement of previous elections, we will not be successful to hold the elections in future also.

If elections cannot be held, what would be the consequences?

It will bring about very unmanageable situation.

Prime minister Koirala has reiterated that he will hold the elections at any cost within mid March or before 2065. How do you look at it?

It is prime minister's good wish as he has inner commitment to restore the peace by bringing Maoists in the peace process. He wanted to conclude the peace process. Unfortunately, his hands are tied and surrounding environment is not supportive to his commitment.

Is prime minister Koirala aware about the situation?

He is aware about the present political situation.

If he cannot hold the elections, why does prime minister want to announce new election date?

It is his political compulsion to reiterate commitments towards the elections. If the election is not announced, that may generate many legal and legitimacy questions. It will again be premature if we fail to diagnose the reason behind the postponement of elections twice in the past. Announcement of election date alone will not fulfill the political objective.

Despite postponing the CA elections several times, why are all political parties still talking about it?

We cannot solve the present political crisis without holding the elections for CA. This is the political reality.

Don't you think that suspension of polls has shattered the hopes of people?

Initially, all the people had inner trust that elections will be held as CA was the determined agenda of all. However, it is now a hypothetical issue. Nobody can give the reason why it was not held a year ago or in June or in November. The present politics is like a hypothetical exercise where there is always possibility of failure.

In your own opinion, why was the elections for CA not held in the past?

It was because of political immaturity. We have completely deviated from our commitment towards the CA polls. Had the CA poll been main objective of Seven

Political Parties, they would have announced the elections date last November itself – soon after reinstatement of previous parliament. We missed the best opportunity after taking all kinds of unnecessary decisions like proclamation of parliament and pronouncement of new interim constitution and nationalization of property of King and so on. If there had been genuine commitment on CA polls and republic state; we would have concentrated all our efforts to hold the polls at the earliest instead of going for such nonsense.

Do you believe that CA polls are political solution?

I have reservation over whether CA will bring absolute political solution or not and whether we have raised the issues knowing them fully well or not. but, irrespective of what I think, CA is now a political reality for Nepal. More the date for election is postponed, more the problems the country will face. The problems like Janjatis, Madhesis, Dalits and Muslims are coming up and CA elections is getting low profile.

How will we find the solution, then?

Political unity among all the political forces particularly seven party alliance is the way out. However, it is not easy. At a time when we are unable to control our own student unions that are waging struggle against our government's decision to raise the price of petroleum products, how can we unite heterogeneous political interest? As long as we cannot stand for reality of the situation, I don't see any political solution.

Do you mean you are incompetent to deal with the situation?

Whether one likes it or not, it is the fact that all internal political forces are incapable and inept to deal with the present situation.

Recently, reactions are coming from our neighbors regarding the growing instability in the country. How do you look at it?

I think the time has come for the leaders of seven parties to give up their petty and party interest keeping in mind the interest of nation,



nationality, national integrity and democracy, which includes sovereignty in the people. It is unfortunate to say that we have not been debating on issues like nation, nationality, national integrity and democracy.

At a time when Nepal's internal political forces are bitterly divided, what do you suggest to make broader alliance and understanding?

We don't have to borrow views from outside. Our leader B.P. Koirala's proposal of national reconciliation, which he proposed while returning to Nepal after eight years long political exile from India, can be the basis for unity among all patriotic and democratic forces. Instead of going for revenge and bitterness, this is time for broader reconciliation between patriotic and democratic forces. If we are able to forge alliance between democratic forces and patriotic forces, then only we can overcome the present political crisis. For this, we have to give up hatred against institutions and individuals.

At present, do you see any leader to have such a broad vision?

Yes, Girijababu is the only leader now with such guts and capability. If he can gamble his political career to bring Maoists to the mainstream, Koirala can do the same to forge alliance with other patriotic and democratic forces.

But he seems to be completely sidelining country's major traditional force?

If you want to save the country, you must take this initiative. Even prime minister Girija Prasad Koirala has to realize this reality by taking the lead role to unite country's all political forces. ■

I have reservation over whether CA will bring absolute political solution or not and whether we have raised the issues knowing them fully well or not. but, irrespective of what I think, CA is now a political reality for Nepal.

PETRO PRICE HIKE

Politics Playing Spoil-sport

As prices of crude oil in the international market is approaching the record \$100 a barrel, there is no way the state-owned NOC can continue to subsidize the fuel in Nepal by diverting scarce resources to benefit comparatively well-off sections of society

By SANJAYA DHAKAL

Like every other time, the past one week also witnessed a volley of debates, discussions, demonstrations and expert-speaks on the issue of price hike of petroleum products.

No sooner had the government decided to hike the prices of petroleum products, some political parties – notably the Maoists – and their student organizations have started demonstrating demanding the rollback.

It does not need an expert economist to see the utter necessity of hiking the fuel price – notwithstanding the terrible problems common people are certain to face due to its hike.

Since past few years, the price of crude oil in the international market has been spiraling out of control. From around \$ 30 a barrel in 2003, the price has continued to soar to reach \$93 a barrel this week (One barrel is equal to 159 liters). And Nepal being a country that has to import all of the petroleum products, it is unnatural and against normal economic sense to continue to subsidize the fuel at the cost of cutting down much-needed investment on areas such as health and education.

Moreover, it has been substantiated by various studies that less than 10 percent of the populations are actually dependent on the POL products for their energy consumption. All the rest are dependent on traditional sources such as fuel-wood, bio-mass etc.

In fact, the NOC's decision to hike fuel price had become long overdue given its mounting losses. As it failed to pay its dues to sole supplier Indian Oil Corporation (IOC), the latter even cut down supplies leading to an acute shortage of the fuel in the country. Since last one year, an average urban consumer

has been subjected to serpentine queues and snap shortages at petrol stations and cooking gas depots.

Given the unbridled rise of the price of crude oil, the NOC's price hike last week could be too little for it.

The political parties and student organizations who protest the fuel price hike always point at the need to control the corruption, leakage and irregularities within the NOC. They also demand that tax be cut down on fuel import. "However, given the magnitude of price hike in the international market, even if you have a corruption-free and zero-leakage situation, you will need to hike the price because they only affect a very small part of the price component," said an economist.

The economist also exposed the utter irrationality of doing away with the tax on fuel. "The tax on fuel is a major source of income for the government. If it is done away with, that will affect government's spending on areas like education, health and development," he said.

Price Hike

The government announced the hike in fuel price last Wednesday (October 24). As per its decision, the price of petrol has been increased by Rs 6.5 to reach Rs 73.5 per liter. Likewise, the price of diesel has increased from Rs 53.15 to Rs 56.25 per liter. The price of kerosene has increased from Rs 47.65 to Rs 51.2 per liter while the price of cooking gas has increased from Rs 900 to Rs 1100 per cylinder.

According to Nepal Oil Corporation (NOC), it will still be making losses to

the tune of Rs 70 million per month. Earlier it claimed it was losing Rs 400 million a month due to lack of price hike in the domestic market despite spiraling prices in the international market.

The NOC executive director Digambar Jha has claimed that consumers will now enjoy easy availability of fuel.

The decision to hike the fuel price was long overdue. The government had said it would not increase fuel price before elections fearing rioting by some elements. But since the election has been



NOC: Politics of oil

suspended it had little option than to hike the fuel price.

Due to lack of price revision, the NOC was becoming unable to pay its dues to supplier Indian Oil Corporation (IOC), which in turn, had cut down supply volume. The NOC says it still needs to pay dues over Rs 4 billion to IOC and over Rs 6 billion to domestic banks and financial institutions.

Immediately after the decision by the government to hike the fuel price, the Maoists, student groups associated with communist parties and transport entrepreneurs protested the government decision.

The protesting student organizations affiliated with seven parties demanded transparency in the Nepal Oil Corporation and slashing of commission given to the truck entrepreneurs for transportation. Spokesperson of the Maoists Krishna Bahadur Mahara issued a statement condemning the government's decision to hike the fuel price. Mahara has said that the government should have controlled corruption and leakage within the NOC instead of burdening the common people with price hike.

NOC Says No To Roll Back

Saying that it is bleeding due to soaring losses, the NOC has said that it cannot roll back the decision to hike the price of fuel. According to NOC executive director Digambar Jha, any revision would lead to short supply.

Jha said that there was no alternative to the price hike as the government did not compensate for the loss the corporation incurred by distributing fuel at a subsidized rate. Jha added that the price of the petroleum products was still cheap as compared to the international markets.

Who Uses POL Products?

Parties who raise pro-poor slogans when protesting fuel price hike have ignored the basic fact about who uses the petroleum products in Nepal. Even now, overwhelming mass of Nepalese population depends on traditional sources for energy.

According to various Economic Surveys by the government, less than 10 percent of the population depend on petroleum products for energy. Fuel wood comprises the single biggest source of energy at around 7000 thousand tons of oil equivalent (TOE) – out of the total of over 8500 TOE of energy consumption

The traditional sources include fuel wood, animal dung and agriculture wastes. Commercial sources include POL products, coal (2%) and electricity (1.6%). As such, it is obvious that POL products are used by a limited number of people residing in urban centers.

“The bottom 40 percent of Nepalese households use kerosene primarily for lighting (which consumes little kerosene) and not for cooking. Furthermore, the

percentage of households who rely on kerosene for lighting is falling with time. The percentage fell from 80 percent in 1995/96 to 58 percent in 2003/04, and even in rural areas this percentage declined from 84 to 67 percent between the two periods on account of increasing electrification. The estimated direct impact of raising the price of kerosene to the cost-recovery level—an incremental cost of approximately Rs 20 per month per household for the poor—seems too modest to justify a price subsidy scheme with evidence of leakage and a significant cost to the country,” states a report titled “Socio Economic Impact of Fuel Price Increases in Nepal” prepared by the World Bank in October, 2004.

However, despite the voluminous justifications for doing away with subsidies on POL products, the political parties continue to attempt to mix oil with politics. This explosive mixture is neither sustainable nor prudent if looked at from long-term perspective instead of short-term political angle. ■

With Best Wishes and Greetings on the Auspicious Occasion of Happy Vijaya Dashami and Deepawali -2064



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ATTACK AGAINST MEDIA

Journos In Distress

In blatant attacks against free press, journalists continue to face serious risks as shown by the abduction of Birendra Shah

By A CORRESPONDENT

Nepalese media, which was just recovering from the forced closure of Kantipur Publications by pro-Maoist workers, had to suffer from another distress during Dashain festival.

On October 5, Birendra Shah, a journalist based in Bara district, was abducted – by Maoists as substantiated by various field missions undertaken by rights organizations, Federation of Nepalese Journalists (FNJ) and Reporters' Club.

His whereabouts remain unknown till October 29. Despite calls from domestic and international level, Shah is yet to be found.

Exasperated by repeated attacks against the press people, president of FNJ Bishnu Nishthuri recently said that the federation is drawing up strategies for the security of journalists.

Speaking at a program in Rajbiraj, Nishthuri said, "The press which has been fighting in the forefront for democracy and freedom is itself facing attacks from all sides."

He also said that discussions and interactions were necessary to ensure security to journalists at field level. "The open border with India is encouraging crime. The armed groups operating in parts of the country should also be sensitive to the security and safety of journalists who risk their lives to cover incidents and events," he said.

Reacting to the lack of initiative by the Maoists to help establish the whereabouts of Shah, Nishthuri said the parties had forgotten the role player by

the press in the fight against regression.

He also lambasted the claim made by local Maoist unit of Bara that they had no hand in Shah's abductions. He termed it as worst kind of political dishonesty.

Earlier, a parliamentary committee formed to probe the abduction had concluded that local Maoist leaders were involved in Shah's abduction. According to MP Kamala Pant, local residents interviewed by the committee members have named four local Maoist leaders, two of them identified as Lal Bahadur Choudhary and Ram Ekbal Sahani, in the abduction episode.

The parliamentary panel headed by Urmila Aryal reached the conclusion after field visit in Bara during which it interacted with local human rights activists, political leaders, journalists and the locals about the circumstances leading to his abduction and the efforts being made for his release. The committee also comprised of two Maoist lawmakers, Tilak Pariyar and Prabhu Shah.

Shah, a central member of Press

Chautari Nepal and correspondent of Kathmandu-based Nepal FM, was abducted from Bara on October 5.

Following blistering criticisms, the Maoist spokesperson, on October 28, issued a statement announcing that his party has formed a three member committee headed by Hari Bhakta Kandel and including Prabhu Shah and Shila Yadav as members to find truth regarding Shah's abduction.

As abductions and attack targeted at



Wife of abducted journo Shah: Pleading for her husband's release

free media continue, it was with a pinch of salt that Nepalese media community received the recent report by Reporters Without Borders which showed improvement in media freedom situation in Nepal last year. Since it only took into consideration the events and incidents of past year, its ranking did not match the ground situation in Nepal where following the armed activities in Terai, journalists have been facing increasing assaults. ■

WFP, US Provide Food Aid

The United States, through USAID's Office of Food for Peace and the Office of Foreign Disaster Assistance, has provided \$6.8 million dollars to the UN World Food Programme's operation to support the peace process and to provide food aid and livelihood support to conflict-affected people in Nepal, according to a press release by the WFP.

"This \$6.8 million dollars of assistance to the people of Nepal demonstrates the United States of America's continued support for a more peaceful and prosperous Nepal," said U.S. Ambassador Nancy J. Powell. "Through the World Food Programme, the \$6.8

million dollars will be used to improve the lives of Nepalis who continue to suffer from the effects of years of conflict."

At a cost of nearly \$49 million, WFP's peace and recovery operation aims to provide food aid and livelihood support to over 1.2 million conflict-affected people in Nepal who continue to struggle to rebuild their lives. As a part of this effort, the US contribution will provide in-kind food aid to over 160,000 people and essential cash resources needed to kick-start the operation.

"Despite efforts made since the end of the conflict last year, many people have yet to receive any

tangible benefits from the peace process – they are still hungry, they still lack access to basic services and critical infrastructure, and opportunities to rebuild their lives. This critical support from the US will enable us to reach-out and provide a safety net to these vulnerable populations during this uncertain time in Nepal's peace process," stated Richard Ragan, WFP Country Representative in Nepal.

WFP's peace and recovery activities will be implemented in 28 of the most food-insecure, conflict-affected districts in Nepal. Programme activities include rehabilitation and construction of critical infrastructure, return and rehabilitation packages, and civic education training. ■

'Japan Should Become Permanent Member of UNSC'

At the meeting with her Japanese counterpart Masahiko Koumura on October 10, Foreign Minister Sahana Pradhan informed Koumura that in her speech at the UN General Assembly she stressed the ways in which Japan had been cooperating proactively around the world in various fields and argued that it should become a permanent member of the Security Council.

In response, Koumura expressed his appreciation and said Japan would be willing to contribute even more actively as a

permanent member state, states a press release by the Embassy of Japan.

Pradhan held talks with Koumura during brief visit to Japan. During their short meeting, Pradhan explained to Koumura that "the Constitutional Assembly election of November 22 was unavoidably postponed because the political parties failed to reach an agreement." In response, Koumura expressed his disappointment that the Constitutional Assembly election

was postponed, and he hoped the election will be certainly held in due course. Koumura also said that he hoped Nepal would continue on its path to democracy, and Japan would promise to continue its support.

Minister Pradhan expressed gratitude for Japan's assistance for ballot boxes and the activities of six members of the Japan Self-Defense Forces in the United Nations Mission in Nepal (UNMIN). She also said that she hoped that Japan would dispatch electoral monitors for the fair implementation of the Constitutional Assembly election.

TREMOR IN VALLEY

Early Warning

Although the tremor was moderate, it jolted the valley enough to remind of the looming danger

By A CORRESPONDENT

For Krishna Bahadur Dangol, the resident of Maitidevi, there is no alternative other than to stay at home helplessly. As his locality is full of tall buildings, he could not run away even when he was jolted by the tremor of earth quake on October 29.

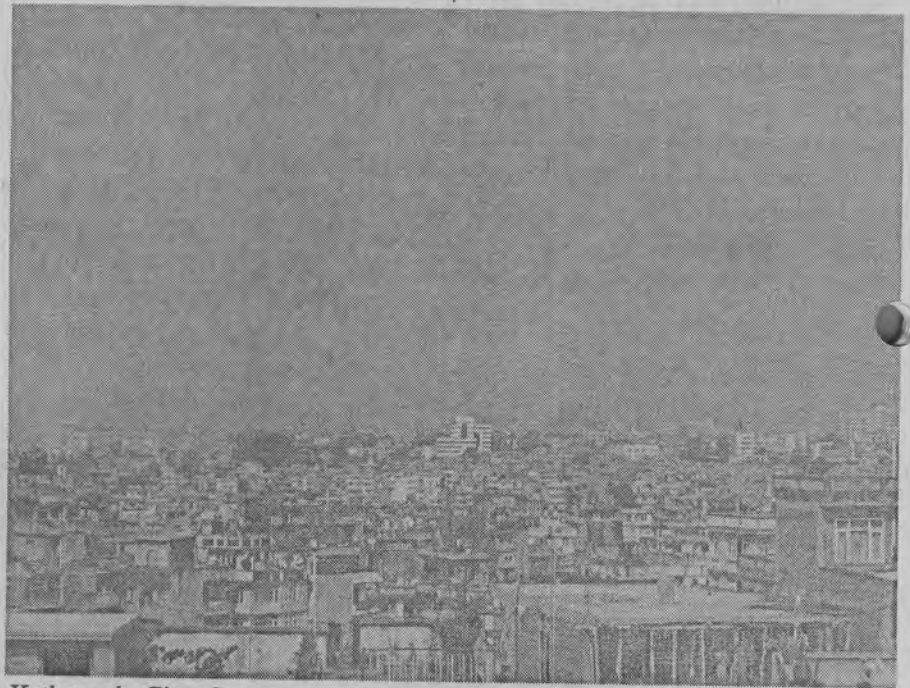
"As there is no open space available, my family members decided to stay inside the room," said Dangol, 60. "It is safer inside the house than rushing out where there is nothing but narrow alleys, lanes and four and five storey houses."

For many other 3 million population of Kathmandu valley, the jolts of 5 Richter scale earth quake of Monday afternoon reminded where they can go in case of big earth quake which is said to be overdue according to experts.

According to National Seismological Center (NSC), the earthquake had its epicenter at Sharamthali in Nuwakot district, about 25 kilometer north of Kathmandu. The tremor was felt for three to four seconds in the valley.

"An earthquake of magnitude five on Richter scale is not devastating but the destruction to life and property depends on the nature of surroundings of the epicenter," said Soma Nath Sapkota. "Around 24 tremors of over four Richter scale magnitude have been recorded so far in Nepal this year."

Experts argue that an earthquake of six on Richter scale can make



Kathmandu City: Congested and unmanaged

significant impact in the valley. According to a study of National Society for Earthquake Technology Nepal (NSET-Nepal) and Geohazards International, USA, Kathmandu valley faces a large and growing risk from earthquakes. A loss estimation study indicates that the next major earth quake to affect Kathmandu Valley could cause tens of thousands of deaths and nearly hundred thousands injuries. Damage to the house stock, business, public buildings, and utility and transportation networks will also be devastating.

As a country with a long history of destructive earthquakes, Nepal is vulnerable to major tremors. The last major quake hit the valley in 1934 with over eight richer scale when more than

11,000 people lost their lives.

Three major earth quakes occurred in 1810, 1833 and 1866 in the valley. According to NSET, earth quake of 1934 size occur approximately every 75 years indicating that a devastating earthquake is inevitable in the long term and likely in the near future.

Experts have already predicted that

earthquake may rock Nepal any time due to the motion of the Indian and the Tibetan tectonic plates, on the borderline of which Nepal is situated. According to experts, Nepal lies in one of the most earthquake prone zones in the world.

Despite this fact, people are yet to develop a sense of preventive safety. According to an estimate, Kathmandu valley will face high number of casualties and loss of life in case of a major earth quake with magnitude of 8 Richter scale. As over 60 percent of the buildings have been constructed without following proper building codes, they are at the risk of destruction.

Monday's quake should serve the positive task of making the people aware about the imminent risks. ■

Many Faces Of Women

Renowned poet Parshu Pradhan's novel *Sitaharoo* highlights many faces of women

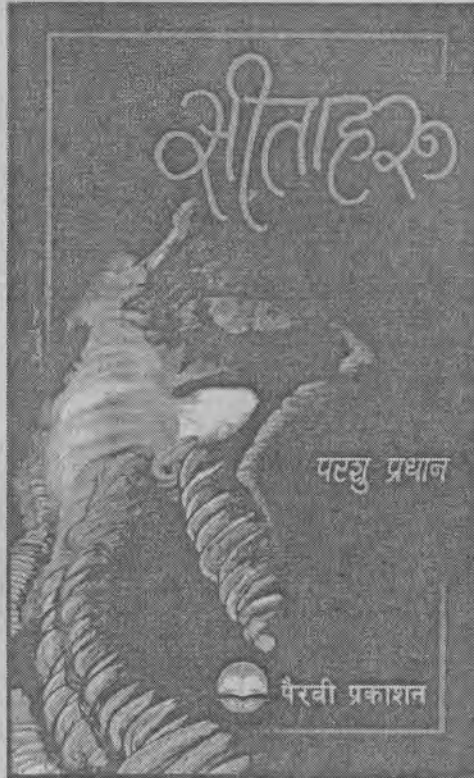
By A CORRESPONDENT

Parshu Pradhan needs no introduction. Having written a number of poems, short stories and novels, Pradhan has earned name and fame in Nepali literature. One of the main characters of his writing is that he can depict the social reality by accurately observing the social change.

In his new novel *Sitaharoo*, he is able to depict the faces of women and their positions in society. He is known for his own separate views and ideas. In all his writings, whether it is poem or short stories or novel, Pradhan has shown his mastery of imagination and analysis.

In his latest novel, he describes various characters of women and their roles. From women's personality and their inner feelings to contradictions, Pradhan uses powerful language and words to describe their situation.

Although his characters in *Sitaharoo* are part of his imagination, they prove that all of them have their own characters and live.



Sitaharoo

A Contemporary Hyper Novel

By: Parashu Pradhan

Published by: Pairavi Prakashan,

M House Putalisadak

Price. Rs 125.00



Most of the Sitas in his book are full of contradictory characters. What is common in all the women is their desperation, their trauma and painful life? Pradhan tries to analyze all the parts of the lives of women.

Some of his characters feel deficiency of sexual life. Some of his Sitas are unemployed but ambitious. When their ambitions are unfulfilled they turn to rebellion. The urban women show multiple characters with selfish motives of living in cosmetic life. He also depicts the life of prostitutes living in the city.

This is a short novel and accommodates the softcopies of modern urban and rural society. Through this new novel, poet Pradhan has again proved that his skill of imagination and analyzing of situation remains superb. ■

NEPAL-PAKISTAN RELATIONS

In the past few years, Pakistan has achieved high economic growth and created tremendous economic opportunities. Its economic progress also has also offered smaller countries like Nepal to make benefits.

Although Nepal and Pakistan are members of SARRC countries, the volume of trade between two countries were very nominal till the past few years. However, the situation has changed now and Nepal's export to Pakistan has substantially increased particularly the

product like Nepal's tea which has found a good market in Pakistan.

Despite long history of diplomatic relationship between Nepal and Pakistan, only in recent time trade between the two countries comes to forefront. Pakistan has been providing number of scholarship to Nepalis student in engineering, medicines, agriculture. Pakistan has also been offering training to Nepal's civil servants including the officials of foreign ministry.

Pakistan has also been playing role to bring peace and stability in region. The unresolved Kashmir dispute remains a major irritant for regional peace and security. Pakistan has proposed number of proposals recently to solve the problems of Jammu and Kashmir in the line of right to self determination of people of Kashmir.

Ambassador of Pakistan to Nepal Sohail Amin in his prepared statement highlighted Pakistan's in brining regional role as well as her relations with Nepal. Organized by Embassy of Pakistan, ambassador Sohail discussed various issues in the talk program. ■

DIPLOMACY

Moriarty On The Move?

Indications are that Nepal is fast becoming a major centre of power games in South Asia

By NARAYAN KARKI CHHETRI

Four months have passed since outspoken ambassador James Moriarty left Nepal at the end of the three-year tenure.

Not much has been heard from his successor, Nancy Powell.

The low profile that media-shy Powell has chosen to keep after occupying the newly-built US

may get a promotion soon. The career diplomat is reportedly being tipped as the top state department official for South Asia.

Having served in the national security council, earlier, under Condoleezza Rice, it would not come as a surprise if he does land in the State Department's top South Asian



Moriarty: Moving up the ladder?

chancery at Maharajgunj contrasts the style of her flamboyant predecessor.

The style of the Kathmandu-based top diplomat of the world's most powerful country may have changed, but substance remains unchanged.

That at least is the impression of many keen observers. Recent speculations have lent credence to such an impression.

Grapevine has it that Moriarty

job with Rice herself overseeing the Department.

Moriarty was earlier designated ambassador to another South Asian capital, Dhaka.

Interestingly, his successor in Kathmandu previously headed the US mission in a key South Asian ally, Pakistan.

One wonders, if South Asia is gaining more space in the radar of the world's only superpower.

That is a subject of speculation.



Chinese envoy: Concerns from North

But what is confirmed is that the region is gaining more global attention, with an emerging world power, China, choosing to shed its traditional low profile.

Coincidentally, Nepal has happened to be one of the countries on the spotlight.

Concerned more at the perceived security threats to the sensitive Tibet, the ever-agile player from behind the scene has begun to speak out.

Observers have noted a discernible shift in style - if not in substance — in the functioning of the Bhatbhateni chancery under its new boss after the low-key Sun Heping had to leave without completing his tenure.

Now attention is focused on the all-influential Lainchaur mission which is awaiting its own new boss.

No successor to Shiv Shanker Mukherjee has been named yet.

Going by the grapevine, a serving envoy in another troubled South Asian country could get the job.

Recent media reports suggested that ambassador Rakesh Sood could be moved up to Kathmandu from Kabul.

Another sign of growing importance of Nepal? Or the signs of the (troubled) times to come? ■

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