



Viewpoint:
Dr. Kishor Uprety

Special Report: The Clock Is Ticking
LDCs' Meet: Slowly Ahead

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From The Editor

After seven months in waiting the legislative parliament delivered a baby. Three weeks into its birth the baby is struggling for survival. A last-minute hush-hush deal between the two partners prevented a miscarriage. But it still faces the threat of a premature death. The ending of the stalemate over the election of a new prime minister has in no way ended the problems facing the country. It has given birth to new problems, instead. There is no end to the country's crisis in sight yet. A dramatic political course is what the country seems heading towards. The sharp political polarization is on the cards. Not based on ideological considerations or 'nationalist' or 'democratic' leanings as some would believe, it has only thing in common - the struggle for power. The casualty: the search for stability and the aspirations for prosperity. As stability and prosperity elude the country the national territory becomes even more volatile stage for power play of international actors. This does not bode well for the nascent republic nor for the peace process. But this is what seems inevitable. A result of the failure of all national actors Not just of political leaders but of all ruling elites that include the professionals of all hues and colours.

Keshab

Keshab Poudel
Editor

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EU Delegation Holds Info Day For Partners

The Delegation of the European Union to Nepal organized an 'Information Day' for 25 partners who freshly signed contracts to run different development programmes on health, vocational training, good governance, promotion of democracy and human rights, solid waste management, issues related to migration and tourism promotion under different thematic budget lines.

The thematic budget lines come under the Development Cooperation Instrument (DCI) and European Instrument for Democracy and Human Rights (EIDHR) of the European Commission.

The total EU assistance for the 25 projects is approximately Euros 15 million (NPR 1.5 billion). The projects fall under three different programmes: the EIDHR, Non-State Actors (NSA) and Investing in People.

These sectors have been receiving top priority in Nepal with the non-state actors actively working with the European Union to achieve the goals related to the preservation and promotion of human rights, promotion of vocational skills in backward and marginalized populations and preservation of the language and culture of indigenous communities.

"The European Union joins hands with its partners to bring about substantive changes in the quality of life of the Nepalese people through projects encompassing a broad spectrum of activities related to skill development, preservation of human rights, conservation of the environment and protection of language and culture of the indigenous groups," Dr. Alexander Spachis, Ambassador, Head of the European Union Delegation to Nepal said.

Recalling the recent voice echoed by Europeans to honour the EU commitment to increase aid to 0.7% of gross national income by 2015, Dr. Spachis said the existing aid along with any possible increases in the near future are aimed at assisting developing countries like Nepal to achieve the UN's Millennium Development Goals (MDGs) which have set global targets for reducing poverty by 2015.

Project partners were given information on different contractual obligations, various aspects of project management and visibility along with an introduction to tools on financial and technical reporting, accounts and record keeping on the occasion. Maintaining transparency, accountability and complementarities were highlighted during the information session.

Rights Review Held In Geneva

The human rights situation of Nepal was reviewed for the first time under the Universal Periodic Review mechanism and the draft report was released last week.

The Office of the UN High Commissioner for Human Rights in Nepal (OHCHR-Nepal) commended all actors who participated in the UPR process thus far for their commitment to this important review and noted the positive spirit of collaboration and mutual understanding among all stakeholders in Geneva.

Particularly, noteworthy was that the high level Government delegation was well-prepared for this review, a statement obtained here said.

"OHCHR is encouraged that the Government of Nepal has voluntarily expressed its commitments to continue its holistic and comprehensive approach to the promotion and protection of human rights and to put in practice a rights-based approach to development of all sectors," said Jyoti Sanghera, the Head of OHCHR-Nepal. "The Office commends the Government for its expressed commitment to engage the civil society and stakeholders in the promotion of protection of human rights."

Sanghera stated, "At the same time, my Office is concerned that the Government did not accept recommendations including with regard to the ratification of a few important international human rights instruments and those related to the investigations into allegations of extra-judicial killings in the Terai as set out in OHCHR's September 2010 public report," further adding, "The Office will continue discussions on these recommendations as part of its efforts to strengthen human rights protection in Nepal."

It is important that the Government and all relevant counterparts now build on the momentum of the UPR through the concrete implementation of the accepted recommendations and a detailed consideration of the other recommendations, the statement said. "OHCHR is ready to continue providing support in the process and hopes that government interlocutors will pursue a

Sri Lanka Marks National Day

The Sri Lankan Embassy in Kathmandu celebrated Sri Lanka's 63rd National Day on 4th February 2011. Thosapala Hewage, the Ambassador of Sri Lanka to Nepal, hoisted the national flag and participated in singing the national anthem, followed by the traditional lighting of the lamp ceremony.

Sri Lankan community in Nepal took part in the event.

National Day messages from the Sri Lankan President, Prime Minister and Minister of External Affairs were also read and a two minute silence was observed in honor of all the national heroes who sacrificed their lives for the country.

An alms giving (Dana Pooja) was organized at the Chancery for nearly 15



religious leaders who were present at the event.

constructive dialogue with all human rights partners towards this goal.”

Indian Aid For Jhapa School

A Memorandum of Understanding (MoU) was signed on February 7, 2011 by Embassy of India, Kathmandu, District Development Committee, Jhapa and Shree Shanti Adarsha Secondary School, Jhapa for providing an Indian grant assistance worth NRs. 1.15 crores for construction of double storied building and provision of furniture for the school under Nepal-India Economic Cooperation Programme.

This is the eighteenth development project in the Jhapa District being undertaken with the assistance of India under Small Development Projects.

Shree Shanti Adarsha Secondary School is one of the oldest schools in Jhapa.

The current infrastructure of the school is old and inadequate to cope with the expanding requirements of the school. The new infrastructure being constructed with the grant assistance would cater to the educational needs of over 1000 students, would create an improved environment for learning and contribute to the development of education in the area. The project will be implemented by the District Development Committee, Jhapa as per Nepal government's norms and regulations. The committee will also be responsible for the quality and timely completion the project, a statement of the Embassy said.

Exhibit Offers Top Class UK Education

Dr Robert Monro, Director of the British Council, Dr Lava Awasthi, Director General, Department of Education and Guy Harrison, Charge d' Affaires, opened the British Council's Education UK Exhibition on 12 February.

The exhibition was held for two days with a view to promoting UK education and increasing the understanding of the UK's expertise in education. The event was organized in an inclusive way so that students and parents got the chance to meet representatives from 21 renowned institutions in the UK and talk to them directly.

One of the most popular education destinations these days is the UK.



British education is famous for its breadth and academic excellence, and offers outstanding opportunities to students from all over the world. Independent thinking and student-centred learning are the hallmarks of British degree courses.

“British higher education offers shorter and more intensive courses than are available in many other countries and it is well known that UK qualifications add value to your CV, give you a competitive edge and increase your employment prospects,” organizers said.

“I am delighted that the British Council in Nepal has organised this event, and that so many top-class British higher education institutions are present. British universities are amongst the best in the world and thousands of Nepalis have benefited from the education they offer. This is a key contributing factor to the strong relationship which exists between the UK and Nepal,” said The British Ambassador, John Tucknott MBE, said

This event was the opportunity for a face to face discussion and interaction with UK higher education specialists for students, parents, career advisers, agents, representatives and others from all walks of life looking to broaden their educational horizons in a modern and professional way.

“It has been recognised for many years that appropriate higher education is a key factor in both individual advancement and national development. Studying in another country is also a life changing experience,” said Dr Robert Monro, Country Director, British Council

US Under Secy Otero Visits Nepal

U.S. Under Secretary of State for Democracy and Global Affairs Maria Otero completed her three-day visit after meeting with political leaders, senior government officials and civil society

representatives. Otero was here to address a disaster risk reduction symposium and discussed trafficking in persons and refugee issues.

Otero addressed the Disaster Risk Reduction Symposium entitled “Be Aware, Be Prepared: Implementing lessons learned from other earthquakes.” The purpose of the event, hosted by the Government of Nepal in collaboration with the U.S. Embassy and the United Nations, was to raise awareness among key decision-makers of Nepal's vulnerability to a catastrophic earthquake; demonstrate the commitment of the Government of Nepal and the international community to disaster risk reduction, and review lessons learned from recent disasters to inform policy and planning in Nepal.

US Support For Nepal Police

United States Under Secretary for Global Affairs Maria Otero helped dedicate the Nepal Police Command Center, along with Chief of the Nepal Police, Inspector General Ramesh Thakuri and senior police staff at a function marking the culmination of the \$850,000 information technology improvement project.

The project began as a joint effort between the US and the Nepal Elections Commission to improve communication around the country leading up to the 2008 elections.

The Command Center's communications capabilities will help the police respond more quickly and more professionally to citizens around the country and, along with related information technology projects, will also improve the police's ability to serve as an information and coordination leader in the event of a natural disaster in Nepal.

Under Secretary Otero noted, “The U.S. Government has a robust partnership with the Nepal Police, because we understand that improving law and order in Nepal and protecting Nepalis' security are essential tasks for a country coming out of the insecurity of a long conflict. A strong and professional police force can be an immeasurable benefit to Nepal.”

In the coming years, the United States looks forward to working with Nepal Police authorities to identify areas of further collaboration, a statement said.

Ashok Rana Is New NBA Prez

Ashok Rana, the Chief Executive Officer of Himalayan Bank Limited, has been elected as the 15th President of Nepal Bankers Association (NBA). He defeated nearest rival Sashin Joshi, CEO of NIC Bank and immediate past president, by 21 votes to 11. Executive



chiefs of 30 banks and three development banks who are members of the NBA voted to elect their president for a two-year term. Rana has been elected as the president of NBA at a time when banks are facing difficult challenges with the persistent liquidity crunch and spiralling interest rates.

Credit Rating Rules In Offing

The efforts to finalize rules on credit rating have reached final stage. The Securities Exchange Board of Nepal (SEBON) had solicited suggestions on the rule from the Nepal Rastra Bank and Insurance Board recently. "Since they have sent their suggestions, our efforts to finalize the rules are nearly complete now," said Niraj Giri, director at the SEBON. The rules will now be sent over to the Ministry of Finance for final approval before it is adopted. In the rules, the investment - between 25 to 75 percent shares - from a recognized foreign credit rating agency with at least five years of experience has been made mandatory for any credit rating agency to be allowed to operate here. "This is because we want the credibility of these agencies to be good," said Mukti Nath Shrestha, deputy director at the Board.

Budhi Gandaki To Be Completed In Three Years

Amid deepening energy crisis, the Nepal Electricity Authority (NEA) is preparing to launch the Budhi Gandaki storage project of 600 MW strength. The project site is located around 68 km away from the capital valley. According to cost estimates, the project could cost around \$ 1.5 billion. Earlier, the project was pipelined to start in eight years. The study of NEA indicated that 225 m tall dam needs to be constructed near Benighat of Dhading district for this project.

Budget in Baisakh!

The officials of the Ministry of Finance are preparing to bring budget in Baisakh. The change in the fiscal year is being



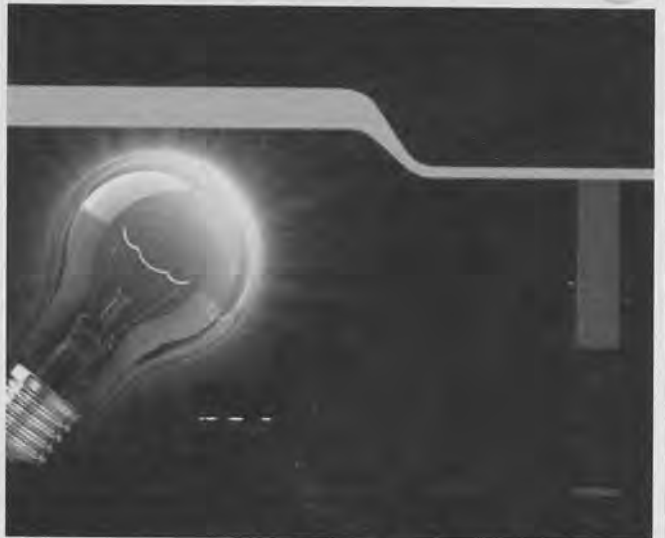
mulled in order to better spend the development expenditure. In the current fiscal timeframe, a new year starts in July. But this calendar was shown to have many weaknesses including the reduced spending.

Banks Lose Rs 280 M In Janamaitri Hospital

A number of banks are set to lose Rs 280 million they invested in the Janamaitri Hospital operated by people close to the Maoist party. Eleven commercial banks have invested Rs 280 million in this hospital in 2065. The hospital has paid only around Rs 7 million as principle and interest till date. The Nepal Rastra Bank has asked the banks to count their investment in the hospital as bad debts.

Power Cuts Lead To 50 PC Drop In Ad

Due to long hours of load shedding, advertisements in electronic media have decreased by almost one half. The victims of this situation have been the FM radios and television channels. If the hours of load shedding increase from current



14 to 16 hours a day, the advertisements will drop by 60 percent, according to immediate past president of Advertisement Agencies Association of Nepal, Nirmal Raj Poudel. Ranjit Acharya, chief executive officer of Prisma Advertising, said that due to the load shedding, the agencies have reduced the ads to television by one half already. In total, the ad market is said to have shrunk by 30 to 35 percent. ■

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India Engineered 7-point Pact

The seven-point pact between the Maoist chairman Pushpa Kamal Dahal Prachanda and the UML Chairman Jhalnath Khanal was done under the direction of and at the behest of India, like the 12-point Delhi pact (which brought the Maoists and parliamentary parties together for the decisive



Rohit

agitation against the monarchy). The pact is harmful for the country and the people. Since it involves the interests of the two parties only, it can not give a solution to the country's problems. (Nepal Majdoor Kisan Party chairman Narayan Man Bijukchhe in Karobaar, Feb 15)

Foreign Forces Nervous Over New Deal

The external forces have become nervous over the seven-point pact between the Maoists and the UML. This has delayed the formation of the cabinet. Foreign forces have been active in delaying the cabinet formation. But the government will not collapse just because of some leaders of the Nepali Congress and the UML Elements opposed to the change have been trying to undermine the people's rights. (Maoist chief whip Post Bahadur Bogati in Jandisha, Feb 19)

Maoist-UML Alliance Castle In The Air

The Maoist-UML alliance will not last long. It is a castle in the air. Since cabinet formation has hit the hurdles right from the beginning it will collapse soon and new government led by the Nepali Congress will take its place for peace and constitution. The Maoist-UML alliance is against the peace process. It



Gopal Man Shrestha

has made the country a hostage. Two parties alone can not resolve the country's problems. (Nepali Congress leader Gopal Man Shrestha in Nepal Samacharpatra, Feb 20)

Chinese Spies Intensify Watch

The locals of the Lamathang and Chhoser in Mustang have been alarmed by the increase in the Chinese spies' watch there. Plainclothes Chinese police have intensified their presence in the areas. They have been patrolling the areas daily, but the Jomsong-based Nepalese intelligence office has remained indifferent to the Chinese activities. The Chinese stepped up the patrol last year after closing down the Ne Chung pass. Chinese border officials also travel to Mustang unchecked. Many Chinese police and officials travel on own vehicles. They meet the former Mustangi king Jigme Parbal Bista. Although the ailing Bista is currently in Kathmandu, the Chinese do meet his staff and the relatives in the Lomathang palace. The locals consider the increased activities of the Chinese spies as mysterious. Said Dojim Bista, "we had never seen such a big Chinese presence before. (Dhruba Sagar Sharma in Nepal Samacharpatra, Feb 20)

Power Outage Could Trigger Revolt

Nobody has bothered to take care of the people's concerns. If they had been taken care of the present crisis would not have arisen at all. If this continues and the power outage further



Dr. Lohani

increases, the people will take to the streets for a revolt. The power crisis could be the cause of the next uprising in Nepal. (Former finance minister Prakash Chandra Lohani in Karobaar, Feb 15) ■

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Back To Nepal's Future



By YUBARAJ GHIMIRE

The official function to celebrate Nepal's 61st National Democracy Day this February 19 was a quiet affair. A sizeable portion of the enclosure meant for representatives of the constitutional bodies at Sainik Manch, the official venue of the main programme, stayed empty.

In a way, the mass absence from the official function demonstrated a sense of indifference or cynicism towards the current leadership. What the president or prime minister said on the occasion was treated more like a ritual than a mark of their ability or will to protect, preserve or consolidate democracy.

Maoist ideologue and dissident leader Baburam Bhattarai was perhaps more forthright about the day's significance or lack thereof: 'Celebrating Republic Day will be enough. There is no point celebrating Democracy Day separately.' That explains why the Maoists absented themselves en bloc. The lacklustre event also reflects the general mood of the people, and their lack of faith that the current leadership will consolidate and institutionalise democracy and republicanism - and also in their ability to deliver the new constitution by its extended deadline, May 28, as the major political parties are divided on its crucial ingredients.

The constitution-making process is also being affected by the predicament of Prime Minister Jhala Nath Khanal, who faces the prospects of either having to resign or acting on outside dictates.

Less than three weeks after he won the race to power with support from the Unified Communist Party of Nepal-Maoists (UCPN-M), the largest party in parliament, he has been clearly told that there is no such thing as complete support to an outsider without strings attached.

Khanal has already been reduced to a helpless entity; he is neither likely to be able to honour the seven-point pact he signed with the Maoists because of non-cooperation from his party, the Communist Party of Nepal-Unified Marxist Leninist (CPN-UML), nor can he convince the Maoists to support him unconditionally. He has not even been able to give shape to his cabinet as the Maoists are linking their joining the cabinet with his willingness to honour their pact: that the Maoists must be given the home portfolio, form a separate security outfit comprising solely of Maoist combatants, and move towards transforming Nepal into a caste- and ethnicity-based 'people's republic.'

The options before him come down to either resigning or ditching his own party completely and working like a puppet in the hands of the radical Maoists. But the last option exposes him to the risk of being expelled from his party - and, in the process, losing his House membership and the chair he acquired through a secret deal. All this makes Nepal's politics more anarchic, uncertain and discredited.

People are increasingly questioning the parties' intention and ability to deliver the constitution and protect democracy. P.L. Singh, one of Nepal's best-known figures, who worked as

the Nepali Congress's public relations man during its 30-year underground crusade for the restoration of multi-party democracy, came out with a prescription for the restoration of a constitutional system. He suggests the return of the 1991 constitution with two pillars - a constitutional monarchy and multi-party parliamentary system - and then a collective decision on what reforms are needed to make it more in tune with people's aspirations. Singh, the first elected mayor of Kathmandu after multi-party democracy was established in 1991, was sweeping in his remarks: that the Maoists' goal is to finish off democracy and establish one-party dictatorship, and that, 'one by one, we are acting like pawns in their hands.'

But a statement that could have led to his being tagged as 'regressive' and 'reactionary' three years ago, is being greeted with silence today. Almost coinciding with that, the former king, Gyanendra, issued a statement that indicated things have grown worse since his exit, but that he continues to be a



P.L. Singh

stakeholder in the stability and consolidation of democracy. He did not forget to add that his grandfather had a hand in establishing democracy 61 years ago, putting the throne at risk. But what is likely to guide the future political course of Nepal is the growing erosion in the credibility of the political parties and their inability to deliver. The constituent assembly no longer symbolises hope as a possible source of a 'people's constitution'.

That further limits options. Either the country enters a non-constitution era, with all the implications that has, or it revives the previous constitution along with the formation of expert committees to suggest modifications in tune with current political reality. (Indian Express)

POWER POLITICS

Set For A New Ball Game

Three weeks after the chairmen of the two biggest communist parties inked a controversial deal to put a brake on the cycle of elections for the prime minister the UML has officially "endorsed" it, but with many ambiguities still remaining what is becoming clear is that stage is being set for a new ball game ahead of the extended tenure of the constituent assembly.

By SAROJ DAHAL

A group of UML central committee and politburo members heads towards the east of Koteswor while another rushes to the north.

The former ended up at the private residence of K.P. Olli at Balkot. The latter

at the prime minister's official residence at Baluwatar.

The same evening ten central and politburo members confirmed that had separate meetings on the same topic -- the controversial seven-point pact with

the Maoists. 'Some are at Baluwatar while some of us are here at Olli's place,' said central member Jaganath Khatiwada.

The meetings took place shortly before the crucial politburo and the central committee meetings which were



Prime Minister Jhlanath Khanal (Centre) with Maoist Leader Prachanda

due to decide the fate of the seven-point pact.

Predictably, the meetings came up with ambiguous decisions.

Both sides of the faction-ridden party could see it as their victory.

The prime minister Jhlanath Khanal camp was euphoric over the "endorsement" of what his main critic, K.P.Oli only the other day had degradedly said was a love letter between Khanal and Maoist chairman Prachanda.

The Oli camp pointed to the riders attached to the endorsement which, according to it, was a setback to Khanal.

This ambiguity puts the fate of the

prime minister as well as the party he heads in balance.

This also puts the Maoist chairman Prachanda in a dilemma. He has the liberty of interpreting the UML 'endorsement' the way he likes and decide accordingly to join or to stay away from the government he helped put in place.

But he will no longer have the luxury of getting away with whatever he does. The party is too divided to fall in line with his whims and fancies.

Whether he will be able to 'remote-control' Khanal or whether the latter will be able to be free from the grip of the Maoists is what will decide the future

course of politics.

As both possibilities seem very remote, a new ball game is sure to begin sooner than later.

With the Maoists on board or not, the Khanal government will struggle to prolong its life.

With the Nepali Congress determined to remain out of the communist-dominated coalition, the peace and the constitution-making process will hit the roadblock.

Although immediate withdrawal of the Maoist support to Khanal is unlikely even in the event of its no to the 'revision' in the seven-point pact, it could change

'UML Will Not Make The PM Resign'

- GOKARNA BISTA

A pro-Khanal UML central committee member

Why did the seven-point deal with the Maoists become so controversial in the UML, with some senior leaders vociferously opposing it?

Because of the dual characters of some of our leaders. The inconsistency in their position is the main reason.

So the deal was correct from the beginning?

There was nothing that was not endorsed by the critics including the former prime minister Madhya Kumar Nepal when they were in power.

If the Maoists do not agree to the amendments in the deal, would prime minister Jhalnath Khanal resign?

Such a move will close all doors of

the UML to go to the people. Why would the people trust the UML if the party can not stick to its words. The UML will therefore not make the mistake of making the PM step down. It will instead open up the doors to move ahead in consensus.

And what about the home ministry claims?

As far as possible we will try to keep it. We will do the maximum for this. But we can in no way go the extent of breaking the alliance just for the sake of one ministry. ■



'Two Communist Parties Alone Can Not Give Solutions'

DEVENDRA POUDEL

Pro-Bhattarai Maoist politburo member

When will the Maoists join the government?

That is not sure yet. There is no point in joining the government unless there is a consensus in implanting the seven-point deal. We did not help form this government just for the sake of becoming a minister.

So you will be supporting it from outside. Will that ensure the long life of the government?

We will not withdraw our support even if the pact is not implemented. The government may not last long, but such a situation will not give an outlet to the country's problems. It is up to the UML to create conditions for inducting the Maoists as well as the Nepali Congress into the government. Without the NC in the government peace and constitution will not be possible.

Two communist parties alone can not resolve the problems, then?

Yes, of course. A national government is the need of the hour. The present government came into being out of compulsion. Now it has the compulsion of creating conditions for other parties to join it. If we do not join the government, bringing the Nepali Congress on board will also be out of question. ■



its course ahead of the CA's extended tenure and woo the Nepali Congress.

future is shaky.

Since the CA's further extension is



Prime Minister and UML chairman, Jhalnath Khanal, senior leaders Madhav K Nepal, KP Oli, and Ishwor Pokharel

Said a Maoist politburo member Devendra Poudel, 'the present Maoist support to the government may not last more than a month.'

If the Nepali Congress agreed to extend the tenure of the CA again, the Maoists would be prepared to back it to head the new government.

Either way, prime minister Khanal's

unlikely what is looking increasingly likely is a new polarization in all major parties.

Most parties barring the Maoists and the pro-Maoist faction of the UML have been alarmed by the 'left polarization' in the guise of the seven-point deal.

'The deal has deepened the long running mistrust of the parties,' said

Nepali Congress leader Krishna Prasad Sitaula.

The suspecting parties will see every reason to rally together and seek the intervention of the president Ram Baran Yadav 'to protect democracy'. ■



FATF WARNING

The Clock Is Ticking

Officials hope their response this week in Paris will satisfy the Financial Action Task Force (FATF) against moving to black-list the country in international financial market

By SANJAYA DHAKAL

After a bashing of sorts they received in Canberra, Australia in late January, the Nepali officials are girding up their loin to face the incisive queries from the global anti-money laundering body FATF in Paris, this week.

When they reach Paris, they may not be able to enjoy the beauty of the city as they are sure to remain preoccupied with the pre-interrogation jitters.

This time, officials claim, they are better prepared to satisfy the FATF member states comprising three dozen

countries including almost all of the donors of Nepal.

The officials have said that the 'progress report' they have prepared are aimed at showing the FATF their efforts to fulfill global standards on control of money laundering and terror financing are on right track.

The major concern of the FATF is the apparent lack and delay thereof in formulation of essential laws that can control money laundering and terror financing along with failure of Nepal to sign some key international conventions related to corruption and organized crime control.

Risk of Sanction

The FATF had made clear that in case Nepal did not bring in at least half a dozen such laws, they will move towards 'sanctioning' the country or putting Nepal effectively in a 'black-list.'

Such a move could have disastrous implications for the Nepali economy as well as the dignity of the nation and its citizens.

Says, Dharma Sapkota, the chief of the Nepal Rastra Bank's Financial Intelligence Unit (FIU), "If we are blacklisted, then the LCs opened by Nepali banks could be derecognized by international banks. Our foreign assistance could suffer. More importantly, the image of the nation could receive a blot. Nepali citizens could suffer from increased scrutiny at the immigration and customs abroad."

Such a move could be made as early as later this year in October if the FATF is not satisfied.

That is why the meeting this week

in Paris is going to be so significant.

The officials at the Ministry of Finance have said that in their progress report - which will be presented by deputy Governor Maha Prasad Adhikary and a joint secretary of the Ministry - they have underscored the recent efforts at fulfilling the FATF recommendations.

"The pace of legal and structural reforms has been accelerated," says Mahesh Dahal, director general of Department of Revenue Investigation and Anti-Money Laundering.

He pointed out the creation of FIU in NRB and the changing of the name of his department (earlier known only as Department of Revenue Investigation) as some examples of the structural adjustments made to pacify the FATF.

"In the last three years since the Anti Money Laundering Act came into being, we have also taken a number of actions to control this scourge. We had received 62 cases of money laundering. Some have been resolved but we are still investing around 45 of those. Therefore, we hope that the FATF will be satisfied with our response and no action will be taken to black list Nepal," Dahal said.

FATF Concerns

The FATF - which has laid down 40+9 guidelines to deal with money laundering and terror financing worldwide - has been most concerned with the lack of legal and structural mechanisms to deal with such crimes of

'We Have To Convince Them About Our Intentions'

-SURENDRA PANDEY

You received a number of FATF warning letters. Why didn't the government act upon them on time?

The situation of our country is very different from what the international friends perceive. Our parties and the members of parliament have different priority at the moment. They are largely unaware about the urgency and the warnings of black-listing of their country. The FATF has one priority and we have other problems.

But then the country could be black-listed, isn't it?

I don't think they will ever take such a decision. Main thing is we have to convince them about our intentions. I have interacted with the teams of the FATF in the past and I have repeatedly assured them that our intention is clear. We do not intend to become a country that condones money laundering or terror financing. Our problem is only technical. Due to the unique transitional phase we are experiencing, we have not been able to pass laws.

Were they convinced?

It is up to us how to convince them. I feel that many times officials just mislead them. Instead of telling them about our ground realities, the officials simply tell them about difficulties and hindrances. That is not a complete picture. For example, for months I could not even present a budget in the parliament. Even after reaching pact with the opposition, I was physically



attacked when I went to the House to present the budget. What could I have done? Such are the laws that till we completed the election of prime minister, not a single bill could enter the House.

So what happens now?

Since a new government has come into existence, I hope that all the outstanding matters will be resolved. The Maoists have also said they will join the government. That will settle a lot of problems. The pending bills can be passed and everything will be okay. But the most important thing I want to reiterate is that the international partners must be convinced that our intention is good. That is what counts in the end.



Tourists on way to Langtang

g l o b a l implications in Nepal.

They had called Nepal to sign a couple of international conventions, change money laundering laws and formulate new ones to deal with organized crime.

But the major challenge before Nepali officials is the way the parliament has been turned dysfunctional - as far as formulation and passage of bills are concerned - in the last one year.

In fact, since the election for new Prime Minister was started in mid-June last year, there has been not a single other agenda - excepting the budget that had to pass through tremendous challenge to get approved - that entered the House.

The FATF had been writing to the Finance Minister numerous times reminding the urgency of passing the bills to formulate new laws.

The former Finance Minister Surendra Pandey who was replaced by a new one only two weeks ago received those letters and had a tough time convincing the international partners.

"Our parties and the members of parliament have different priority at the moment. They are largely unaware about the urgency and the warnings of black-listing of their country. The FATF has one priority and we have other problems," said Pandey.

But he was hopeful that since the new government has been formed, such obstructions will be eased in the coming days.

PRESENT STATUS

What Nepal Needs To Do (And What It Has Done Till Now) To Avoid FATF penalty?

Formulate

1. Mutual Legal Assistance Act (bill pending in the House)
2. Revised Extradition Act (bill pending in the House)
3. Organized Crime Control Act (under consideration at Home Ministry)

Ratify

1. Anti Terrorism Convention 1999 (waiting for House to endorse it)

2. Anti Organized Crime Convention 2000 (waiting for House to endorse it)

3. Anti Corruption Convention 2003 (waiting for House to endorse it)

Amend

1. Anti Money Laundering Act (bill pending in the House)

Structural Adjustments

1. Creation of special cell in the central bank (FIU already established)
2. Special body to take action (renaming and restructuring of the Department of Revenue Investigation and Anti Money Laundering already accomplished)



पढ्ने, पढाउने
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Twin Challenges

His optimism aside, there are two practical reasons why Nepal may not be able to fulfill FATF conditions at the soonest.

First, the new government itself is in extremely unstable position. Second, its priority and the priority of the members of the parliament - who are also playing the role of the members of the Constituent Assembly (CA) - will be in completing the peace process and the writing of the new constitution within the extended deadline of May 28, 2011.

If they want to complete their tasks at hand, they will need to be busy round the clock for the coming several months.

They may be least impressed by the deadline of the FATF.

And if that happens, then the next regional meeting of the FATF in July could deal a bloody blow to the country and move to start a process that will end up with Nepal being sanctioned later this year.

One may not need longer to see a clearer picture as the tone and direction of the Paris meeting that ends this week would decide that. And decide it would whether the Nepali delegates will be able to enjoy the city at least on their return. ■



Mountains under pressure

CLIMATE LOAN

Wheel And Deal?

Manipulation and manoeuvres mark the push for a controversial aid amid mounting opposition

By NAVIN SINGH KHADKA
in London

Donors of a controversial fund for climatically vulnerable countries must have had the presence of mind to name it Strategic Program for Climate Resilience (SPCR). For, had it carried the term “adaptation”, then no way would the assistance have included loan – often dubbed as injustice in climate negotiations.

Bureaucrats advocating the fund have been hitting “resilience” as the catchword. And it was a handy tool for them to convince grilling lawmakers at the finance committee of the Parliament last week.

“The loan money is for climate resilience which means productive sectors like hydropower development, irrigation, building bridges, etc.” says Environment Ministry joint secretary Purushottam Ghimire. “It is not for climate adaptation, we are very clear about that.”

Adaptation basically means helping vulnerable communities to cope with the inevitable climate change impacts like floods, droughts or change in agricultural patterns.

And there is a general consensus that adaptation money for poor and vulnerable countries should come as

compensation from atmosphere-polluting rich nations and not as loans.

Officials seem to have won over the anxious parliamentarians who had summoned them amid civil societies’ growing opposition to the 60 million dollars loan of the SPCR, the remaining of which is grant.

“Since we know that Nepal has been a victim of climate change without contributing to its cause, all lawmakers were dead against loan for adaptation,” said Constituent Assembly member Ram Sharan Mahat who raised the issue in the Parliament first.

“But there were also supportive voices for the loan if it is used for productive sectors that will help us make incomes in the future.”

Having secured such “supportive voices” from politicians, the officialdom has understandably given the nod to the donors, the World Bank, the Asian Development Bank and the International Finance Cooperation.

Their aid memoire required the government to “give the final guidance on the SPCR” when their mission was in Kathmandu last week.

But the battle won in Nepal by getting the bureaucrats in the frontline to manoeuvre does not mean the behind-the-scene donors have become victors in the international “war” against climate loan, observers say.

Civil societies in Bangladesh have been up in arms against climate loan as the vulnerable coastal country is one of the recipients of the SPCR funds.

Last week, several of these non-government organisations formed a human-chain in Dhaka to oppose the “progress in the negotiations on climate loan.”

Similar voices are being heard in the African countries where such controversial funding is making inroads.

“How come such loans are making inroads is worth an investigation because African countries had once made a common position that they would oppose such funds,” said a senior journalist from Nigeria.

Such an investigation in other recipient countries as well may offer an emerging pattern of aid politics in the changing climate.

(Khadka is a BBC journalist)



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HEALTH IN UK

Fight To Stay Fit

The coalition government in the UK is introducing major reforms to the state-owned health services in the country, but will it work?

By BHAGIRATH YOGI in London

In October 2007, Balram Pyasi, a freelance Nepali journalist, was staying with his friends in North London, when he suddenly felt burning and pain in his chest. As his pain intensified, his friends dialled the emergency number 999. Within five minutes, an ambulance arrived with three health personnel and emergency health equipment.

The ambulance reached the Royal Brompton and Harefield hospital, some 40 kilometres away from his residence, in about 15 minutes. He was rushed to the Operation Theatre where senior

doctors were waiting for an emergency cardiac operation on him.

After the operation, a senior doctor at the hospital told him, "The capillary through which blood circulates in your heart was blocked; now it has opened up after the surgery."

Two days after he was discharged from the hospital, Pyasi received a bill from the hospital amounting to £6,593 (around Rs 850,000). "As you are not a permanent resident of United Kingdom but a tourist, the National Insurance regulation does not apply to you, therefore you will have to pay for your

treatment, according to your capacity on instalment basis," the letter said.

"The NHS saved my life. If I had had stroke in Kathmandu, I am not sure if I could ever make it to the hospital," said Pyasi, who returned to Kathmandu later that year. After a few days, he visited the Gangalal Heart Care hospital at Bansbari with his medical records. A doctor on duty gave a cursory look at his prescriptions, asked him to continue his medicines and called another patient in barely two minutes. "I felt very bad. There was no way I could compare the quality of care and services which I received in the UK (with that in my own country)," he added. 'Jewel in the Crown'

Not only foreigners like Pyasi, an overwhelming number of British people see their state-run health provider not only as a service but also as a symbol. Obviously, reforming NHS was a major plank in the parliamentary elections in UK last year. While proposing to cut millions of pounds from different departments, Prime Minister David Cameron said that he would ring-fence

the budget of the NHS. "When Tony Blair was elected in 1997, he said his top three priorities would be Education, Education and Education. My top priority can be described in three letters, N-H-S," declared Cameron.

Introduced more than six decades ago, NHS is the publicly-funded health care system in England, which provides healthcare to anyone normally resident in England or any other part of the United Kingdom with most services free at the point of use for the patient. However, patients have to pay separately to procure services like eye tests, dental care, prescriptions, and many aspects of personal care.

During the 13 years of Labour government (1997-2010), deaths from cancer, strokes and heart attacks fell substantially. Mental health, access to drugs, infant mortality, life expectancy and access to General Practitioners (GPs) also improved. The NHS budget tripled to 105 billion pounds during the period.

The NHS has, however, seen its ups and downs. "In 1997, the National Health Service was in a state of disrepair. Hospitals were falling apart, more than a million patients were on waiting lists, there were too few staff and care varied widely in quality," said The King's Fund - a London-based think tank - in its report published last year.

Managing the NHS - the third largest employer in the world with 1.7 million employees (first being the People's Liberation Army of China and second the Indian Railways), has never been an easy task. "While the NHS budget has ballooned, productivity has somehow fallen and too little has been done to force through changes to how and where healthcare is delivered," The King's Fund said.

The new Conservative-Liberal Democrats coalition - that was voted to office last May - has made sweeping proposals to restructure the NHS. They include dissolving both the Primary Care Trusts and Strategic Health Authorities -

agencies responsible for delivering health services through local surgeries and hospitals. Instead, General Practitioners or GPs (also known as Family Doctors) will now have a major say in spending the massive NHS budget.

So, will the new proposals drastically improve the quality of service being delivered by the NHS?

Dr Raghav Dhital, who has been working as a GP since 1984, has witnessed big changes in 1990 and again in 2004 in the way NHS was run in the UK. "The current change proposed by the coalition government is by far the biggest in the NHS since its creation," said Dr Dhital, adding, "The speed and scale of change has not been universally accepted by the profession. It is a challenge and

opportunity for the GPs and will require sincerity and hard work from all concerned to make it a success."

When the war-trodden Britain launched the NHS in the early 1940s, British economy was in the doldrums and the provision of social welfare in the tatters. More than six decades down the line, NHS is considered one of the best health service systems in the world - 'jewel in the British crown.'

"Nepal could learn many things and emulate from Britain to improve her health services in order to make our country a much better place to live. All we need is a political commitment and a strong will," said Dr Dhital.

Journalist Pyasi, who told us he was enjoying his 'second life' in Nepal -

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Permanent Representative To UN Gyan Chandra Acharya

THE LDCs

Mission Istanbul

Senior officials of some of the world's poorest countries meet in Delhi to prepare for a big dash in Istanbul later this year

By ABIJIT SHARMA in Delhi

The meeting did not break new grounds. It was not expected to, either. But the two-day ministerial meeting of the world's most backward countries made a move forward.

Foreign Ministers, ministers and top envoys to the UN from 40 countries put their heads together to produce a document that will lay the grounds for the summit meeting to be held in Istanbul in May.

In what has been described as the Delhi Declaration the group of 48 least developed countries (LDCs) called on international community to provide full financial, technological and political support in tackling their problems.

It underlined that global peace, security and stability cannot be achieved without resolving the issues faced by the poverty-stricken LDCs.

"The issues raised in Delhi are highly beneficial to the group of the LDCs of

which Nepal is a member," said Nepal's permanent representative to the United Nations, Gyan Chandra Acharya.

The major issues that the Delhi meeting took up included attracting foreign

investments, overcoming the trade barriers and coping with the effect of climate change.

"India's decision to allot 5 additional scholarship slots annually under the Indian Economic and Technical Cooperation (ITEC) Program to each LDC and its announcement of 5 million dollar over the next five years for follow-up activities of the Istanbul Program of Action also

carries a lot importance for countries like us," said Nepal's top envoy to the UN.

As the present chair of the group of 48 LDCs, Nepal has reasons to be happy over these announcements.

Understandably, perhaps, the New York-based diplomat is upbeat about the upcoming Istanbul summit.

"We need more co-operations from developed nations in areas like economy, trade and food crisis. The forthcoming conference in Turkey is a global platform where we can put forward all of these issues," Acharya said.

The past had however been not that rosy. Since the group came into being in forty years ago, the member LDCs has almost doubled from 25 to 48.

Indeed, the pace of progress has been very slow with just three countries -- Maldives, Botswana and Cape Verde -- graduating to the upper class.

The LDCs account for just 1 percent share of the global trade. Their growth rates have also been not consistent.

The external affairs minister of the host country, S.M. Krishna did not mince words in admitting as much, "We have seen significant growth in a few Least Developed Countries, attributed mainly to concerted national efforts and some international support. But the overall progress continues to be halting, uneven and fragile."



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The Delhi meeting has set a target of getting at least half of the LDCs at the threshold of graduation by 2020.

An ambitious target, no doubt. But the international delegates in the Indian capital hope to meet it through an Istanbul Program of Action, when the head of states and governments of the Group gather in the Turkish capital in three months' time. ■



GORKHALAND AGITATION

Long Way

Gorkhaland agitators are facing a tough time following remarks by the West Bengal chief minister against their demand

By UMA KANTA KHANAL in Jhapa

West Bengal chief minister Buddhadeb Bhattacharya was addressing a mass meeting in Siliguri early this week when he said that Gorkhaland was not possible. He also threatened the agitating Gorkha Janamukti Morcha to suspend its Gorkhaland demand. He said if there was any kind of insecurity in Darjeeling, the government would initiate a strong action against the Morcha.

The chief minister's remarks on the eve of the state's legislative assembly elections, slated for May, meant more

than met the ears. He was addressing a mass of Bengali people and it appeared that he was trying to grab their sentiment against the demand of Gorkhaland.

The ruling party of West Bengal, the Communist Party of India (Marxist), insisted on more autonomy to the Darjeeling hills, not

a separate state for Gorkhas. The chief minister said, "West Bengal will not be divided."

This created a new kind of political talk in the hills. The people in the hills are minutely observing how things unfold for the future. Some have advised the

Morcha to take issue with these remarks in the tripartite talks involving the central, the state and the Morcha level leaders, scheduled for mid-March.

Executive editor of a Nepali daily newspaper Sibu Chhetri said, "It would be better to discuss the chief minister's remarks in the tripartite talks because he is the principal person in the state."

The agitating Morcha has become more aggressive in response to the "No to Gorkhaland" stand of the chief minister. Morcha's spokesperson Dr. Harka Bahadur Chhetri said that there was no use of the chief minister's threatening. He said, "His expression is unconstitutional and he is not the right person to give or not give us Gorkhaland."

The chief minister of the state has directed the North Bengal administration to be strong against the agitation of Morcha. The administration has deployed para-military forces throughout the Darjeeling district and Dooars area. The security persons have also arrested more than a hundred cadres of Gorkha Janamukti Morcha, who were involved in torching the government property.

Morcha cadres had torched many government offices and vehicles after the para-military force, CRPF, gunned down three Morcha activists in Kumani, Dooars as they were trying to sit for a hunger strike in the restricted area. Morcha leaders are in the jungles to escape being arrested.

The state's ruling Communist Party of India (Marxist) has also blamed that GJM has its connection with the Indian

Maoists who are in the armed struggle in West Bengal and other states. A wing of Indian Maoists, Bandi Mukti Committee, had called a strike supporting the agitation of GJM after the para-military forces gunned three cadres of Morcha. A leader of the party representing Darjeeling, Saman Pathak said, "It is very dangerous for the people of Darjeeling in the future if Morcha continues its connection with the maoists."

The agitating Morcha is in a long march to Dooars area where its three cadres were killed. But the administration has not permitted its people to enter the area. Thousands of Gorkhas are on the roads. ■

In Sixes And Sevens

By **ABIJIT SHARMA**



It is often said that Indians 'talk, eat and sleep cricket'. It is a country where cricket is a synonym to the word - 'sports'. In this cricket frenzy nation, where cricket is followed like a 'religion' and cricketers are considered as 'Gods' (and 'devils' when they fail to perform) you would expect the people to be live, literally, by the game as the World Cup kicks off. But surprisingly, even though the World Cup has already kick started, the nation is yet to catch the cricket fever.

Being hosted jointly by India, Bangladesh and Sri Lanka,



the tenth edition of the ICC Cricket World Cup was expected to draw huge attention and hype thanks to the large cricket followings in the sub-continent. But such expectations have been defied as the country has not witnessed the kind of interest it did generate in the previous editions of the games in the continent. That India has been tipped to win the cup has also failed to up the momentum.

The excitement and hype was missing throughout the run-up to the tournament. There was no noise and hullabaloo. During the previous editions of the world cup, news channels would show enthusiastic cricket buffs eagerly anticipating for the games to begin. Newspapers would be filled with comments and analysis on how the batting order should be arranged or which pace bowler should be allowed to play in Team India. Restaurants and pubs would be busy on planning the screenings of the matches. Bollywood movies would postpone their release dates so that their movies would not clash with the tournament. Every 'galli' would be filled with promotional banners and posters of the world cup or the Indian team. People would even go to the extent of performing 'Pujas', sacrificing animals, and even worshipping posters of Sachin Tendulkar asking the almighty to bless him and the team.

Nothing of the sort has been seen this time around. There was no buzz and the people seemed least interested.

Although news channels and newspapers were valiantly trying to kick up a frenzy by featuring cricket shows, interviewing former cricketers and showing glimpses of the 1983 final (when India won the world cup), the public was in no mood to oblige. "Earlier almost everyone could be seen walking around in Team India jersey. I haven't seen a single person donning the jersey this time" says a Delhi University student.

In what is being called a season of scam in India, new scams involving high officials or leaders hogs the headlines everyday. Be it the arrest of former minister A.Raja or the S-band spectrum case the scandals after scandals dominate the front page of the newspapers and major airtime of the news channels, allowing little space for the mega-sporting event.

With too much cricket being played lately, experts feel that the World Cup has lost much of its charm. "There are so many series taking place every year. A 'pukka' cricket fan doesn't need to wait for the World Cup", says Vishal Agrawal, another DU student. The advent of Twenty-Twenty cricket has seriously threatened the future of the One Day Internationals (ODIs) or the fifty over format of the game. It is worth mentioning here that in the 1970s, when the ODIs was gaining popularity, it was speculated that it would jeopardize the future of Test cricket. Now, the surging popularity of Twenty-Twenty cricket seems to be targeting the ODIs. A major culprit in this process is the Indian Premier League (IPL), which takes place every year. The IPL, with its glitz and glamour has, attracted viewers in such a way like no other cricketing event had done before.

With a lot of money riding on the tournament, organizers



**ICC Cricket World Cup
2011**

are hoping the situation to improve. The event has just begun and has a long way to go. It is not sure yet if the cricketing nation will really catch up with the World Cup fever. ■

CHITWAN MIKENIA CONTROL

Worthy Progress

Environmental activist Chanda Rana finally makes a major progress in her quest to free Chitwan National Park from mikenia micrantha

By A CORRESPONDENT

Thanks to the efforts of environmental activist Chanda Rana, the Chitwan National Park has seen the possibility to free itself from infestation of a weed called mikenia micrantha. A project 'Controlling Mikenia Micrantha' will be launched in one of the VDCs in Chitwan district as a pilot project soon.

A week-long program will be held in Chitwan from 2nd week of March 2011 to launch the program.

Unlike other projects, this one will be launched by a consortium with involvement of local agencies including VDCs, Community Forest Chairpersons, buffer zone chairpersons, representative of local schools, Eco Club representative, Small Farmers' Cooperatives representatives, Women Cooperatives representatives, SEF representatives and Local NGO - Project Implementing Partners.

From the process of identification to execution, the local consortium will have a major role.

The Save the Environment Foundation (SEF) will work to generate funds from donor agencies and to provide funds to local partner NGO for project implementation. SEF will also evaluate final monitoring and evaluation of project implementation. The project will be executive by Local NGOs.

She made the people aware at the national level with the first ever documentary, 'A mile a minute: a serious threat to Chitwan national park', invited the forest minister as the chief guest, handed over copies of the documentary to concerned ministries and other conservation organizations and called for urgent steps to contain the serious invasion of the wild weed.

After launching the awareness campaign, Rana took part in the

conservation campaign headed by then Prime Minister Madhav Kumar Nepal along with Member of Parliaments. She participated in weeding program at Kasara. For her contribution, Chanda Rana received "Environment preservation award for women 2010" from the Ministry of Environment. The Prime Minister honoured her with the award for her contribution in making the documentary.



She continued her effort despite odds and generated awareness at the international level as well. She distributed her documentaries to various international organizations too.

In this regard, as an invitee participant, she met high level NASA and USAID representatives who were present in Nepal for a climate change seminar organized by USAID. Rana highlighted the devastation a wild weed infestation was causing in Chitwan National Park. She handed over her documentaries to all the participants including NASA Administrator Retd Major General Charles . F. Bolden Jr., a NASA astronaut too.

She stressed the need to act

collectively by mobilizing all the stakeholders from conservationists, park representatives, technical experts to local NGOs working on it.

"We want international assistance and technical support. We will share our experience and replicate it elsewhere," said Rana, who is also the chairperson of the Foundation.

"If immediate action is not taken 50% of entire ecosystem of Chitwan National Park along with its habitat and rhino population will disappear in five years. I took up this battle alone. Now I would like to act collectively making Chitwan as a base field to work."

Inspired by her father, Rana has been participating in different conservation works since eight years old. "I have a passion for jungle and its rich

uniqueness where I have spent months with my father in different hunting camps. My father was a great nature lover," said Rana.

"Besides that, I am fascinated by Chitwan and have been working there since a decade alone to save the natural beauty of Chitwan. I am the first one to submit a memorandum to then PM Surya Bahadur Thapa in 2002 after doing a survey on "Environmental degradation at Chitwan," said Rana.

In her memorandum, she urged the prime minister to immediately implement "land use planning to make a permanent land fill site and control pollution at the Narayani river. ■

Managing Right To Development

By DR. KISHOR UPRETY



Concerns

In a December forum, organized by the National Constitutional Foundation, two interesting questions were repeatedly posed by participants. "How do we guarantee adequate opportunities for development for each of the districts?" "Why should some districts get unreasonably large amount from state coffers for development activities, while others get very little or nothing?" Indeed, in a nation which only has the capability of launching development initiatives on borrowed funds (under sovereign guaranties), these questions become pertinent as their repayment actually becomes an obligation for all, if not intergenerational. Undoubtedly these concerns form a challenge for development planners, especially in a country in transition, since their decision-making has to rely on national legal and constitutional framework. On allocation of funds, country practices vary. Considering their relevance, this note has chosen to discuss two examples briefly.

Examples

The first example is from South Africa, where perhaps the most interesting democratic transition in the past century occurred. With Mandela's election as President in April of 1994, a federal form of governance allowing locally elected provincial governments with significant fiscal policy responsibilities was established. Upon resolution of the Provincial Question (number of State or Province), the Assignment Question (provincial powers), and the Representation Question (election by Provinces of their own leadership independent of the central government, and their central representation), the South African Constitution was approved by the Constitutional Assembly on October 11, 1996. This country, wherein the government comprises three spheres (national, provincial, and local), has a system of intergovernmental fiscal relations (through which development agendas are practically managed). The Constitution recognizes the country's regional, economic, and ethnic diversity, and provides expression to that diversity without undermining the attainment of national unity and an equitable society.

From an implementation angle, the relationship between the national and provincial spheres is one in which the national sphere determines policy (including the norms and standards guiding functions) with provinces acting as the implementing authority. The expenditure responsibilities of the provincial sphere are financed from the centre through a revenue-sharing model. The centre allocates a portion of nationally-raised revenues to provinces through a formula-driven Provincial Equitable Share method, as well as through conditional grants. Unlike the national and provincial spheres, municipalities, especially the large metropolitan ones, have sufficient revenue-raising capacity to meet their expenditures, and additional resources are provided via the formula-driven Local Government Equitable Share.

Essentially, South Africa's intergovernmental fiscal relations are characterized by relative centralization on the revenue side with highly decentralized expenditure responsibilities (where development activities are actually carried out). As such, unable to raise enough revenue from their assigned taxes and in order to achieve their constitutional mandate, Provinces rely heavily on intergovernmental transfers. In addition, the national government has introduced universal free basic services, inter alia, for education, electricity, water and sanitation to address affordability issues. Such a decision has entailed the provision of a minimum service level for all citizens and a scaled pricing mechanism for any service level utilized above that minimum.

The Constitution requires that the allocation of funds from nationally collected revenue should be divided on an equitable basis among the three spheres of government (Chapter 13, Section 214). This vertical division is in addition to the horizontal equitable division of revenue among the nine provinces and 284 municipalities. This is also a national government policy that reflects the relative priority functions assigned to each sphere of government. The horizontal division of revenue is formula-based, which takes into account the specific factors of demographics and economic activity.

Finally, and most importantly, to ensure justice amongst the spheres, the Constitution enables the national and provincial spheres to temporarily intervene in the affairs and the administration of a Province or a Municipality (in the case of Provinces) where there is evidence of failure to deliver on mandates. However, the approach of the upper spheres of government, in such instances, has been to take measures early in the process to avoid outright administrative take over. This approach has actually given the opportunity to develop more appropriate solutions, focus on improving conditions as opposed to punishing the relevant sphere of government, and leverage the scarce human and financial resources required to solve the problem, all through political dialogues.

The second example is from Germany, where the upper federal house (Bunderstat) is composed of the governments of its constituents. Under the German Constitution, originally enacted in 1949 as the "Basic Law" of the Federal Republic of Germany, the federal government administers a few institutions (such as the Foreign Service, the Armed Forces, and the Central Bank). On the other hand, schools and the local police are left to State and local governments. The general constitutional rule, however, is that the States administer federal statutes and regulations "as their own affair" or, in some cases, on behalf of the federal government, and also participate as political entities in the formation of federal policy (federal statutes that substantially affect the States, especially their budgets and administrative obligations require the assent of the Bundesrat,

This country, wherein the government comprises three spheres (national, provincial, and local), has a system of intergovernmental fiscal relations (through which development agendas are practically managed).

an assembly of the States' delegations). Hence the States' independent authority lies in their administrative autonomy, and as such, they enjoy certain protections against direct federal interference in the administrative process. On the other hand, they are required to also administer federal programs from their own funds. Nonetheless, the Basic Law matches independent State administration with a fiscal mechanism to ensure that the States will toe the federal line. The operational core of German federalism is, therefore, the Financial Constitution (contained in Articles 104-109 of the Basic Law, encompassing 33 long paragraphs).

General revenue sharing being the constitutional principle, in Germany, personal and corporate income taxes as well as value-added taxes raised in the States are shared between the Federal government, the States, and Local governments. The vertical distribution between the States and the Federal government has to be equitable, avoid excessive burdens on taxpayers, and preserve the uniformity of living conditions within the nation. The States' share is subject to a constitutional scheme of horizontal financial compensation (i.e. revenue-rich supporting revenue-scarce States). In addition, the Federal government may use its own funds to supplement the poorer States' budgets.

Observation

Whatever may be the form of government, the nexus between equal right to develop and political governance is obvious. From a purely juristic angle, this nexus can be established, in any given country, by creating a system of government in which sovereignty is divided between many constituent political sub-units, and in which the power to manage development is legally shared amongst national, state, provincial, and local governments. Sub-units, as empowered, would design and implement development schemes that are suitable for them, taking into account the variations of their own needs and objectives. This is how equal right to develop can be granted. And this can be meaningful only if all responsibilities and obligations are clearly laid down in the main organic law!

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Imagine The Future!

By **SCOTT H. DELISI**

It has, I believe, been a most successful program but we should take little satisfaction in the symposium's success if it does not translate into meaningful action. And that, ladies and gentlemen, will be no easy task even with all the good will in the world. The real work lies ahead. Serious work. Hard work.

Over these two days, we've heard about the earthquake risks in Nepal and, in reviewing the lessons learned from past calamities, we have begun to see new paths that could possibly change Nepal's future. Our current reality is such that, if a major earthquake were to occur today in Nepal, we would see hundreds of thousands of lives lost and decades of development erased in seconds, as we did in Haiti. We know, however, that we can change that future. We can save lives and we can mitigate damage. But we need to begin now and commit to a sustained effort.

The long term goal, of course, is a future in which Nepal can withstand a major earthquake without substantial damage. I like to imagine a Nepal that looks more like Christchurch than Port-au-Prince. I am realistic enough to know that will not happen quickly but I am enough of an optimist to hope that we can nonetheless make Nepal a little bit safer every day.

Every life we save is a triumph. Every school that doesn't collapse in an earthquake is a victory. Every hospital that stands, every community that is trained to respond, every bridge that is reinforced, will make a difference. And each step on that path will move Nepal in the right direction on that continuum that ranges from Port-au-Prince to Christchurch.

The obvious next question is how do we get to this different future. There are, I would suggest, many things we can do and I've tried to imagine what that "alternative" Nepal might look like.

I imagine a Nepal where disaster risk reduction measures are mainstreamed throughout government planning and budgeting and I know this can be done. I picture a Nepal in which the government incorporates disaster risk reduction

measures into sectoral planning for health and education, as they have already begun to do, by including some schools for retrofitting. It takes leadership and planning, not necessarily new resources but leadership and planning, and a government that is committed to risk reduction can do it. So why not now?

I imagine a Nepal where the new buildings mushrooming around the



Kathmandu Valley are constructed in a manner that is seismically safe, and this too is a matter of leadership not of resources, it is the leadership. The government's rigorous enforcement of building codes, and the determination to put the public good ahead of private interests, is the key. I believe that the government's 'absolute duty of care' for its citizens that Mayor Parker spoke of yesterday makes such actions not only the smart thing to do but the morally imperative thing to do.

I imagine a Nepal where government officials' efforts to do the right things are not impeded by unhelpful bureaucratic hurdles—where, for example, hospital administrators can implement cost-effective measures like bolting down the equipment so it's not damaged in an earthquake, and they can do that without having to seek approvals from multiple government ministries.

I imagine a Nepal where communities are prepared for and are resilient in the face of natural disasters:

-A nation where the Red Cross and

other organizations expand their excellent training in first aid and emergency response to all communities and schools so people don't die from relatively minor injuries as they did in Haiti;

-I imagine a country where the schools are the safest buildings in the communities;

-I see a Nepal where the Rotary Clubs efforts to help neighborhoods prepare for disasters and build grassroots networks for neighbors to help one another are replicated throughout the country

Similarly it is not hard to imagine programs, like the one started by USAID to train local masons in sound building practices, being expanded throughout Nepal to help change the risk equation here.

As you all have gathered, by now, I have a very active imagination. I hope that you do as well. And imagine with me just a bit more.

Imagine a Nepal in which the public is aware of the risks and knows how to protect themselves:

I can see a Nepal where every child knows exactly how to respond when the earth starts to shake...and they go home and teach their parents and siblings;

I hope for a country where individuals use the power of the marketplace to force change by only purchasing houses that are seismically sound;

A Nepal where Banks refuse to finance infrastructure or other projects that do not meet seismic standards;

And a Nepal where the private sector helps drive such challenging but exciting ideas as land-pooling projects in the heart of Kathmandu that will lead to urban renewal and cultural preservation while also generating profits and jobs;

I imagine a Nepal in which donors and international organizations are full partners with the Government in the disaster risk reduction effort and where effective advance coordination shortens timelines for relief supplies to reach disaster survivors;

I see a time when donors (and the Government) incorporate DRR into the designs of all their development and infrastructure programs, so that all new infrastructure including, bridges, roads, hospitals, and schools, will be able to withstand a major quake, making it easier



for humanitarian assistance to reach its destination;

And I can imagine all of us coordinating in way to ensure that all disaster plans are shared on open-source data systems like the military is doing with the joint Nepal-US plans;

I imagine a Nepal where political parties put their differences aside and give priority to making Nepali citizens less vulnerable to a catastrophic disaster;

Lastly, I imagine a Nepal where the government's dynamic leadership on disaster risk reduction has made this country a global model and our Nepali colleagues are giving speeches in other countries about reducing seismic risks.

Now I want to ask you... what do YOU imagine? And what are you prepared to commit to make what you imagine real?

When I imagine these things, I think about what the United States can do to be part of the solution. Our commitment to the disaster risk reduction effort is strong and reflects our long-standing partnership and friendship with Nepal. Moreover, it is not only the right thing to do, it is the smart thing to do.

General Nadeem commented yesterday that 20% spent on preparedness prior to Pakistan's floods would have made saved approximately 80% (or more) of what was needed to respond to the flooding. The bottom line is that disaster risk reduction efforts can be hugely cost effective if done right. And in today's economic climate this is a lesson we need to understand. Disaster risk reduction does require resources but, far more than resources, it requires committed and sustained leadership, effective policy choices, and careful planning and implementation.

We also know that in our uncertain world, every nation and every region can

be challenged by the instability that inevitably follows a major disaster, such as in Haiti. I would argue that for any donor, investment in disaster risk reduction is an investment in stability and preserving the development gains that we have helped to fund over decades.

For the US government in Nepal, our goal is to save lives and to preserve the gains Nepal has made in our sixty years of development partnership. We seek to mitigate the impact of a major natural catastrophe and shorten the recovery time through effective disaster risk reduction efforts, and we are committed to working with NGOs, and the people of Nepal and the government to achieve those goals. Much needs to be done. This is a partnership that must be energetic, and that must have a strong commitment from everyone - and that must continue beyond the close of this symposium.

While I know that Nepal isn't going to become as safe as Chile or Christchurch overnight, I think about how many lives could be saved by reducing the risks this country faces. At the risk of stating the obvious, let me say that I do believe that every life IS precious and I believe that we - all of us - can save lives. We can save lives, and whether it is one thousand or one hundred thousand, at the end of the day that'll be a good day's work.

So now I will ask you one last question,whether you're a government official, a journalist, a member of the private sector, a mom or a dad, a Nepali or a visitor, what are you going to do, starting today, to be part of the solution? Think about that. I hope you will be prepared to be a part of this effort.

Excerpts of the statement of US Ambassador DeLisi's closing remarks at a symposium on Disaster Risk Reduction.

Pondering China's Arms Development

By CHEN HU

In world today, people refer to the fast development of Chinese economy as a "miracle", and almost all people are looking forward to sharing a "dividend" from China's economic miracle. But at the same time anticipating, some people also start to voice their concerns. China is said to build its aircraft carrier, to test-fly the 4th-generation fighter planes, to research and develop the counter-aircraft carrier missile, and to test-fire anti-satellite weapons... All genuine or false information is flooded as if being quoted to verify their concerns about the "China-threat" theory.

In fact, the vast majority of these people worrying do not understand China's specific national conditions. Upon arrival at China's economically developed coastal area, people will feel quite difficult to imagine what they see in a developed nation. Similarly, upon arrival at an economically backward and poverty-stricken interior area, people can hardly believe they are in a rapidly booming China. The urban-rural disparity in economic growth is the same as the nation's economic development. There is also

an immense contrast with China's army equipment and technical standards. In the armed forces, there is the advanced weaponry up to the world standards but arms equipment large

in number is obsolete, out-dated and old-fashioned as a matter of course. Chinese military technologies are generally rated two decades behind that of the United States, while the advent of a Chinese counterpart to the F-22 might be disconcerting.

Why such things as mid-air refueling systems and Aden Bay China armed escort are a commonplace for armies in developed countries, but it is the "first times" for the People's Liberation Army (PLA) in China; why PLA troops had to take trains for multi-national anti-terror drills "Peace Mission 2010" in Kazakhstan under the framework of the Shanghai Cooperation Organization (SCO); why Chinese troops enter natural disasters areas on foot to partake in the earthquake relief work...

With regard to all these, Chinese Minister of Defense Liang Guanglie said in a recent interview with Chinese media that compared to the developed countries, the modernization level of Chinese army has a relatively big disparity, and the national defense and the modernization of armed forces still has heavy responsibilities. Moreover, he added in the interview that Chinese troops could only rely on themselves, not others to ensure modernization and the development of equipment.

To the other tiny portion of those "worrying" people, their suspicion or questions are attributed to their self-angle of view. If they purely take the development of China's national defense from their own security perspective, their worries for the "China threat" could appear 'logical'. If they take China's perspective, the result would be otherwise.

When someone is bent on selling their advanced arms to Taiwan without giving a thought to China's repeated protests, can China be said to pose a threat to others when it is striving to ensure its national sovereignty and unity; when various countries universally equip themselves with the 3rd generation fighter planes and deployed the 4th generation fighter planes in China's peripheral area, can China be said to pose a threat to others with its research and development of domestically produced advanced fighter planes; when other nation's aircraft carrier appear repeatedly in China's peripheral sea area and intensifies the regional situation, can China's development of its own self-defense methods be said to pose a threat to others?

Currently, the international strategic situation and China's peripheral situation is fairly complex, and the unstable elements affecting China's security is certainly on increase. China is now faced with both unprecedented opportunities and challenges. What Chinese Defense Minister Liang Guanglie

said lately has precisely expressed China's concern for its own security and for the regional peace and stability, and this is also the basic reason for China to step up efforts for its

Currently, the international strategic situation and China's peripheral situation is fairly complex, and the unstable elements affecting China's security is certainly on increase.

national defense development.

Just like a famous Chinese archaism or old saying goes: "Do not do unto others what you do not want others to do on you." At the time when some people feel concerned with the "China threat" theory, they'd better retrospect or reconsider themselves to see if they themselves have been attempting to threaten and contain China?

It is a normal matter for any nation or region to have its own security concern. After all, in the development process of human civilization, years of peace are very brief. In all reality, the threat of war has never been distant. As other rights of humanity, any country or nationality has the right to safeguard their own security interest and also the obligation to ensure others' security.

It is a very normal issue for any country or region to address its own security concerns. After all, in the development process of human civilization, years of peace are relatively brief, and in all circumstances, a threat of war has never been distant. As other rights of humanity, any country or nationality has the right to ensure their own security interest, and also has the obligation to ensure the security of others. To look at issues from such a perspective, no matter China goes into researches and development of the state-of-the-art armament or military equipment and apparatuses or enhancing the national defense capability, it is very likely a normal issue. (People's Daily)

By People's Daily Online and its author is, editor-in-chief of the 'World Military' magazine affiliated to the Xinhua News Agency

Remembering A War

The 1962 India-China Conflict



By DR WANG HONGWEI

Forty years have elapsed since the 1962 war, but its shadow still influences Sino-India relations.

China and India, having a long history of friendly interaction and a fine tradition of learning from each other, both suffered from imperialist and colonialist aggression, oppression and exploitation.

After achieving their independence and liberation, respectively, in the late 1940s, they should have treated each other on an equal footing, supported each other, and learnt from each other in the reconstruction of their own countries, to enable the peoples of both countries to lead a happy life. But it was deplorable that due to the misperceptions and mistaken policies of a few leaders, the development of Sino-India relations took a winding path.

As for the genesis of the 1962 war, since many eminent scholars across the world, such as Neville Maxwell, Karunakar Gupta, and Steven Hoffmann, have made in-depth studies, it is not pertinent for me to dwell on it here. But it should be noted that the Nehru government not only took over the legacy of British imperialist s t r a t e g i c perceptions of security and interfered many times with the Tibet affairs of China, it also demonstrated more arrogance and irrationality on boundary issues than the Raj.

The British imperialists did draw an illegal McMahon Line, but they dared not occupy in reality the territories of China to the south of that line. But the Nehru government did just that.

Evidence indicates that in the early years after independence, Jawaharlal Nehru himself privately instructed B N Mullick, head of the Intelligence Bureau, to count China as an enemy. It was under his approval that armed Indian border guards drove away the Tibetan administrators and occupied Sela by force in 1948, and Tawang and other Chinese territories to the south of the McMahon Line in 1952.

But Nehru's government did not stop here; it sought to decide for itself where India's borders with China should lie and then impose the alignments it had chosen on China.

In 1960, the Nehru government not only refused publicly to negotiate with Premier Zhou Enlai who made a special trip to New Delhi to seek a friendly settlement of boundary issue, but rejected any standstill agreement.

In the following year, it ordered the 'Forward Policy', under which the Indian Army relentlessly attacked the People's Liberation Army's posts along the entire border and killed many Chinese soldiers in an attempt to extrude them out of all

the Chinese territory it claimed.

This aggressive and provocative policy not only interrupted the status quo, but also breached the peace and tranquillity along the entire border. In October 1962, Nehru ordered the army to take the offensive and made a statement about it on the 12th of the same month. His statement shocked the whole world. The New York Herald Tribune published an editorial entitled 'Nehru Declares A War Against China' the following day.

All honest and sober-minded people could see that the 1962 war was imposed on China by the Nehru government. China had no other way out but to launch a counter-attack and take preventive action. The purposes were:

To defend peace and tranquillity along the entire border;

To bring the Nehru government back to the negotiating table.

China had no intention to solve the boundary issue by force, which was proved by the fact that as soon as the PLA won the war, it returned to its original posts.

But how did the Nehru government explain the event to the

But how did the Nehru government explain the event to the Indian public? It had no courage to admit its mistakes and tell the truth, but adopted dishonest and irrational means to blame it on China, saying China conducted an "unprovoked aggression" against India, and China "betrayed India".

Indian public? It had no courage to admit its mistakes and tell the truth, but adopted dishonest and irrational means to blame it on China, saying China

conducted an "unprovoked aggression" against India, and China "betrayed India".

This frame-up produced two kinds of negative and malignant consequences: first, China was turned into a devil in the mind of the Indian public; second, it led to a long-term confrontation between the two countries and caused a huge waste of manpower and material resources on both sides. These negative and malignant consequences really made those who were keen to maintain Sino-Indian friendship distressed.

Though such was the case, we have no reason to be crestfallen. As the saying goes, misfortune might be a blessing in disguise. If the successors can learn the real lessons from the mistakes of their predecessors and turn them into lasting action, it will allow the people of both nations to own an invaluable precious wealth.

Thanks to the late Indian prime minister Rajiv Gandhi's historic visit to China in 1988, Sino-India relations have gradually regained normalcy. During Indian prime minister P V Narasimha Rao's visit to China in 1993, both sides signed the Agreement on Maintenance of Peace and Tranquillity along the Line of Actual Control in the China-India Border Areas.

In 1996, a further agreement on "confidence-building measures in the military field along the LAC" was signed during

Organic Fight For Food Security

By UMESH LAMA

President Jiang Zemin's visit to India. All these demonstrated that the two governments had become far-sighted and mature. This is the very reason why Sino-India relations developed smoothly and quickly on the whole during the last more than 10 years, though it took an unexpected turn in 1998.

But we should not sit back. It should be noted that, in terms of populations, sizes, economic scales, and the roles played in the contemporary world by China and India, the co-operation between them is far from what it should be.

What has obstructed Sino-India relations from developing in depth and giving full play to the potential of both?

There are both objective and subjective factors. Judging from the present conditions, it seems that the subjective factors are prevailing, and the resistance is mainly from the Indian side.

Why am I saying so? Because on the Indian side there still are a considerable number of officials, soldiers and think tanks who have not walked out of the shadow of the 1962 war. Many of them adhere, consciously or unconsciously, to the strategic perception of security prevailing in old times, and count China as a threat or a potential adversary. Given such a psychology, how can they expect to further develop Sino-India relations?

But I don't complain about them, because the majority of them were also misled in the past. I believe that, with increasing mutual exchanges, the day will come when they will realise that China is a true friend and brother of India. Now the challenge facing us is, how effectively will far-sighted statesmen and those of insight make public the truth of the 1962 war?

Let that day come earlier. On the day when Sino-India misunderstanding is thoroughly dispersed, an era for in-depth Sino-India co-operation will come.

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Organic agriculture is a holistic production management system which promotes and enhances ecosystem health, including biological cycles and soil biological activity. Organic agriculture is based on minimizing the use of external inputs, avoiding the use of synthetic fertilizers, pesticides, growth regulators and livestock feed additives. It mainly depends on crop rotation, organic manures, bio-pesticides and organic pest management. Organic farming technique combines scientific knowledge and modern technology with traditional farming practices based on thousands of years of agriculture. Organic agriculture has a significant role to play in addressing two of the world's biggest and most urgent issues: climate change and food security. Climate change mitigation and adaptation and food security are inseparable and inherent beneficial characteristics of organic agriculture. Today climate change is considered one of the most urgent environmental problems.

Global temperature has increased by 1.5 degree C over the past century with most of the rise occurring in the last 40 years. If no action at a global level is taken to curb this trend, then scientists predict that the average global temperature will increase by 1.4 – 5.8 degree C over the next 100 years, which may lead to consequences more drastic than all the natural calamities that have been documented over the last 100,000 years (NRCS, 1995).

According to the Intergovernmental Panel on Climate Change (IPCC), agriculture contributes to 10-12 % of global green house gas emissions and this figure is expected to rise further. Moreover, agriculture intensification has had major detrimental impacts on the terrestrial and aquatic ecosystem of the world. The doubling of production during the last 40 years was associated with a 6.9 fold increase in nitrogen fertilizations, 3.5 increase in phosphorous fertilization and a 1.7 fold increase in irrigated land, according to

Tilman, 1999. Agriculture however is not only contributing to global warming, but is also affected by it to a major extent. According to Burdick (1994)



increasing global warming will shift cultivation zones polewards, plant growth and production being jeopardized by change in the distribution of rainfall. There will be increase of UV-B radiation, and change in the chemical composition of the atmosphere. In regions with continental climate, soils are subject to desiccation, meaning climate change will aggravate problems of salinity, erosion and desertification. Extreme climate event will occur more frequently; threaten fresh water sources, change delicate ecosystems such as mountain flora and fauna. Farming, fishing and forestry will be disrupted and pest and disease favored by a warmer climate will continue to proliferate. All these factors will have negative impacts on agricultural yield.

In conclusion organic agriculture is affordable, eco-friendly, socially sensible and economically viable. It has well established practices based on local resources that simultaneously mitigate climate change, build resilient farming communities, reduce poverty and improve food security. Organic agriculture is the only one approach or measure among many others, even though if every single country in the planet go organic and if the international cooperation is strengthened to review and implement responsibly the commitments made right from the Rio Earth summit to Cancun there is a possibility in making a significant difference to curb global warming in favor of future security.

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Public Policy On State-Building

By DEVRAJ DAHAL



The September 9/11 event and previous years' global financial crises provided international policy stimulus for state building. The G-20 Seoul Summit of this year 2010 introduced the primacy of 'common good' and 'international development issues' over nation-specific trade imbalances and currency values that marked an era of financial capitalism and reduced the leaders to powerlessness. These concepts aim the developing countries emerge out of poverty, instability and economic backwardness—the major source of conflict and cause of 'state fragility'. State fragility is caused by a lack of 'internal cohesion of society with the state,' and 'adaptation in global relations.' The state-society disharmony in Nepal reflects an increasing loss of state's 'legitimate monopoly' on power following the internationalization of political economy and growth of autonomous power centers within the state claiming to share its sovereignty without accountability.

The legitimate monopoly of power is defined by the state's capacity to organize society, collect tax, seek the loyalty of people and muster international recognition to its initiatives. Nepali state is weak on all counts as the reason of state defined by the autonomous values of its own and its link with the constitution is very delicate. It is also weak because the state is increasingly facing the erosion of its 'policy space' due to weak governance—a governance which is unable to achieve its goals and steer the actors in constitutional direction. This means a consensus is required to strengthen the state's role in improving the lives of the public through a partnership with the internal and external stakeholders. Duty to serve common good is highest civic virtue that binds the state and its citizens in mutual obligations.

Public policy is a rational means to attain the state's objectives underlined in its constitution. One paradox of Nepalese politics is this: political leaders are often interested in 'power' than 'public policy,' though the lust for power

is often masked in the ideology of emancipation. It has created a gap between universal aspirations of people evoked by ideology and national needs epitomized by the Directive Principles and Policies of State encapsulated in the Interim Constitution and Local Self-Governance Act. In Nepal, political authority seems too weak to formulate and implement public policies. The lesson learned from the global crisis of 'symbolic economy' is that when 'real economy' such as agriculture, industry and ecology where majority of people are engaged becomes sterile the cohesive foundation of state suffers. The fixation with growth without equitable distributive measures masked the alarming signs of climate change, economic crisis and

of life-world and continuously reform in the policy process through social feedback. Now, globalization continues to deconstruct disciplinary knowledge, constitution and institution and social division of labor and constructs conflicts between individual citizens and society and between freedom and authority.

Shifting of Cartesian Paradigm

Nepal's under-development so far has provided Nepalese intellectuals, policy makers and politicians an opportunity to reflect on their collective failure to uplift society to higher order and learn from their mistakes of planning. It has also offered an opportunity to assess whether externally induced policy based on 'industrial' culture can be suitable to predominantly agricultural setting of

The planners and scholars have defined Nepal's problem of development by mono-causal factor-traditional society, landlocked position, dependency,

confiscation of state capacity by non-democratic forces.

The planners and scholars have defined Nepal's problem of development by mono-causal factor-traditional society, landlocked position, dependency, intellectual marginalization, centralization of power, gender inequality, social hegemony, fatalism, population growth, migration of youth, economic liberalization, aid conditionality, etc based on the representation of their own disciplinary discourse. Until recently, government routinely used number-crunching growth, structural adjustment, MDGs and PRSP as shorthand for development. Enlightened persons cannot comfort themselves with childish hopes in single issue determinism. Otherwise, blind forces overwhelm their cognitive flair. A lack of systemic understanding of causes and barriers of development can be attributed to the failures of public policy to maximize welfare gains. Similarly, each discipline contested the knowledge of others rather than mutual learning to situate the policy in the national context

Nepal. Can a policy be public when it is prepared without consulting the public? Can it supply incentives to address Nepal's problem of public political culture? An understanding about the changing national and local realities provide social learning and help reshape new inter-subjective framework to cope with the specific national challenges and build this post-conflict state. This means there is a need to create a stakeholders' policy think tank embedded in Nepalese society and careful of nature and culture as they are capable of discovering social capital necessary to spark informed debates in public sphere and indigenize development. Solution of Nepal's diverse problems is less likely to be realized by the application of only Cartesian science because it separates the system of political economy into disciplinary fragments, such as economics, political science, sociology, geography, etc and sees the complex reality through reductionary prism. Only the post-Cartesian knowledge rooted into life science links nature, culture and human spirit into a macro framework of development.

Excerpts of the paper presented in Tribhuvan University Dahal is Head, FES Nepal



Constitutional Court: For Judicial Reform

By PRATYUSH NATH UPRETI

Constitutional Courts adjudicate constitutional questions and enforce constitutional provisions, which make the constitution a living document that guides the exercise of political power rather than being merely a collection of fine phrases that symbolize aspirations.

An issue which has recently become the subject of debate is whether there should be a separate Constitutional Court or not. Recently the seven-member high level taskforce came to the conclusion that the Judiciary will interpret the constitution. However, the taskforce remains silent as to whether the Supreme Court or the Constitutional Court should interpret the constitution. There are many democratic countries which have established Constitutional Courts. At present, the Supreme Court is the highest judicial body in Nepal for ultimate hearing and interpretation of the constitution. As Nepal has chosen a federal structure

instead of being a unitary state under article 138 of the Interim Constitution of Nepal, there will be conflicts among the centre and states, so interpreting the article and settling the dispute on the Constitutional Court are necessary.

We are aware of the fact that in Nepal, the trend of knocking on the door of the Supreme Court over minor issues is quite common. This ultimately leads to delay in justice. At present, there are more than 8,000 cases pending in the Supreme Court of Nepal. So in order to establish a quick justice system, there is the need of a Constitutional Court in Nepal. Justice delayed is justice denied, as they say.

Every country has a history behind the establishment of a Constitutional Court. However, in general, the establishment of a Constitutional Court is initiated by a process of political change from authoritarian power to a democracy. The main function of the Constitutional Court is to maintain a consistent performance of the constitution and that this is done responsibly by each state administrator. Furthermore, that must be in accordance

with the demands of people and the aspirations of a democracy.

There are mainly four triggers for the foundation of a Constitutional Court:

The Ideal of Constitutionalism

The concept constitutionalism is that government officials are not free to do anything they please in manners they choose, but they are bound to observe both the limitation on power and the procedures which are set out in the supreme constitutional law of the country. First, it limits the government under a higher law and second, for civil rights guaranteed under constitution, state authority should be limited by constitution and legitimized by constitution. Thus establishing a Constitutional Court is to accomplish the

Some of them have become powerless structures, which are unable to gain public respect, compel compliance with their decisions, or check politicians misusing the power.

principle of constitutionalism which ultimately resolves the obstacles related to constitution and state administration.

Check and Balance Mechanism

Check and balance enumerated under constitution is one of the characters of proper governmental system. It guarantees that no part of the government becomes too powerful. Check and balances help a group of interested individuals hand the reins of power over to another group of individuals and allows them to keep tabs on the operational activities and choices made. The implementation of check and balance principle is required to ensure that there is no overlap among the existing authorities. Thus Constitutional Court, being a part of judicial authority, will encourage development of check and balance in administration.

Good Government

In order to have a good government, there should be a clean, transparent and participatory state administration. The Constitutional Court will examine duties and functions of public authority and encourage them to work in the interest of people.

Protecting Human Rights

Discretion leads to arbitrariness and, ultimately, to violation of human rights. Thus, the Constitutional Court helps to limit the state action and refers to democratic principles as well as respecting and protecting human rights.

Constitutional Court would be an essential institution for safeguarding the constitution, consolidating the rule of law and strengthening the democratic process in Nepal. In a welfare state, citizens see the court as the place that recognizes their voice in politics. Having a Constitutional Court, which gets complaints from citizens, is necessary for establishing democratic institution. A person, whose constitutional rights have been affected, can approach the

Constitutional Court to seek relief from state action. A person can approach the Constitutional Court with claims of law under which

a state official's action was unconstitutional.

There are many Constitutional Courts all over the world, but not all have achieved their goals. Some of them have become powerless structures, which are unable to gain public respect, compel compliance with their decisions, or check politicians misusing the power. And others have become, essentially, instructive political actors, dictating in detail what legislators and executives must or must not do, neglecting the popular will, and accumulating power to themselves. In the end, this leads to the political neutrality of the courts, making the Constitutional Court itself a political issue, and threatens the rule of law.

Thus, if the lawmakers want to have a Constitutional Court in Nepal then it must be designed in such a way that it has adequate powers and a proper relationship to the other branches of the government and to the citizenry. But one thing must be kept in mind that the Constitutional Court won't have fully speedy trial because judges must be specialized, not the court. ■

Diarrhea: A Security Risk?

-By BUDDHA BASNYAT, MD



Did you know that you could be perceived as a security risk if you have severe diarrhoea and you are trying to enter the USA? Returning from Kathmandu many tourists go home with a "valley" belly, a gentle (and sometimes not so gentle) reminder to the tourist of the hygienic state of Kathmandu. People say that when tourists return home from Nepal, their family and friends ask them two standard, predictable questions, the answers to both of which are "yes": Did you have a good time? Did you get sick? And sick generally means diarrhoea. But imagine your state of mind if the US government thinks you are terrorist because of severe diarrhea. (The state of your bowel takes a back seat at this juncture!) What follows is a true story.

Two days had passed since the attempted bombing of Northwest Airlines Flight 253 at Detroit airport, USA on Christmas Day 2009. The airline authorities were understandably tense. Unfortunately for the Nigerian man who

flew into the same airport at that time with bouts of frequent diarrhoea, this tense airport situation did not bode well. When his plane taxied down Detroit airport, because he had spent so much time in the toilet during the flight, the plane was not allowed to the gate and panic ensued amongst the travellers. You can almost picture the American marines being alerted to storm in to tackle this potentially serious situation. However after detailed questioning and examination, it was determined that the gentleman from Nigeria was suffering from a genuine case of severe gastroenteritis. Everyone felt, well, relieved!

Obviously in these days of aeroplane terrorism, even simple acts like going to the bathroom become potentially highly suspect, especially if you have to run to the toilet many times in the plane or that your diarrhea is so severe as in this case of the Nigerian man that you cannot rise from the toilet seat. It is hard to blame

anyone as you certainly want the planes to fly safely without dangerous individuals running around with their own agenda in the aeroplane.

What can be done for people to avoid having to frequently go to the bathroom in a plane? In a Nepali bus, the matter may be more serious as there are no bathrooms and the driver may not cooperate with you to stop frequently. Following all the standard rules (drinking boiled water, washing your hands with soap and water etc) of proper hygiene is of course important. But for travellers in a plane and bus in order to deal with the practical problem, there is a simple drug called loperamide (Imodium) which works rapidly by slowing the transit time in the gut. 2 tablets of imodium for adults to start with is very effective and may help avoid security concerns as in the story of the Nigerian man. But above all, it is important to see a health care practitioner after deplaning. ■

Gender Identity: Women, Men And LGBTI

-By RADHA POUDEL

Gender related trainings at local, national, international level rarely introduced the term of Third Gender Third Sex or Transgender or LGBTI where as gender has been getting space significantly since Beijing Conference 1995 in government, non-government organizations at large. Ridiculously, even in the educated society, academic intuitions, gender applies ONLY women and men.

As we socialized through cinemas, circus and other sources, society takes third gender as a fun, to some extent inferiority, powerless at private as well as public arena. The family and members/relatives also have taken third gender as a matter of stigma, humiliation, shameful and guilt because they thought that third gender is an outcome of sin in earlier life or ancestors. Thus, neither family discloses the concerns nor the individual expose themselves about their gender identity and sexual orientation.

Indeed, gender implies to women,

men and transgender (TG). Even TG has various names or definition as their local context or country to country. However, TG refers to female to men, men to female and Hijara. At the mean time, in Nepal the representative society called BDS (Blue Diamond Society) called LGBTI largely. It covers lesbian, gay, bisexual, transsexual and inter-sex persons, neither of whom falls under the categories of male and female.

Actually, TGs are deprived from exercising their rights from legal frameworks/policies. Thus, they have been discriminating at multiple forms and ways at their daily life at individual, family and public life. Primarily, they have excluded at their home, mostly their needs, aspirations and interest ignored and taken as a psychosocial problems. Most of TG brings to the psychiatrics or seeking medical treatment. Likewise, they oppressed at school, community or



their work setting. Once they disclosed, they have to illegible to continue their tasks or taken out as a punishment e.g. lesbian woman terminated in Nepal army in 2007. Similarly, they do not have category in official and formal institutions regards to their gender. There are only mentioned men and women.

Therefore, TG are not only marginalized or in minority but also pushed towards ranges of social, economical and emotional problems. It includes anxiety, depression, suicide, and unemployment. Initially, they are also natural persons, human beings but the society treat and make them different. Consequently, conflict, violence gradually induced in the society. They do not have choice and options as their interest and capacity. Finally, they are being further pushed in to criminal activities and harmful/risky behaviors including sex work.

It is concluded that TGs are human beings and granted for equal human rights. It might see to everywhere and everyone regardless their caste, class, occupation, disabilities, religion, region. ■



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९०९० डायल गरि ज्ञान बढाऔं, पुरस्कार पाऔं



एनसेल नम्बरबाट ९०९० डायल गरि प्रसिद्ध मनाईका साथमा एस एस एस मार्फत एउटा रजिष्ट्रेशन कोड पाउनुहोस्। हरेक हप्ता जित्नुहोस् मोटरसाईकल, ल्यापटप, टि. भि., ब्ल्याकबेरी स्मार्ट फोन, दुईजनालाई थाईल्याण्डको क्षमण र दशौं हप्तामा दुईवटा बम्पर पुरस्कार कार र दश लाख रुपैयाँ एक एकजनालाई।

विजेताको घोषणा हरेक हप्ताको शुक्रबार ७:३० बजे कान्तिपुर टेलिभिजनमा लक्की इको प्रत्यक्ष प्रसारणद्वारा गरिनेछ।

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