



**VIEWPOINT:**  
**Dr. Tilak Rawal**



**FACE TO FACE:**  
**Dr. Dinesh Chandra Devkota**



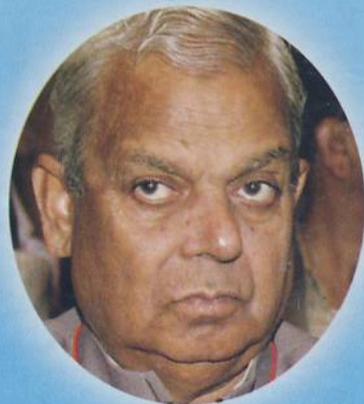
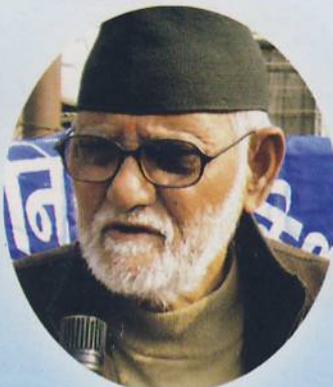
**INTERVIEW :**  
**Shoko Noda**

New

# SPOTLIGHT

Nov. 30, Dec-13, 2012

FORTNIGHTLY



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## From The Editor

As we predicted in the last issue, the president's involvement in national politics seems to be inevitable now. The political stalemate has entered into a new stage following President Dr. Ram Bran Yadav's notice seeking a name of a consensus prime ministerial candidate. The ruling and the opposition parties are taking respective sides to defend and offend the move. This kind of a political situation is not new for Nepal. In the course of last six decades of political process, what Nepal has seen is a breakdown of constitutional order, pushing the country into prolonged political instability. Whether the president appoints the new prime minister in the name of consensus candidate or retains the present one, it will not bring any change in the political process. Nepal's reality is the continuation of political instability. We have been stressing that Nepal's political problems have nothing to do with the constitution, nor with the political system. We have to think beyond this.

On other fronts, at a time when Nepal is facing another phase of political crisis, the recently published National Population and Housing Census 2011 has shown a bleak scenario of the country. Despite the claim of economic and social progress, Nepal is still far behind in areas like access to drinking water, access to sanitation and percentage of literacy. In social development sectors, the marriage age is still low and child marriage is still prevalent. The country's half of the female population are still illiterate and traditional firewood is still a source of cooking energy for over 76 percent of the population. Similarly, half of the population does not have access to toilets. As many countries around the world with the same economic situation like Nepal have moved forward, what has gone wrong for Nepal that it is seeing such a slow progress?

Keshab Poudel  
Editor

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### Israeli Embassy Marks Peace

At a time when Israel is facing threats of violence, its quest for achieving peace continues. With an aim to mark the importance of global peace, the embassy of Israel recently organized wall painting on the wall of Social Welfare Council.

At the function organized by the Embassy of Israel in Kathmandu along with the Social Welfare Council, artists painted on the wall of the Social Welfare Council.

According to Israeli Embassy, the theme of the day was "Peace". Over a hundred children from Annapurna Higher Secondary School and Albert Einstein Academy Boarding High School, members from Shalom Club, Embassy staff, Israeli volunteers living in Nepal and a group of professional artists from Artlab life participated in a day long program beautifying the walls and each participant wrote on the wall his/her message of peace.

Doves and olive branches, which are international symbols of peace featured prominently.

"The painting was not a competition but a message going out to all people about the importance of striving for peace," said Israeli Embassy in the press

### Thousands Attend 'Count Me In-Survive 5'

More than 42,000 people this week participated in 'Count Me In - Survive 5' by raising their hands to show support for improving the healthcare of women and children in Nepal.

Pushkar Khatri, Campaign Specialist for World Vision International Nepal, said the group urged leaders to ensure that the government prioritises policy and programmes that support and improve healthcare for mothers and children in Nepal.

"One in every 19 does not survive to his or her fifth birthday," Khatri said. "Though infant mortality has declined by 42 percent over the last 15 years, it is relatively higher in the mountain ecological zone than in the Terai and hill zone and is highest in the Far-Western region. If this was a higher priority for our government, then more children would live."

From our work with poor communities in different districts in the Far Western region of Nepal, World Vision knows the lives of thousands of women and children in those



release. "The Embassy believes that even in troubled times we should always remember the importance of peace and always remind people what we should be heading. This is a small step taken by the Embassy to tell the world that peace is beautiful and it is peace we all desire," said the Embassy.

In the evening, three religious preachers/gurus, Hindu, Buddhist and Christian, were invited to speak about peace and what peace meant in their religions respectively. Ganesh Prasad Upadhyay, the Joint Secretary from the Ministry of Peace and Reconstruction, also attended the event. Eighteen Doves and lanterns were released as a symbol of peace.

solutions like providing clean water and promoting skilled birth attendants to assist during childbirth, he added.

According to the press release of World Vision, Child Health Now is World Vision's global campaign to end preventable deaths of children under five. Globally, over 7 million children under the age of five die each year from preventable causes, like birth complications and infections, diarrhoea and pneumonia. The underlying cause of one third of these deaths is malnutrition. Addressing child mortality means improving the health of both mothers and children. Through Child Health Now, World Vision is calling on the international community to meet its Millennium Development Goal (MDG) commitment to reduce maternal and child deaths by 2015 - specifically: MDG 4, to reduce child deaths by two-thirds by 2015 and MDG 5, to reduce maternal deaths by three-quarters by 2015.

'Count Me In - Survive 5' was a

Action from 13 to 20 November to raise awareness of the issues and encourage leaders to act now to help children survive to the age of five.

People in Nepal can help make a difference in the lives of women and children in Nepal and across the globe by getting involved with World Vision's Child Health Now campaign, said the organizers.

### USAID Equips 74,000 Youth With Skills

The Education for Income Generation program benefited the most marginalized youth and more than 400,000 of their family members through increased income and improved food security.

The U.S. Agency for International Development's mission in Nepal (USAID/Nepal) organized a special event to commemorate the successful completion of its five-year (2008-2012) youth-focused Education for Income Generation (EIG) program. EIG's impacts have been transformative for 74,000 of the most disadvantaged youth - dalits, janajatis, women, and conflict affected— leading to higher sustainable incomes and improved food security in all 15 districts of the country's mid-western region. The youth were trained in entrepreneurial literacy, vocational skills, and agricultural productivity and enterprises.

The \$15 million EIG program was designed to address the exclusion of disadvantaged youth from education, training and employment, and create a more productive workforce through an integrated entrepreneurial package tied to income generation, primarily in agriculture and vocational skills.

Speaking at the event, USAID's Mission Director in Nepal, David C. Atteberry, remarked, "Improving access to employment-focused skills training is extremely crucial given Nepal's low economic growth rate and high unemployment and under-employment. Structural barriers, both economic and social, preclude many in Nepal from accessing education, leaving them with few opportunities to build a productive livelihood. Today, thousands of beneficiaries and their families consume more nutritious foods and provide better educations for their children. Husbands have returned home from overseas employment. Some have become business owners and employers, and young women, in particular, became empowered and more engaged in community activities."

The cornerstone of this multi-faceted program has been its demand-driven approach - creating training courses that met the needs of the labor market and linking youth to pre-identified employment opportunities. ■

## “Investors Lack Confidence, Not Money,”

DR. UPENDRA MAHATO

Former president of Non-Resident Nepalese Association and a Nepalese entrepreneur

According to a recent report, business confidence in Nepal is virtually null. In such a scenario how are you trying to make more investment?

It will be very much unfair to compare investment environment of Nepal with that of US, UK and other developed nations. In developing countries like Cambodia, Laos and others, investment comes in two forms. Due to good bilateral relations with rich nations like US, UK, China, etc., developing nations receive huge investments and they do lobbying in the international market. Due to this investors' confidence rises and so does investment. Another is increasing confidence of domestic investors.

For investment there should be a stable political environment as well. But political environment is the reflection of economic environment not vice versa. As long as the nation is not economically stable, political stability is difficult to achieve. It



is very difficult for foreign investors to invest in Nepal. In these difficult times, local investors should be encouraged more to invest. Another is to bring investment from NRNs who have seen the global business and have gained knowledge on the global level. If local investors and NRNs invest, then foreign investments will definitely come.

You have invested in various nations worldwide. What strategies should Nepal make to attract foreign investment?

First, the government should put economic agendas forward. But in here it is seen that the government is found busy only in the constitution writing process. As the government was busy handling both economic and constitutional issues, economic agendas were not able to move forward. The government should bring economic packages for investment.

The government should give priority to two sectors first. It should make infrastructure (road construction) development and power the main agendas.

Will more investments come if Nepal Electricity Authority improves its condition?

It's a long process. If we go this way then it will take a long time for investment to come in hydroelectricity. If we analyze, the highest investment came in 2052 B.S. At that time, the investment policy was far improved. I still don't think the government has openly called for foreign investments. We are making it even difficult for foreign investors to invest in Nepal. Even when we talk of hydroelectricity, we cannot say for how much money our government buys electricity. Government has not even called for investments for specific projects. We have heard that investment board has forwarded around 100 projects. We are waiting for that.

NRNs had also put forward various projects? What is the status of those projects?

We closed our projects as the government put forward 100 projects for the investment year. We closed as we don't want to do the same thing that the government is doing.

Has the government identified investment sectors?

In Nepal, there is still 18-20 hours load-shedding. In a country where there are so frequent power cuts, it is useless to think that there will be high economic activities.

You talk a lot with foreign investors. What do they say about investment in Nepal?

We have to give them specific projects for investment, without that we cannot ask them for investment. They don't have time to do the detailed study from the scratch. Not only foreign investors, even domestic investors don't lack money, they lack confidence. *Nagarik*

## World Bank Country Director Meets Prime Minister Bhattarai

World Bank Country Director for Nepal and Bangladesh Ellen Goldstein met with Prime Minister Baburam Bhattarai to discuss the Bank's program of assistance and its future assistance strategy for Nepal, currently under development. She also met with Finance Minister Barsha Man Pun and senior officials of the Government of Nepal including the Chief Secretary and the Finance Secretary. World Bank Country Manager for Nepal Tahseen Sayed accompanied Goldstein during the meetings.

During her meeting with the Prime Minister, Ms. Goldstein said the World Bank Group stands ready to significantly ramp up its support for the development of Nepal's hydropower potential provided that the government urgently addresses implementation bottlenecks in ongoing power sector operations.

## Developing Countries As Standard Setters

A three-day standardization workshop on “Strengthening institutional capacity on sustainability criteria for bio-energy” concluded recently. The workshop was part of a longer project “Trade promotion through standardization” being implemented jointly by South Asia Watch on Trade, Economics and Environment (SAWTEE) and the Swedish Standards Institute (SIS) with the support of the Swedish International Development Agency (SIDA) in eight countries of the South and Southeast Asia regions, namely, Bangladesh, Cambodia, Indonesia, Laos, Nepal, Pakistan, Sri Lanka and Viet Nam.

The workshop was being organized against the backdrop of the setting of a new standard on the sustainability criteria for bioenergy by the International Organization for Standardization (ISO).

Dr Posh Raj Pandey, Executive Chairman of SAWTEE, stated that the initial euphoria among policy makers and private sector representatives about the role of bio-energy in mitigating climate change is being questioned now since the use of bioenergy is not necessarily carbon neutral if looked at from a life-cycle perspective. Extensive promotion of bioenergy could also have environmental (e.g., destruction of biodiversity, soil erosion) and social (e.g., exploitation of small farmers or their displacement to produce bioenergy) impacts.

Speaking as the Chief Guest, Krishna Gyawali, Secretary of the Ministry of Industry, informed that the Government of Nepal has prepared a climate change policy, and is also committed to implementing the commitments it has made at relevant international forums such as the Rio Summit.

## Outstanding ADB Projects Awarded

ADB awarded three projects that have been helping to improve the lives of the rural poor in Nepal.

The projects that won awards are the Rural Reconstruction and Rehabilitation Sector Project, the Sub-regional Transport Enhancement Project and the Secondary Town Integrated Urban Environment Project.

These projects are supported by ADB.

Finance secretary Shanta Raj Subedi presented the Outstanding Project Management Team Awards to the winning project teams at a ceremony held in conjunction with ADB's annual Country Portfolio Review Meeting (CPRM) organized by ADB and the government of Nepal.

“The successful implementation of these projects has significantly contributed toward maximizing ADB's overall contribution to helping reduce poverty in the country, and in supporting efforts to promote sustainable development,” said Kenichi Yokoyama, ADB Country Director, Nepal Resident Mission. ■

# Restless President



DR. TILAK RAWAL

In the October 19<sup>th</sup> issue of this fortnightly, I had written how our leaders had succeeded in confusing our President, after profusely confusing commoners, by breaking time and again the self-given deadlines to clear the political mess that Nepal is in today. Top leaders discuss serious political issues of contention in numerous meetings that end up inconclusively. They agree to meet again basically to disagree on major issues such as formation of a unity government, elections and the new constitution. NC and UML's repeated demand that Prime Minister Bhattari should quit before anything else and reluctance to do so by those in power have made it very difficult for this poor nation to inch ahead politically. UCPN Maoist's priority was to give the nation a budget and have been openly disagreeing with NC and UML that Bhattari's stepping down would ensure consensus on contentious issues. It looks like the repeated adamancies of the top leaders of our country has made our already confused President little bit restless also as he started seeing leaders too often, even during public holidays, and giving them advices in a straight forward manner. His activism suggested that he was going to say something

officially and in a bold manner on or before November 22, the day Bhattari government had decided to hold fresh elections to CA. In an apparently preemptive move, the government, probably smelling his mood, on Tuesday (November 20) not only announced a budget in the amount of Rs. 351.93, two-third of last fiscal's total, but also decided to hold fresh CA polls by mid-May. Much to the chagrin of opposition parties, President Ram Baran also endorsed the budget ordinance placed before him without wasting time. This promptness shown by him in authenticating the two-third budget is difficult to understand because people knew the president wanted a full-fledged consensus budget or a downsized one, one-third of the actual expenditure of the last fiscal's, in the absence of political consensus. Whatever led to this dramatic decision, people should be happy that government employees will be paid their salary and day to day public sector activities will be carried out as usual in this country where no meaningful economic activities have taken place in the last couple of years. Therefore, unlike NC

and UML followers, independent observers seemed in no mood to be critical of this combined move of the president and the government. They simply wished that this joint move did not breed further unrest. Expectedly, many parties came down heavily even on the President and some like CPN, Maoist criticized it as an unconstitutional move, while NC and UML chosen Bhattari's government and his party to concentrate their attacks on. This anger of opposition parties on the Head of State did not last long because his formal urging to political parties to form a consensus government within seven days appeased them but angered the UCPN, Maoist, mainly the Bhattari fraction, whose sister concerns protested the so called unconstitutional move of the President. Poor Dr. Ram Baran must be confused as to who he should listen to because parties are taking turns in welcoming and condemning his decisions on different issues at different points in time.

Economically, days ahead are going to be all the more

***No matter what President decides, his action will not receive unanimous acceptance because there will be at least a fraction of a party, if not the whole party, to criticize him, even term his step unconstitutional. Therefore, continue to take appropriate steps, Mr. President, keeping Interim Constitution at the back of your head, without being too confused and restless because people sometimes are made to pay through their nose for actions taken in haste.***

difficult because inflation, currently at 12 percent, is likely to shoot up in the face of likely decline in food grain production

this year. It is estimated that net edible food production will decline by 563,000 tons, which is the result of prolonged drought and acute shortage of fertilizer during plantation season. Production of paddy and maize is likely to fall by 14.2 percent, compared to a year earlier level. Food inflation (said to be 16 percent currently) is likely to increase further making miserable the life of low income people who spend a large chunk of their income on food items. Further, indications are that supply of petroleum products is going to be erratic and inadequate during the months of winter when its consumption normally increases. Decline in food production, very low level of capital expenditure made in the first four months and chances that major portion of Rs. 51.34 billion, set aside as capital expenditure for the remaining eight months, left unspent being high, a moderate growth of even 5 percent looks unachievable: Anything beyond 3.5 percent is unthinkable. In terms of per capita income we are likely to go below war-torn Afghanistan in a year or two. On the human development front, the progress

achieved is not encouraging enough and Nepal is placed only above some very poor African nations. Unfortunately, on the corruption front we are being recognized as one of the most corrupt nations in the world, with Transparency International assigning Nepal a much higher number (157) than Liberia(91),Malawi(100)and Mozambique(120).European leaders are worried that EU has slipped into recession for the second time in four years, Indian leaders are worried that the economy grew by only 5.5 percent in the three months to September end and China which has just chosen Xi Jinping as the man to run the show for the next ten years there, has decided to boost internal demand to spur growth because they know with their major markets such as EU in recession, it would be unwise to rely on exports to achieve the remarkable growth of the past thirty years when Chinese economy on average grew by 10 percent per annum.Indian leaders feel that 8 percent growth, achieved till 2011,is not an aspiration but a must. It may also be mentioned that recent US presidential election was fought on economic issues and incumbent Obama won it because he is believed to have stopped further deterioration in the ailing US economy, which he inherited some four years ago. There are leaders in these countries to worry about their economies unlike here where we have non to think about the pitiable condition of our economy.

Mr. President may wish to note that people did not want the nation to be without a budget for long and they also want the political mess to be cleared through creation of a consensus government at the earliest possible time. President most likely will have to take further actions\decisions because his seven days ultimatum to form a unity government has not produced any positive result as parties and factions within them are acting separately and coming up with divergent views. No matter what President decides, his action will not receive unanimous acceptance because there will be at least a fraction of a party, if not the whole party, to criticize him, even term his step unconstitutional. Therefore, continue to take appropriate steps, Mr.President, keeping Interim Constitution at the back of your head, without being too confused and restless because people sometimes are made to pay through their nose for actions taken in haste.

*Dr. Rawal is former governor of NRB.*

## CENSUS 2011

# Slow Progress

*Despite certain gains in the social and economic sectors, Nepal's overall progress is still dismal*

By A CORRESPONDENT

Although Nepal has achieved a certain minimum level of progress in the last six decades, the overall development in social, economic and other sectors is still dismal. If one looks at the census report of 2011, there is no reason to rejoice about the performance regarding the country's overall development.

With the total population of 264,94,504, the absent population is 19,21,494. According to the census of 2001, there were 7,63,181 population registered as absentees. This shows the country's overwhelming number of people don't find jobs in the country.

The basic needs like drinking water, sanitation, health facilities and education institutions are still out of the purview of the large number of people. Despite making progress in energy sector, a number of people still use traditional resources for cooking.

The country's literacy rate is also still poor and the marriage age is still below 20, which signifies that Nepal's progress in the social sector is poor too. Access to electricity has gone up. However, the access to modern means of communication like Radio, Television and computer is still too low.

According to Census 2011 report, only 47.78 percent population has access to piped water taps and 35 percent of population use tube well and hand pump for drinking water, 64 percent of population use traditional sources of energy such as wood for cooking food. The users of LP Gas has increased from 7.67 percent to 21.03

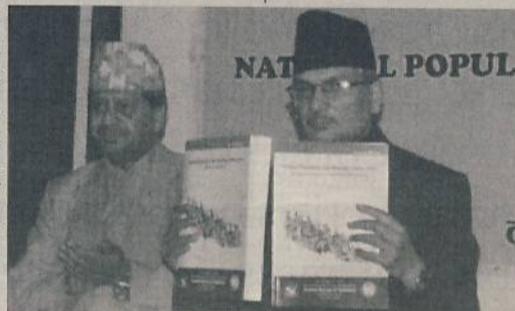
percent in a decade. Users of electricity has gone from 39.8 percent to 67.26 percent. The figure for those using kerosene for light has declined from 57.07 to 18.28 now. Some 53.10 percent of population owned radio, 22.50 percent television, 7.28 computer and 3.33 internet. The number of mobile phone user is 64.63 percent.

Ownership of vehicle is still poor. Only 1.57 percent population has cars and 9.58 percent population has motorcycles, and 32.38

percent population own the cycle. One of the dismal parts of the report is that 38.17 percent population still does not have toilet at their houses. There were 52.5 percent population having no toilet during the last census. Even in the urban area, 9.09 percent of population don't have toilets.

The marriage age is still young. According to the report, 48.9 percent of the population married between an age of 15-19 years. There are still 11.5 percent people marrying before the age of 14. The literacy rate has now reached 65.9 percent, with 75.1 percent for male and 57.4 percent for female. Over 39 percent of population above the age of 5 completed the primary level of education, 20.3 percent completed the high school or 6-8 and 10.2 percent have equivalent to SLC and 10.2 percent have SLC.

Nevertheless, the census results have shown a certain progress in social issues like gender. Yet it shows the people's access to modern infrastructure is still too low and Nepal's quest for high growth and progress has a long way to go. ■



## PRESIDENT'S MOVE

## Far Cry

Like it or not, president Dr. Ram Baran Yadav has landed in a political mess where there is neither a constitutional solution, nor an easy political way out. After issuing a public notice seeking a new consensus candidate to lead the national consensus government to hold the elections for the Constituent Assembly, president Dr. Yadav has asserted an undefined constitutional role in the absence of elected representatives. Had the political leaders overcome the crisis by looking into the past, Nepal would not be in the present mess. Given the past experiences, more intense political crisis may in the offing

By KESHAB POUDEL

With the call for the appointment of new prime minister by president Dr. Ram Baran Yadav, Nepal's political and constitutional process has entered into a more complicated stage. In the absence of elected representatives, president, a guardian of the constitution, has finally landed in a political controversy.

Although the Interim Constitution has made the president a ceremonial head of the state by providing all the executive powers to the prime minister, the political reality has demanded his role the other way around. At a time when there are no elected representatives to elect the prime minister and no possibility to hold the elections is in sight for the near future, president Dr. Yadav will have to exercise some executive power and to take the responsibility for all the decisions he makes.

Meantime, Nepali Congress is learnt to be forwarding its president Sushil Koirala as the consensus prime

ministerial candidate and Dr. Yadav, in all likelihood, will extend a week's time from November 29 for the political parties to agree on the name.

#### Question of constitutionality

The ruling coalition leaders, including prime minister Dr. Baburam Bhattarai, have already termed the president step as unconstitutional. "There is no provision to dismiss the elected government in the absence of elected representatives. President Dr. Yadav's decision has sent the Interim Constitution into a coma," said prime minister Bhattarai. "This is the end of the constitutional rule in the country."

In the last six decades, Nepal has landed in more or less similar kind of political situations where the constitution finally suffered a setback. Under the monarchical rule, the Constitution of Kingdom of Nepal 1990 was scrapped following the dissolution of the elected house of representatives.

Eminent constitutional lawyer

Ganesh Raj Sharma used to say that any constitution or political system was doomed to fail in Nepal's volatile geo-strategic position, in the midst of two competitive Asian powers. Although critics often dub him as too geo-strategy centric in his interpretation, Sharma's views are proving to be near the current reality in terms of the political and constitutional development of Nepal. He argued that Nepal will have to see many new constitutions under the immature and fractured political leadership having no experiences in dealing with the complexity of Nepal's reality.

After failing to hold the elections for the new Constitutional Assembly on November 22, prime minister Bhattarai's government too faced the same constitutional situation as that of six years ago.

"Constitution is a legal-political document. One cannot find the constitutional solution, just the interpretation of it on the constitutional

ground. There is also the political question in the constitution," said senior advocate Radhe Shyam Adhikari.

With the announcement of the notice by president Dr. Ram Baran Yadav on November 22, the life of 14 months old caretaker government led by Maoist leader Dr. Baburam Bhattarai came to an end. In just over four years, Bhattarai had been elected the fourth prime minister to face the situation.

The first Maoist government led by Pushpa Kamal Dahal resigned in a row over the dismissal of Nepal Army Chief Rukmangad Katawal. Dahal tendered his resignation following president Dr. Ram Baran Yadav's non-acceptance of the cabinet order to dismiss army chief Kauwal.

#### Whither political solution

Whether the president appoints the new prime minister under the basis of national consensus or some other basis, no one can prevent Nepal from entering into an era of prolonged and intense political instability, featuring bitterly divided political blocks. The political polarization will continue between UCPN-Maoist and United Democratic Madheshi Front allies on a side and Nepali Congress and CPN-UML allies on the other.

"The president and political parties should have avoided the present situation. Instead of changing the government, the president should have encouraged political parties to go for fresh elections. No matter who led the government, the priority should have been the elections," said political

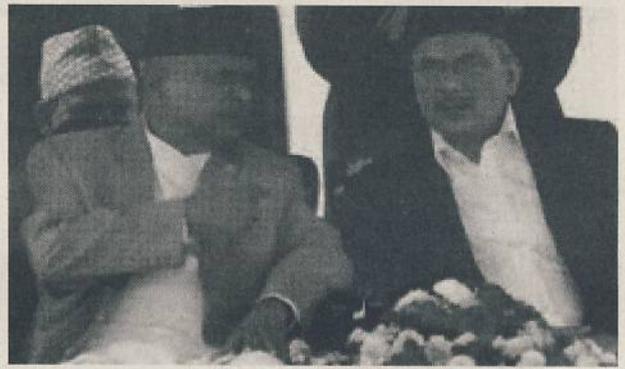
analyst Dr. Lok Raj Baral. "The recent action pushes the country into deep political turmoil."

Since all institutions are in controversy, the question of legality and legitimacy will come to the fore in the coming days. Given the present political situation, with bitterly divided political forces, elections in April 2013 are unlikely and even the elections in November will be doubtful.

#### Coming political instability

Elected five years ago under the interim constitution, the institution of president will be in question in legal and legitimacy aspects of the present interim arrangement. The institution of president is very new and is in the process of establishing itself as a legitimate institution. Now it will have a very difficult time defending itself. Only in competitive politics, the question of legitimacy can be settled without consensus.

"After the failure to hold the elections on November 22 and form the consensus government to hold the next elections, the legitimacy of Bhattarai led government has come to an end. President Dr. Ram Baran Yadav had no choice other than to call for a new candidate to hold the elections," said Prem Bahadur Khadka, president of Nepal Bar Association. "The basis of the



President Dr. Yadav (Left) and PM Bhattarai

As political parties are yet to overcome the political stalemate, they are likely to see a new round of political crisis. After November 29, Nepal's political crisis will be likely to intensify. There is no provision in the constitution as to what would be the consequences in case of failure to produce a consensus candidate by the political parties or failure to hold the next elections by another prime minister.

As ruling and opposition alliances are taking two opposite stands, consensus candidate will be difficult to find and the same interpretation of the constitution will follow. In all scenarios, president Dr. Ram Baran Yadav's involvement will increase, resulting in more confrontations.

Had political parties maturely handled the situation and agreed on some sort of agreement for elections government, the present constitutional and political controversy would have been avoided. Although the Interim Constitution has given him very limited role in the process of changing the government, Dr. Yadav has to enter in the game of making prime minister.

To execute both the options, the president needs support and backing of security agencies, including Nepal Army and Nepal Police. The role of international community is also important in this context.

As the trust and mistrust among country's major political parties is growing, and the new elections in coming April are unlikely, the Election Commission has already made it clear that there is a need to appoint new election commissioners, and draft some acts within the month to hold the elections in April. If the crisis prolongs



Sushil (Left), Jhala Nath and Prachanda (Right)

present interim constitution is political consensus. As a guardian of the constitution, the president's move was necessary to protect the letter and spirit of the interim constitution."



## Nepal: Ensuring Democratic Governance In The Absence Of Elected Representatives

Nepal is in the state of constitutional crisis. There are good possibilities for the management of transition during this crisis on the basis of thoughtful and future oriented actions. The Interim Constitution of 2007 was not drafted as a very efficient document, and at a stable period. There are several lacunae in the concept and principles that it said it has internalized. There are problems even in the basics like the power of the president in the formation of government, internal communication between the president and prime minister, the obligatory arrangement about the local self government, and the provision of next elections, if a new constitution was not adopted as expected.

Despite these lacunae, it was possible to run an accountable government, and be futuristic about the new constitution and management of transition, based on the constitutional parameters. Even though the political developments have been unfortunate, the current challenge is not to amend the constitution, because it is 'unamendable' in the absence of the parliament, but to maintain increasing political accountability and ensure an efficient transition from current impasse. The following guidelines may be summarized for brevity for ensuring democratic governance in Nepal in the absence of elected representatives:

- The executive power under the Constitution belongs to the Council of Ministers. There are no 'ifs and buts'. There has been confusion in this regard.
- There must be realization between the

with political disagreement, nothing will move forward.

### Implications of political crisis

If political parties fail to settle the political crisis, this will affect the overall development projects and economic progress. In the absence of political stability and stable government, Nepal's development partners will have to postpone their new projects designed for Nepal. Even the ongoing development projects have already suffered due to the lack of matching funds and implementation of several projects has already stalled.

Prime minister and President that there is legitimacy deficit in the position of the government institutions including their offices as trustee of the power of the people until next elections.

- They must work together within constitutional parameters, the role of the President being only as the protector of the constitution helping to solve the constitutional crisis.
- There is a need of warm and down to earth regular meetings between the President and Prime Minister. A regular weekly meeting as it happened during the past may help ease the relationship in several ways.
- Formation of an inclusive national government either by the existing (caretaker) Prime Minister or by any other candidate who can garner necessary support, give outlet to the nation, and thereby reduce the role of the President acting as protector of the constitution.
- A quick appraisal of the constitutional crisis by the national government, a holistic reappraisal of how this crisis could be resolved, and setting out standard norms and practices for the remaining crisis period as a comprehensive arrangement to run the system on the basis of the principles of constitutionalism including on the issue of holding elections and appointing officials of independent constitutional bodies.
- The national government must chalk out an ordinance providing

Along with the constitutional process, forthcoming political crisis, which is already in the horizon, will be likely to affect the entire development agenda. At a time when the civil service, which is mired by political interference and trade unionism based on political alliance, is in the weakest position, political crisis will definitely create a worse situation. Whoever comes to power, massive transfer in civil service will be in order.

Intended or not, Nepal's political course is going back in the same track with intense political instability due to

legitimacy to the above efforts with a fixed operation period.

- An understanding must be created on how the power of the President to issue ordinance and exercise the power to remove difficulties are to be exercised until a newly elected government has been constituted.
- Taking decisions on all contentious constitutional issues at political level including on federalization of Nepal. If there are issues that must be handled phase wise, this understanding must be reached in advance.
- A quick formation of Constitution Finalization Commission to work on the technical parts of constitution writing and finalization taking stock of all past efforts including the resources generated by the Constituent Assembly
- In all these exercises the mission of the Interim Constitution of restructuring Nepal, making it an inclusive state, in order to resolve the existing problems of the country relating to class, caste, region and gender must also form the priority.
- Announcement and holding of elections for a new Constituent Assembly or Parliament or both. This will endorse the crisis prevention measures applied till that day and amend the Constitution as required.
- Finally adoption of the new Constitution.

*(Excerpts from the research of Dr Bipin Adhikari concluded recently)*

the failure of the political leadership to comprehend the situation and learn from the mistakes of the past. Neither Nepal's constitution nor political system is responsible for the present crisis. Had the political leadership shown maturity, this prolonged political crisis would be avoided and Nepal would have entered into the stage of economic progress.

Until Nepal's political leaders learn from the past and comprehend the political crisis, no matter which political system or constitution is installed, political stability will be a far cry to make Nepal as a prosperous nation.



# An Epic Tussle

By YUBARAJ GHIMIRE

At long last, President Ram Baran Yadav has stepped in. Baburam Bhattarai's cunningness—his promise to make any sacrifice but refusal to resign even after he failed to hold the election to the legislature on the promised deadline—apparently forced the President to inch forward to act. He set November 29 deadline for the Political parties to elect Bhattarai's successor by consensus.

Bhattarai reacted on the expected line: that the president's act (read is impending exit) will risk Nepal's identity as a 'Republic' implying that monarchy will come back. Bhattarai's megalomaniac arrogance and his overestimation of the self has one key factor contributing to loss of faith of the ordinary people on the Maoists. Of course, Prachanda's life style and allegation of corruption against top Maoist leadership is another.

The President acted when Maoist popularity and legitimacy has nosedived. There was pressure on him to act. He had the assurance from Prachanda that he would instruct Bhattarai to quit to pave the way for formation of a consensus government if the President approved the budget ordinance for eight months beginning November 16. But Bhattarai challenged Prachanda the moment he was signaled to quit after the President approved the budget.

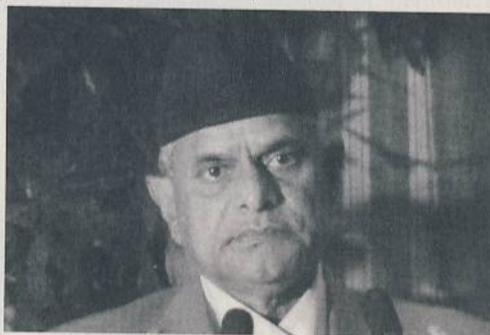
To preempt or befool the President, Bhattarai addressed the nation on November 22 promising he will make any sacrifice for the national cause, but made no categorical offer to resign within a deadline. He chose not to address the question of legitimacy that he was facing in the wake of his failure to hold election to the constituent assembly as promised on November 21. And he also made it clear that the Political parties were obliged to have a common national agenda prepared, and his successor decided, to his satisfaction, something hard to expect in Nepal's current context. President Yadav acted when he saw through Bhattarai's game to prolong his care-taker rule indefinitely.

President's act has also come into fierce debate with Pro-Maoist authors and personalities calling him a 'new monarch'. But a careful analysis of the situation shows the President had to decide whether to intervene as a guardian or let Bhattarai do anything he wanted to the extent of capturing power. Bhattarai's understanding of cabinet being in possession of right to rule and exercise state power without accountability and that neither judiciary nor President's guardian role should come in his way. During their meeting on November 26, President seems to have told Bhattarai to be respectful to the state institutions including that of the President. "Any dispute on their jurisdiction or rights is subject to interpretation by the Supreme Court", the President said. Yet, the resultant controversy and rapid polarisation of political forces that the presidential action has triggered is the outcome of series of violation of constitutional provisions and norms by the Nepali actors, mainly the Maoists, Nepali Congress, UML and the Madhesi Morcha, besides cabinets one after another in the post 2006 April phase, the constituent assembly and the revived parliament as institutions. The 1990 constitution was killed with the astra of political consensus without following any norms. The President has failed to warn them on many occasion, and that is one reason why his 'action' has come into debate this time around.

The Unconstitutional government—a government that had not even taken the oath—that trespassed illegally into the Constituent

assembly moved a resolution to abrogate monarchy and that did not take more than a couple of minutes to be declared approved by the chair. Bhattarai, in the wake of the process initiated by the President to have his successor elected, is believed to have said he is prepared to face the bullet but not vacate Baluatar. Remember what King Gyanendra did when the CA illegally and conspiratorially removed the monarchy? He addressed a press conference at Narayanhiti, declared he will honour the CA resolution, he will hand-over the crown and the scepter in the safe custody of the Nepalese people, that he will continue to live in the country and accept any status that people bestowed upon him. Subsequently, he also admitted that power take-over was a mistake.

Statesmanship and democracy demand that a person owns responsibility for mistakes made and accepts defeats and setbacks with grace. Where does Bhattarai stand in politics? what are his values? Nepal's transition would have been much shorter, positive and Political changes institutionalised long ago if the major political parties had involved the monarchy and the traditional forces in the process. The complication arose when they went on a totalitarian track and crushed constitution and constitutional norms under the weight of what they called consensus, mainly for consolidating their stake in power. The international community including the UK, U N, India and Scandinavian countries quietly accepted all these normlessness as normal practices during the transition as the only or the best way to establish 'Democracy'. They behaved like a party affiliated to,



President Dr. Yadav

patrons of the ruling group, earning silent criticism of the people who were gradually getting disillusioned with the ruling groups. What the Nepali actors did, and what the outsiders encouraged, was in a way like dismantling nature totally in the name of 'conserving or preserving natural balance. Dismantling or dispensing with all due process of conducting democracy and hoping a consolidated democracy was contradictory in terms. But that was the dream Nepalese were sold all these six years, by the gang of four, and their patrons. While Nepali people will now take care of their leaders and teach them a lesson, it is perhaps time that the international community concerned also self introspected the role of their representatives. UN regime should not be an exception too.

The President may have acted in good faith. But he will face enormous challenges in the days to come. He should realise that consensus is something that does not only give space to the opinion or interest of four parties who have together failed to fulfill the responsibility of delivering the constitution, and are together responsible for creating the mess that exists in the country today. He does not have the right to punish some and condone others.

The Political process and the constitution making process failed because the Maoist led conglomerate including the NC, UML and the Madhesi Morcha refused to give any space to traditional, conventional and pro 1990 constitution in the post 2006 phase. Denial of any role to this huge—albeit scattered and demoralised sector in 2006- and their arrogance not to involve the monarchy in the change was at the root of the failure of the promised destination. It is up to the president if he at all wants to take any lesson while trying to find a way out to the current deadlock. He should realise, he is also a part of the interim constitution that has failed the people. ■

## “Allow Present Premier To Continue”



MAHANTA THAKUR, president of the Terai Madhesh Loktantrik Party, is a very influential leader in the Samyukta Madheshi Morcha. Thakur, former Congress leader, holds the view that the present decision of president Dr. Ram Baran Yadav to seek a new consensus prime minister to replace Baburam Bhattarai is unconstitutional. Thakur spoke on various issues regarding the present political impasse.

How do you look at the present political impasse?

This is created by the president. I don't think the Interim Constitution has any provision that empowers the president to sack the prime minister. This is a completely unconstitutional step.

As the prime minister failed to form the consensus government even after six months following the dissolution of the Constituent Assembly and to hold the elections as he promised, what should the president have done in this context?

Instead of publicly issuing a notice seeking a consensus candidate, he should have encouraged the present prime minister to form a national consensus government. According to the Interim Constitution, the executive power is with the prime minister, not with the president.

Since he failed to hold the elections on November 22, how do you guarantee that the government can hold the elections in April?

Had the president cooperated, the elections would have been held in November. Although the government forwarded several ordinances related to elections, the president did not issue them. Similarly, the prime minister has also summoned several all party meetings urging political parties to join the government. It is unfortunate that the opposition parties stressed dislodging the government through unconstitutional means. Along with president Dr. Ram Baran Yadav, the opposition parties are also responsible for the present political crisis.

What will be solution?

The only political and constitutional solution of the present crisis is to allow the present prime minister to continue till the new elections. This will protect the constitution and protect new federal democratic Nepal.

In case the president removes the prime minister on November 29, how will you respond to it?

We have not visualized such a hypothetical situation. UCPN-Maoist and Madheshi Morcha have already made it clear that they will not accept any prime minister proposed by Nepali Congress and CPN-UML. This means we want the continuation of the present prime minister who is only legitimate and elected authority at present.



## “Parties Should Accept Another PM”

Having a long family background in politics, former vice chairperson of National Planning Commission Dr. DINESH CHANDRA DEVKOTA, who is also from prime minister Baburam Bhattarai's home district, is a person active in politics too. Frank and straightforward, Dr. Devkota, president Buddhijibi Parishad, spoke to New Spotlight on the implications of the current political stalemate to the national economy. Excerpts:

After long debates and disputes, the president finally endorsed the budget ordinance limiting the annual budget not to exceed last year's expenditure? However, the sudden political crisis pushed the country into a new political stage. How do you look at the situation?

Without finding a political solution, it is a sheer foolishness to think about economic development and budget. Implementation of budget and economic progress are linked. Some of so-called planners and economists have been talking about mere economic development and budget, but I don't agree with them. Only in a situation of political stability, there is a possibility to achieve economic progress. I know there is a budget but I don't think without political settlement we can implement it.

How do you view at the recent decision of the cabinet to censure the president's move?

It is unfortunate on the part of a wise prime minister like Dr. Baburam Bhattarai. By endorsing a statement challenging the president's moves, prime minister Baburam Bhattarai led government has committed a great mistake. As a young political leader of Nepal, Dr. Bhattarai should not have done so. The president is not an individual but it is an institution. Weakening the president's institution will further weaken republic Nepal. This will create a big gap between the existing cabinet and the president. Nepal is in a transitional phase and is in the process of institutionalizing the federal republic. President Dr. Ram Baran Yadav's office is the institution of president. If we bring him in controversy, it will weaken our new republic. I think our politicians understand this. I don't think present political confrontation will go for ever.

The prime minister and his party have already made it clear that CPN-UML and Nepali Congress candidate will be unacceptable. How do you view this remark?

This is again another political mistake of UCPN-Maoist. Since the dissolution of the CA, this government is just a care taker government and the president can appoint a new national consensus government at any time. If UCPN-Maoist failed to produce national consensus government, they have to accept the leader of Nepali Congress. Before dissolution of CA, Nepali Congress and CPN-UML even joined Maoist government to make it national consensus government. They withdrew from the cabinet following unilateral decision of UCPN-Maoist to dissolve the CA.

Leaders of UCPN-Maoist have been saying that president Dr. Ram Baran Yadav has no constitutional role to appoint or dislodge the prime minister in the absence of Constituent Assembly. How do you look at it?

This is an irresponsible political statement of UCPN-Maoist. Their recent statement showed that they want to impose tyranny in the country remaining in power without holding the elections. When the incumbent prime minister failed to hold the elections in a stipulated date and failed to form the national consensus government to hold the next elections, the president cannot remain just a silent spectator. It is his duty to intervene end the situation.

The prime minister and UCPN-Maoist leaders have been saying that this is the only government which represents the voice of people. How do you look at it?

Every tyrannical government claims that it is the genuine representative of the people. UCPN-Maoist's claim is also not different than this. Only through holding the elections by forming national consensus government, we can form the government of people's representatives.



# Sound Of The Slap

By ILA SHARMA

A man is slapped hard on the face for no apparent reason, for no personal provocation whatsoever! The normal impulse would be to sympathize with the victim. But while Chhabil Dalal aka Pushpa Kamal Dahal nurses his cheek, there seem to be no sympathies being wasted on this particular man. While most will agree that slapping politicians is not the right solution, ninety-nine percent of Nepalis think the resounding *thappad* that brought the all powerful chairman comrade down to earth (literally) was well-deserved.

Nepalese, desperate for peace, had overlooked the blood of thousands of fellow Nepalese on the hands of Prachanda, the Fierce, and pinned their hopes on him. This mysterious man, an enigma, an underground leader of a bloody conflict, held the nation to ransom for more than a decade. If his rise was meteoric in the ten years of war, so is his fall from grace.

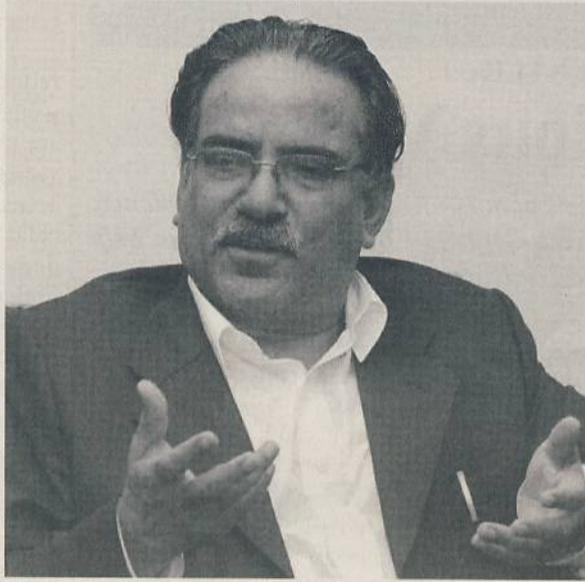
The man has no equal in craftiness as the opposition desperately trying to form a consensus government in one meeting after another and President Yadav with his one appeal after another will vouch for. In spite of his formidable skills of moving the goalposts, doublespeak

and hypocrisy, somewhere down the line, Prachanda did not only lose credibility but, apparently, also lost the pulse of people. The masses were being treated by Maoist leadership as if they were a tap that you can open and close as you wish but uprisings have their own dynamics. The UCPN-Maoist, as a so-called 'revolutionary' party, was unable to make an honest transition to a 'democratic' party and not only the people, but its own cadre felt let down. The UCPN-Maoist, which had been exploiting the public frustration for its rise into power through a violent insurgency is now at the receiving end of the same frustration. They have failed to gauge the brutal strength of the Frankenstein monster they have created, a fatal cocktail of disillusioned 'armed' rebels fed by increasingly frustrating poverty, lack of opportunities and an all-round failure of all state systems.

Surprisingly, it is only the political parties which are oblivious to this phenomenon—they seem totally unable to read the writing on the wall. The inability of the political parties to understand the sentiments of the people and act accordingly has been a chronic pathology. However, the reverberations from this slap are a serious warning to all those political leaders that lie and sell false hopes and dreams to people—to be afraid, to be very, very afraid. While PKD ruminates over what hit him, what is to stop if some of his

cadre, schooled in violence, intolerance, destruction and anarchy boomerang as suicide bombers? The moment calls for extreme caution on how UCPN-Maoist handles the situation.

UCPN-Maoist is characteristically intolerant, opinionated and has murdered people for far less. Their fancifulness in choosing targets is legendary. Let us recall the incident how Ganesh Chiluwal was murdered—his protest was non-violent demonstration, he nowhere near had touched these men.



Prachanda

Chiluwal, the founder of Maoist Victims Association, was gunned down in broad daylight for the impudence of having 'insulted' Maoist chairman. The Maoists even hailed this murder on their website. Chiluwal's crime was to organize a rally in Kathmandu one evening and burn the effigies of Prachanda and Baburam. Retaliation was quick as he was shot dead the next day in cold blood as a lesson. People were 'cut down to size' literally on even flimsier signs of dissent. This style of silencing dissent or avenging insult is still the preferred style of the Young Communist League as apparent from the way they beat up the already bloodied and unarmed

Kunwar. Puspa Kamal Dahal, who in his rhetoric claims to have left the war behind, is very well aware that the former style of silencing with a barrel will be counterproductive. However, we have yet to see maturity in how they handle the aftermath. It is clear that the UCPN-Maoists are as flabbergasted and at a loss as to where Padam Kunwar came from as they sometimes claim it to be a planned conspiracy and sometimes the act of a deranged mind. The feeble attempts to somehow save face, dilute the disgrace and draw consolation from the fact that politicians from other parties were also attacked, is just not a good enough excuse. It is high time the UCPN-Maoist indulged in some real introspection and self-analysis. It would be very easy to declare Padam Kunwar insane, or blame the *thappad* on a sinister conspiracy, a foreign hand as Maoist is wont to do. It will be convenient to find the man dead in custody, and call it a suicide. But it will be very unfortunate too. For, if they truly believe in their often touted 'culture of self analysis and introspection', the Maoist leadership should rise above their own shame and anger to felicitate the young man for opening their eyes. But for all their melodramatic acumen, Maoists will not be able to do it.

(Sharma is now with the Centre for International & European Faculty of Law and Criminology, Vrije Universiteit Brussel)



## WOMEN & CHILDREN CENTER

# Against Vicious Violence

*Where there is poverty, there are chances of women suffering violence. The Women and Children Service Center in Bara is expected to help deal with the situation to reduce violence against women*

By **KESHAB POUDEL** in Bara, Kalaiya

Jhumri Mahato (name changed for anonymity) from the Rampur Village, 5 kilometers west of Kalaiya, the district headquarters of Bara district, some 200 kilometers south of capital Kathmandu, thought over several times before coming to register her complaint in the women cell of the District Police Office of Bara.

For Mahato, 19, a mother of two children, physical assault had been a regular phenomenon. She was beaten by her husband, mother-in-law and father-in-law for not bringing enough in dowry. Since her marriage three years ago, Mahato's suffering had continued because she was unable to bring a dowry of about Rs. 20,000 (equivalent to 210 US dollars).

Despite facing regular physical assaults, Mahato, whose father is a small landholder with five siblings, was helpless. She hesitated from going to the police station because she feared her secrecy would be disclosed and her family life ruined. Then she came to know through local women social workers that a separate center registered the cases of physical violence against women and children.

In her village, six decades of development have brought electricity, road, schools and health facilities. What has not changed is the status of the people, particularly the women, who

continue to suffering all kinds of physical violence.

Due to the lack of separate infrastructure to look into the incidents related to violence against children and women, many rural women remained hesitant to come to the police station to lodge their complaints. Notwithstanding the improving level of literacy, the access to drinking water and food in Bara district, the level of poverty and violence against women have persisted over time. The Bara district's records show that the more rampant the poverty in the family, the more the incidents related to violence against women.

Without participation of women, the fight against poverty is impossible to win and without the fight against violence, participation of women in economic activities cannot improve.

Noting this, the service center was established under the Japan Fund for Poverty Reduction (JFPR) 9135. It is one of the Women and Children Service Centers being built under the project. JFPR was established at the Asian Development Bank (ADB) in June 2000 by the Government of Japan to strengthen Japan's partnership with ADB in the fight against poverty.

"The project, establishing Women and Children Service Centers, has

provided a 750,000 US dollars grant to support Nepal Police for construction of the centers and providing training to establish a proper support system for treatment of victims of crime against women and children in five district of Nepal," said ADB's country director Kenichi Yokoyama. "The center, I understand, will be staffed with women police officers and kept distinct and separate from other facilities for easy and safe access by victims of abuse. It was also heartening to note that local communities have been actively consulted and will have a say on how the center is run."

The center will contribute to the reduction of vulnerability among the women and children in the district who are victims of crimes such as domestic violence, trafficking, rape, polygamy, accusation of witchcraft, child abuse and child marriage, said Shuichi Sakakibara, deputy chief of mission of Japanese Embassy.

"JFPR is an Official Development Assistance (ODA) funded grant by the government of Japan to the Asian Development Bank (ADB). As you know, its resources are used for poverty reduction initiatives with direct participation of non-governmental organization, community groups and civil society."

Inaugurated jointly by IGP of Nepal Police Kuber Singh Rana, ADB's country director Kenichi Yokoyama and Deputy Chief of Mission of Japanese Embassy Shuichi Sakakibara three days before celebrating the two-week long domestic violence against women programme, the center is one of the five centers built under Japanese Fund for Poverty Reduction through ADB.

Nepal has made domestic violence against women and children as a crime with severe punishment. Despite the legal mechanism, the number of incidents continues to rise because of lack of institutional capability to deal with such sensitive crimes.

According to the study of Ministry of Women, Children and Social Welfare, Bara has one of the worst records of domestic violence against women and children. However, a majority of incidents goes unnoticed.

Under the project, centers are under construction in five districts, Jumla, Doti, Bara, Rautahat and Dhanusha. All five

districts have high level of violence against women and children.

The District Police Office Bara has been registering various incidents of child marriage, polygamy, dowry system, child labor exploitation, blame of witchcraft, murder in house, abortion, rape, throwing acid on face, discrimination between son and daughter, pouring kerosene on the body and burning, sexual exploitation, beating and fracturing legs and hands, threatening life and mental torture.

"Nepal Police has been working hard to minimize such violence against women and children. The center will drastically improve the efficiency of Nepal Police to reduce violence against women and children," said Nepal Police chief Kuber Singh Rana. "The support provided by Japan Government and Asian Development Bank will enhance the capability of Nepal Police."

The annual report made public by Nepal Police revealed that as many as 1,123 cases were reported in the country in 2011/12, which is 8.18 per cent higher than cases reported in the previous fiscal year. Rape topped the crime chart with 557 cases in 2011/12 compared to 481 in 2010/11 followed by bigamy 248 against 197, attempted rape 160 against 151 and unnatural sex 12 against 4. The good side of the report is that cases of human trafficking and accusation of practicing 'witchcraft' decreased to 118 and 14 in 2011/12 from 183 and 18 in the previous fiscal year.

"Construction of the separate building to look into the incidents related to violence against women and children and presence of women and children to deal with the incidents will protect hundreds of women of rural parts of Bara District," said DIG Parbati Thapa, chief of Crime Investigation Directorate of Women and Children Service of Nepal Police. With the backing of a strong pool of women police and separate institutional capabilities, the center is expected to help reduce violence against women and children.

Level of violence against women is a negative measure of the economic progress. Although very close from the capital and the main commercial city of Birgunj, Bara has not seen any drastic economic transformation required to show a tangible change in the people's life. ■



## OUR GOAL: STOP VIOLENCE AGAINST WOMEN 16 Days of Activism Against Gender Based Violence

By BANDANA RANA

### What is 16 days of Activism?

The 16 Days of Activism Against Gender Based Violence is an international campaign which started from 1991 and takes place every year from 25 November (International Day for the Elimination of Violence Against Women) to 10 December (International Human Rights Day). Every year, government, civil-society organizations, media and other related sectors work together to heighten the awareness and voices against gender based violence.

Saathi is one of the pioneer organizations that started conducting programs in Nepal to mark the 16 days activism since 1997. This campaign has played an instrumental role to increase the visibility of violence

against women as a human rights violation. Over the years it has contributed immensely on drawing national attention to the issue of violence against women particularly domestic violence and sexual violence.

### This year's theme and focus

16 days activism is marked every year by a particular theme. The theme of this year that Saathi is nationally promoting is "From Peace in the Home to Peace in the World: Let's Challenge Patriarchy and End Domestic Violence Against Women". In line with this theme Saathi's focus this year is on active involvement and engagement of men in speaking out and taking action to stop violence against women. Our key partner for this purpose is All Nepal Football Association (ANFA) with whom Saathi has for the last two years been conducting a national campaign "Our Goal Stop Violence Against Women". As part of this campaign the two partners this year launched an innovative awareness raising program titled "One in Three Women-National Balloon Campaign". The campaign was jointly launched by the competing football players and officials on 25th November

just before the Martyrs Memorial A division League at Dasarath Stadium amidst hundreds of spectators by flying bunches of two whites and one red balloon.

This is a solidarity campaign to highlight the levels of domestic violence against women in Nepal. Groups of three balloons, two white and a single red balloon visually represents that at least one in every three women experience domestic violence every day. With this campaign we stand in solidarity with abused women and also send a strong

message that domestic violence is not acceptable in our communities. The most significant thing about this launch is that it has generated commitment from prominent footballers who

are predominantly men to never indulge in any violence against women and girls and also take active action to stop such violence in their homes and their communities.

The Balloon campaign is being promoted in all events during the 16 days activism in Kathmandu and the districts. Banners and promotional hoarding boards and distribution of flyers will take place every day during the Martyrs Memorial A Division League at the stadium. Additionally, ANFA as part of its support to the campaign is organizing a special friendly football match on December 8 between the visiting Ambassador Football Club, America and Manang Marshyangdi Club, Nepal.

The active engagement of footballers to combat violence against women in Nepal looks very promising in challenging patriarchal mindsets and spear heading the engagement of more men from different sectors to speak out against violence perpetrated on women and girls. This will also send a message to many vulnerable women that they are not alone and that help and support is available not just from women but also from men.

Rana is President of SAATHI-Nepal



# Doha Climate Change Conference

BY BATU UPRETY



Parties to the United Nations Framework Convention on Climate Change (UNFCCC) participated 17 sessions of the Conference of the Parties (COP) from 1995 to 2011 to review, negotiate, and make decisions for the effective implementation of the Convention. Its 18<sup>th</sup> session starts on 26 November and will last till 7 December 2012, at Doha, Qatar. Parties to the Kyoto Protocol (KP) also meet at its 8<sup>th</sup> session of the COP serving as the Meeting of the Parties (CMP) during the same period. The High-level Segment – a forum usually addressed by the Heads of the States or Governments or the concerned Ministers, will be held from 5 to 7 December 2012.

The COPs and CMPs are the supreme and authoritative body of the Convention and the Protocol. There will be seven separate sessions with number of agenda items at Doha to discuss on climate regime. They are: (i) 18<sup>th</sup> session of the COP; (ii) 8<sup>th</sup> session of the CMP; (iii) 37<sup>th</sup> session of the Subsidiary Body for Implementation (SBI); (iv) 37<sup>th</sup> session of the Subsidiary Body for Scientific and Technological Advice (SBSTA); (v) Ad-hoc Working (AWG) on Long-term Cooperative Action (LCA); (vi) AWG on Further Commitments for Annex I Parties to the KP; and (vii) AWG on Durban Platform for Enhanced Action (ADP). In these sessions, there are number of outstanding issues waiting for decisions. Draft decisions or the conclusions of the subsidiary bodies and AWGs will be forwarded to COP18 or CMP8 for decisions which will guide the implementation of the Convention and the KP.

Climate change and its impacts could be minimized by reducing greenhouse gases (GHGs) emissions at source as science suggests. The GHGs reduction is possible through the concerted efforts of the developed and industrialized countries and economically fast growing developing countries. The Least Developed Countries (LDCs) and Small Island Developing States (SIDS), even if

they participate in GHGs emissions reduction, will have no significant impact on global atmospheric concentration of GHGs. However, LDCs and SIDS will be continuously impacted due to adverse effects of climate change due to their low adaptive capacity, lack of financial resources and technologies, and inadequate knowledge and skill to deal with climate change impacts. This ground reality should be understood. Based on Nepalese experience, developed countries are willing to support the implementation of the



climate change activities in general and climate adaptation in particular. As Nepal might not be in a position to allocate necessary budget for climate adaptation, and taking into consideration her vulnerabilities to climate change, time has come to identify and define support needs and negotiate with our development partners to let the people adapt to climate change effects. The financial support provided by DfID and EU for the implementation of NAPA (National Adaptation Programme of Action) prioritized programme through the use of a National Framework on LAPA (Local Adaptation Plan for Action) in 14 climate vulnerable districts of mid- and far western development region will, hopefully, provide a basis for our future course of action on climate adaptation. Although, funding accessed for other programmes of NAPA through the LDC Fund is taking much time than normally required, they might also provide what adaptation options work and what does not in Nepalese soil once they are

implemented.

Durban Climate Change Conference in 2011 decided for the closure of the AWG-KP and the AWG-LCA by COP18 in 2012 but there are several outstanding issues to resolve. Regarding KP issues, the Doha Climate Change Conference will focus its negotiation, *inter alia*, on the length of the second commitment period of the KP (either 5 or 8 years), and provisional application for its entry into force (as Parties will have no time to ratify or access or approve or accept the KP by 2012). Similarly, AWG-LCA has to decide, *inter alia*, on finances including the operationalization of the Green Climate Fund, outstanding issues related to adaptation, technology and capacity building, and review of long-term temperature goal. Furthermore SBI and SBSTA have several agenda to negotiate and decide, *inter alia*, on existing funds, matters related to LDCs, national communication, CDM, capacity building etc for the effective implementation of the Convention and the KP. The ADP will need to

negotiate how to move ahead to have a post-2020 legal instrument by 2015 to raise the level of mitigation ambition for protecting the Mother Earth and get continued services from the Planet.

Nepal is expected to participate in climate negotiation within the broader positions of the 48 LDCs. Besides, Nepal has made two submissions – one is related to service charge of the GEF Implementing Agencies under the LDC Fund for NAPA implementation including easy access to LDC Fund, direct communication with GEF and additional funding to innovative country-driven activities like LAPA. Another submission is on the inclusion of mountain ecosystems and climate change as a potential area of work under the Nairobi Work Programme. As COP18 and CMP8 are in the Asian soil, the dryland may offer practical and innovative solutions to a greener and climate-friendly world.

Uprety's Vice-Chair, LEG (LDC Expert Group) and Member, Nepal's Core Negotiating Team to UNFCCC  
E-mail: upretyb@ gmail.com



## Load Shedding Mitigation Measures Lacks Efficacy

BY RATNA SANSAR SHRESTHA

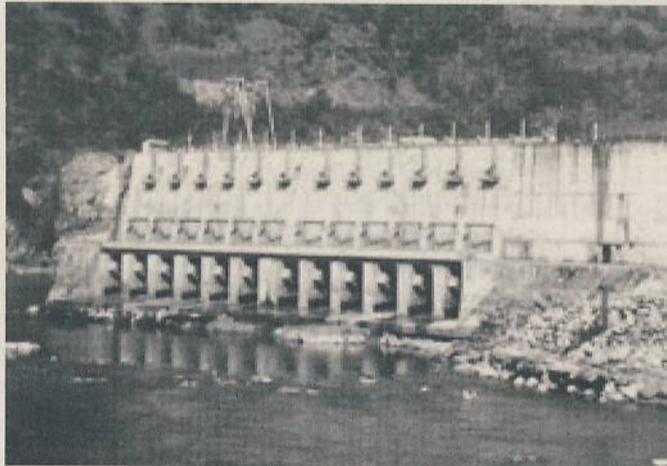
Nepal Electricity Authority has projected 18 hours of load shedding in coming dry season while the care taker PM Bhattarai, looking after the portfolio of Energy Ministry, has committed to limit it to 10 hours and announced certain mitigation measures.

One of them is curbing leakages. The deficit this dry season will be in the range of 900 MW (installed capacity generating around 250 MW whereas projected peak demand is 1163 MW) while system loss that theoretically could be reduced is less than 40 MW (about 15% of generation) reducing load shedding by a small fraction. However, it will require huge investment in system up-gradation and strengthening of transmission and distribution network which is not something that could be accomplished for coming dry season; not even next dry season. Reduction of nontechnical loss will NOT make more electricity available as those "stealing" electricity will start to pay once they are "caught"; not stop using electricity.

GoN also plans to set up 80 MW diesel plant for projected deficit of 900 MW; like a drop in the ocean. Rough calculation indicates that it will cost about Rs 20 billion/year in diesel for operation around the year (without accounting for depreciation, interest, lubricants, repairs and maintenance, etc.). This amount is sufficient to build hydropower plants of over 130 MW (assuming initial investment of Rs 150 million/MW). Meaning, just one year's fuel cost of 80 MW will "buy" 130 MW hydropower plant with the potential economic life of 25 years. If the life of diesel plant is ten years, then 80 MW diesel plant will burn up diesel worth Rs 200 billion (at current price of diesel) which is sufficient to buy hydropower project with 1,300 MW installed capacity.

Further, as diesel costs Rs. 97/liter which can produce 3.5 units, electricity

will cost about Rs 35/unit. Since consumers will not be able to afford it, NEA, already projected to incur a net loss of Rs 10 billion this year, will suffer additional loss of over Rs 15 billion; Rs 25 billion in one year. If such loss is defrayed by government grant, it would force reduction in the budget under other heads. For instance, operating the plant for one year will cost 2,000 km in terms of new road to a nation lacking in infrastructure adversely impacting rural people majority of who are below poverty line. Furthermore, as only one fourth of the population has access to electricity, it will amount to subsidizing the people



with access to electricity (urban rich) at the cost of the people without access to the electricity (rural poor).

The idea of diesel plant comes from the people who believe that "costly power is better than no power," attributing high cost to "un-served energy." Indian government too allowed Enron to build powerplant in Dhabol, Maharashtra subscribing to that concept only to realize afterwards that "no power is better than costly power" when it was already late. The rest is history.

The government seems to think that diesel plant will start generating electricity as soon as decision is made. As diesel plants entail adverse environmental impacts like noise pollution, GHG emission, excessive vibration, etc. EIA is mandatory, requiring about 6 months (no one in right

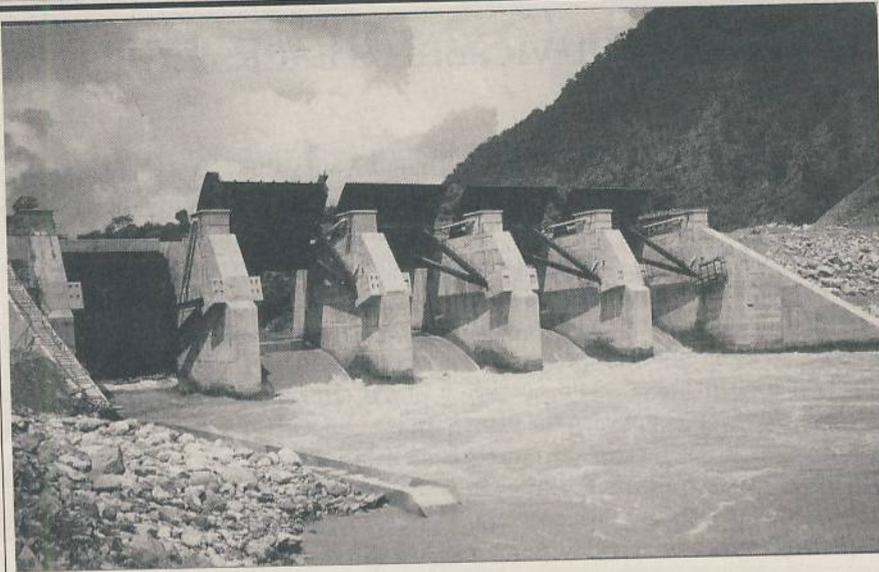
mind would allow a diesel plant to be located in her/his neighborhood). And placing order, getting shipped, erection at site, connecting to grid, etc. will take about 18 to 24 months. We will be lucky if diesel plants will start generating electricity for dry season of 2014 AD. In view of all of the above, setting up diesel plant manifests the height of foolishness.

There is also plan to import 200 MW electricity from India forgetting that UP and Bihar are suffering energy crisis (people in certain areas of UP get electricity every 20-day for a few hours!) and depending on India is like a poor begging from a pauper.

Historically too India has proved to be unreliable source. After PTC India, Bihar State Electricity Board, etc. had executed documentation to export 30 MW during the tenure of 'Prachanda' as PM, the process was aborted as External Affairs Ministry of India objected to it in May 2009, culminating in PM Prachanda's resignation (people, unaware of the fact, ascribe the resignation to the then CoAS, Katwal). Now,

without any formal agreement in place, only verbal commitment was, reportedly, made by Indian PM during NAM summit in Tehran, there is no guarantee.

The government is also planning to reduce the working days to five days. PM Krishna Prasad Bhattarai had also declared five days week to reduce expenditure on utilities, petroleum product, etc. But the expenditures didn't decline, including on electricity, while citizenry suffered and both productivity and production of the manpower diminished. Therefore, by adding a day to the weekend, load shedding hours will not decline. Conversely, if 7-day weekend is declared (shut down all industries, educational institutions, government and nongovernment offices for the whole week) the load shedding can easily be reduced to zero. But this will take Nepal



back to medieval ages which no one in right mind would choose.

There is no magical solution for the dry season of 2013 except belt tightening. However, cost effective way forward lies in water resources (where Nepal enjoys competitive and comparative advantage). There are a number of hydropower projects in the pipeline which can be completed within 18 to 24 months, if the construction is to be mechanized at the higher plane (construction of Khudi project took only 18 months). Therefore, it will be substantially cheaper if hydropower projects are offered Rs 10/unit on the condition that electricity is generated within 2 years.

It is very disheartening to see PM Bhattarai, who talks a lot about mitigating load shedding problem in Nepal, determined to export power from Upper Karnali (900 MW), Arun III (900 MW), Tamakoshi III (650 MW) and Upper Marsyangdi (600 MW), notwithstanding the public opposition (writ petitions are pending in the Supreme Court about the first 2). It is sheer foolishness for a country starved for power, dreaming of exporting power.

Nepal is facing energy crisis even under suppressed economic growth scenario (no power for industrialization, impelling youth to migrate for employment). Nepal will need 5,000 MW in 5 years to attain normal economic growth (NEA's load forecast is based on suppressed growth) and higher quantum to attain accelerated

economic growth; common dream of PM Bhattarai and this scribe.

Two things should be remembered: This is no negation of foreign direct investment. As long as electricity is used for the benefit of Nepal who invests is irrelevant. Secondly, electricity is unique because it cannot be stored; must be consumed simultaneously with its generation in real time. Therefore, electricity generated, if not consumed domestically has to be exported immediately; otherwise it will be spilled. Besides, so far only a few plants have been built with domestic funding but electricity has not been exported to Norway from Khimti, nor to Japan from Kulekhani. Neither are there plans to export power from Chameliya to Korea or to China from West Seti. Meaning, it is foolhardy to say that the electricity has to be exported to the country to which the investor belongs.

Nepal government should adopt a policy to implement as many hydropower projects as possible with domestic investment so that benefit from investment linkage will accrue to Nepal's economy; but shouldn't preclude foreign investment as long as electricity generated is availed to Nepal. Secondly, Nepal should allow projects to be implemented by the investor/s (domestic or foreign) that will generate the electricity at the lowest cost, expeditiously. Nepal should purchase all such power (at lowest possible price) and electrify the nation massively (not only for lighting, but to industrialize,

electrify transportation, energize agriculture sector which will help us attain food, water and energy security) and export the remaining at tariff comparable to what Nepal is importing at; as PTC India does; not allow a developer/investor to export directly at rock bottom tariff. West Seti project is excellent example. Originally envisaged as an export oriented project, the license was cancelled subsequent to immense and unrelenting public pressure; I was one of the few in the forefront. Now Chinese is building for Nepal's need and the fact that it will be implemented as a multipurpose project is the icing on the cake.

Private investors have discovered that investment in electricity generation is lucrative. However, they are constrained by lack of infrastructure (transmission network and access road) in which it is not feasible for them to invest. Private sector indeed does have comparative advantage in building power plants from the perspective of time and cost (all projects built by NEA, including Chilime, have incurred time and cost overrun). Therefore, NEA should focus on transmission network and if constrained by financial considerations, it should, to use an old euphemism, "beg, borrow or steal". ■

## NEW SPOTLIGHT

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## FISCAL POLICY

# The Budget Buzz

*The budget paves the way to carry out government's day to day activities*

By DEBESH ADHIKARI

The government recently announced a budget of NRs 351.93 billion for the remaining eight months of fiscal year 2012/13. The budget, one-third short of a full one, received vigorous political attention first and then was criticized from all quarters.

Finance minister Barsha Man Pun unveiled the budget in the midst of anticipation and confusion. It clearly lacked the soul.

Unfortunately, from the political sides, the question was raised not on the terms or the plans or programs introduced by the budget but on the budget itself, which has become a rather usual habit in Nepal.

Again the budget was used as a political weapon and political parties tried to manipulate the budget according to their whims.

Federation of Nepalese Chambers of Commerce and Industries (FNCCI) was among the first voices against the budget for non-political reasons, and it issued a press release immediately criticizing the budget.



Bhawani Rana, vice president of FNCCI

As the country couldn't have afforded to run forward without budget

and the obstacles in bringing the new full budget were so difficult to overcome, that the government brought a budget which was equal to what the government spent last fiscal year.

"The programs that are announced in this budget are mere continuation of the programs of the past government," said Minister Pun.

Government is allowed to spend NRs 246.87 billion under the recurrent head, NRs 51.34 billion under the capital spending head, which is less than previous year's allocation and NRs 53.71 billion under financing head, according to the budget statement.

The ordinance directs the government to depend vastly on revenues generated for financing public debts was not approved by the president. Government is barred from taking loans internally or internationally.

NRs 50.08 billion have been set aside for servicing domestic and foreign loans.

Another thing the government has failed to do is to bring concrete and new fiscal policies. The tax structure and revenue policies are left as it is, so the prevailing rates will continue for the remaining time of the fiscal year.

Bhawani Rana, vice president of FNCCI, acknowledged the fact that the budget saved the nation from economic crunch but, apart from that aspect, according to her, there is nothing else to celebrate for the private sector.

The five percent economic growth rate that the government has targeted for this fiscal year also looks like a fairytale story with the existing fiscal policies.

NRs. 3 billion has been set aside for holding fresh elections to the Constituent Assembly. The budget also includes around NRs 3 billion for completing the integration of Maoist combatants.

According to FNCCI, the budget lacks incentives for the investors, both domestic and foreign, and has nothing



Economist Posh Raj Pandey

that can drive the economy of the nation forward. Although the budget saved the country which was on the verge of extreme budget crunch, there is nothing to celebrate on development fronts.

With all the inflation and so much difficulty for the economy, the budget has failed to address the core issues.

Private sector hopes were reinvigorated as the government announced investment year and acted in the direction for investment protection as well as promotion, but with the current budget all these look like a distant history.

"Not only internal loans, the ordinance restrict government from taking any international loans as well. Now, neither any new programs can be brought nor the economy could take any direction," said Economist Posh Raj Pandey to BBC.

Hopes are bound to be shattered as the current budget might not be enough for the government to even finance existing programs and its day-to-day operation at full flow. The budget unveiled has only solved the government's monetary crunch for now. The economy as it has been the case for a long time has again failed to become the nation's top priority. ■

# On Capital Punishment

By ABIJIT SHARMA



The lone surviving gunman of the 26/11 terrorist attack in Mumbai was finally hanged last week. Much to the delight of many Indians Ajmal Amir Kasab was sent to the gallows after he spent about four years in prison and after his grant for amnesty was rejected by the President. The Kasab issue had gone on to become a national political agenda across India. Debates in the Parliament quite often centered on why the penalty had been much delayed. Almost everyone argued that the perpetrator of the heinous act that claimed more than 150 lives deserved the punishment much earlier. But some question if the death sentence is the answer to the scourge of terrorism?

The debate is definitely not a new one. Capital punishment has attracted criticism from many corners. Human Rights Agencies have particularly been skeptical of it. India has had a law supporting capital punishment with the Supreme Court in 1983 stating that capital punishment can be carried out only in the rarest of rare cases. Since 1995 only three cases of hanging has been recorded. Although legal as stated by the Court capital punishment has been very rare.

One argument against death penalty is that it is immoral and a barbaric. No doubt Kasab's act was a dreadful one. The magnitude of the violence definitely deserved a harsh punishment. But in the name of extracting justice, is it justifiable for a human life to be taken by others? The Amnesty International quite rightly makes a case referring to the death penalty as the ultimate denial of human rights. 'It is the premeditated and cold-blooded killing of a human being by the state', it says. Of course, it is an approved and sanctioned murder carried out by the state, lawfully. But then, does the state have the right to take the life of one individual for the benefit of a larger group?

When the decision to hand out death penalty to a certain criminal is given to the government it quite naturally becomes a political decision. This is one of the reasons why capital punishment cannot always be guaranteed to be an unbiased one. Such decisions have high tendencies to be swayed by political happenings. Let's take Kasab for instance. Confronted with criticisms for delaying the hanging, the UPA government can now boast of successfully 'granting justice', to boost its political image. Consequently, it became nothing more than an instrument to gain political light for the embattled

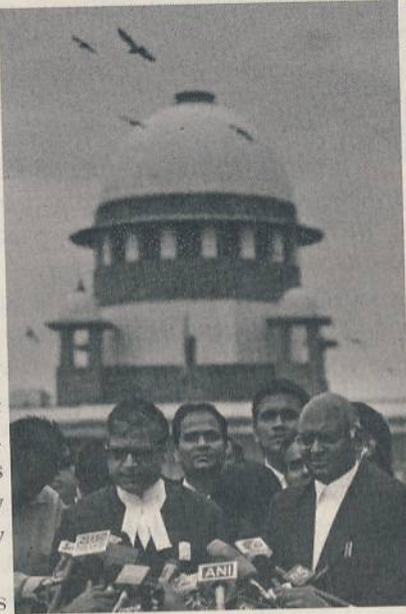
Congress, embroiled as it is in a series of fraud and scam. It is very obvious that a case involving Pakistan and India becomes even more politicized. Some scholars even argue that the extermination served a purpose of taking vengeance against Pakistan by India.

If the Indian government defends Kasab's killing as a show of fairness and justice, one may question why hasn't similar action been taken against Afzal Guru and the killers of Rajiv Gandhi who have been locked up in prison for more than a decade despite both being awarded death sentence. Why hasn't 'justice' been granted in this case? Also, when it comes to the Supreme Court, it's decision to allow death penalty in only the 'rarest of the rare' cases is also a very perplexing one. Aren't cases like rapes of minors (for which the maximum punishment given is life imprisonment) as good or bad to be treated as the atrocious crime of Kasab's? Hundreds of such cases are recorded in the country every year, but none of them end up getting hanged? Why spare them?

'Raising a voice against the execution is nothing but an argument to seek attention. It was very much necessary' writes one

blogger. But is it really so? Will Kasab's hanging make the society safer? The answer is no. Will the punishment discourage other terrorists from making such attacks again? Again, no. The families of the bereaved might have breathed a sigh of relief. But can the society heave a sigh of permanent relief from the threat of terrorism?

Any act of terrorism deserves to be strongly condemned and punished. Any act to hold the innocent people to ransom of fear can in no way be condoned. But no action be justified if it does not guarantee a permanent end to the threat and the act of terrorism. ■



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## "THE GLOBE IS IN OUR HAND"



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## Nepal's Political/ Constitutional Impasse: Decay of Moral Authority to Govern

By ANKIT DHAKAL

I had written my very first piece for this magazine, entitled “*The Constituent Assembly: Three Blunders from its Inception*” in May 2011 [VOL. 04, NO. 22, May 13, 2011] as a part of my regular column. Looking back in time, the political impasse was only to deteriorate and the drafting of the constitution would cease to be the central theme of the nation. As I have mentioned before, for a nation with the experience of having written six constitutions in the past sixty years, seeking and managing to implement the seventh should not been riddled with so many hurdles. Yet, the nation has been living a constitutional/ political crisis which has only heightened by the simultaneous deaths of the Constituent Assembly and the Legislature Parliament. To Nepal, emerging from a decade long internal armed conflict, the constitutional crisis has been further deepened by the pending truth and reconciliation and nation re-building tasks.

Not denying the existence of a host of possible reasons for the crisis, one issue that runs at the very heart of the confusion is that of the moral decay of the authority to govern. When the moral authority to govern is lost, text sanitized by legal authority, and institutions cemented by hereditary legacy crumble to the ground. This is one lesson Nepal must definitely learn from the past six constitutions drafting exercises and the absolute abolition of monarchy. Both are the products of extreme degradations of the moral authority to govern a nation. The account of Nepalese history would go on to show an extremely high success rate of revolutions and movements, and loss of moral authority to govern the population has always proved pivotal in this regard.

In many ways than one, the current political impasse is no different from the phenomenon of the decay of moral authority to govern, which has plagued

Nepal periodically. I shall look at two very important aspects of current Nepal and see how they have been dealt with. The stench of moral decay will be hard to miss.

### Mockery of the Will of the People

Is it beyond doubt that, the will of the people must take center stage when it comes to governing a nation in a stable manner, thereby preventing regular fall of regimes. The Constituent Assembly comprising of a meaningful representation of the nation along with the meeting point of polarized views (especially between the representatives of the political parties and the Maoists)

**Is it beyond doubt that, the will of the people must take center stage when it comes to governing a nation in a stable manner, thereby preventing regular fall of regimes.**

came into being through the election of the Assembly held on April 10, 2008. The national wide election was to give the mandate of governance to the Constituent Assembly by vesting upon it the dual responsibilities of writing the new constitution, as well as, performing the tasks of the sovereign legislature of the nation. The will of the people was clear; the Assembly was elected with these two primary tasks.

Upon having failed multiple times to achieve the primary objective of drafting the new constitution, the Assembly finally dissolved itself on the 27<sup>th</sup> of May, 2012. The cost of such a huge drafting process, doled out from national coffers as well as the donor community and organizations was a futile process which has been talked about very much. What is interesting in all of this is the simple fact that instead of going for a fresh election after having failed the mandate of the people repeatedly, there still exist those seeking to revoke the dead Assembly. The degradation of basic

morality to govern is definitely taking its toll when constitutionally and morally abhorrent notions such as the revival of the dead Assembly is argued as the only hope for stabilizing a nation in transition. No matter how it is couched with arguments, the stench of moral decay to govern reeks out.

Even a glance at the pending “*Bill and Amendments to Proposals Relating to Truth and Reconciliation Commission and Disappearance*” would show how legally drafted documents have sought to envisage a blanket amnesty even for the most degrading forms of human rights violations. The said document, reads

under Article 25 (1) “*Notwithstanding anything contained in Section 24, the Commission may, if deemed reasonable, recommend for amnesty for persons involved in gross violations of human rights, by furnishing sufficient grounds and reasons thereof to the Government of Nepal*”. Article, 25 (1) read with the preceding article, 24 which deals with the provision on departmental actions for cases of gross human rights violation, will indicate how any action under article 24 can be prevented by resorting to article 25 (1). The death of article 24, providing an automatic escape route through article 25 (1) will indeed be pulled out on many occasions, as justice for gross human rights violation will be silenced legally.

Finally, one can only wonder where the views and choices of the conflict affected families have been incorporated while designing such a transitional justice mechanism. The degradation of moral authority to govern is once again a question to be reckoned with, the stench to be dealt with. ■

## BOOK

# On Western Heritage

*Ignored and unprotected, the works of art and architecture in western Nepal, many of which are older than the heritages of the Kathmandu Valley, risk being lost in history, an issue Dilli Raj Sharma takes up in his book*

By A CORRESPONDENT

Nepal is known as a country of gods, goddesses and temples which are rich in art and architecture. The outside world gets to know this fact on the basis of what it sees in the Kathmandu Valley. The valley, no doubt, is rich in art and culture. But there are similar places in Nepal which do not receive the same level of attention.

A book, based on an extensive research conducted by professor Dr. Dilli Raj Sharma, reveals so many important aspects of art and architecture of western Nepal. The book is sure to take many people by surprise as it shows how rich far and mid-western Nepal is in art and architecture. Thousands of ruined temples and stone sculptures, scattered across the region, today stand in testimony that it was a prosperous place in the past.

On reading the book, one is tempted to conclude that Sharma has opened the hidden treasure of western Nepal to the outside world. Drawing on extensive research and study, this book, a first of its kind, links the development of art and architecture of western region to the rest of Nepal.

Earlier, Yogi Naraharinath and professor Giuseppe Tucci initially had started research on the art of western region and P.R. Sharma partly surveyed the region and published a book documenting the art relics of Surkhet, Dailekh, Jumla and Achham districts. Another scholar Ram Niwas Pandey had recorded some of the remains from Bardia, Baitadi and Dadeldhura districts.

Professor Dilli Raj Sharma has reviewed the literature and done extensive studies in various districts with the help of artifacts to establish

that the development of the region went in parallel with the Kathmandu Valley. Sharma should be applauded for making the comparison.

“Obviously, the study intends to give the subtle and comprehensive knowledge on the basis of evolution, expansion and explanation of many art forms. The region, thus, extensively represents the art activities in the remote areas under the distinct cultural setting, depicts the integrative approach to the Nepalese art forms,” said author Dilli Raj Sharma.

Despite a vast pool of rich cultural heritage, western Nepal’s ancient art and architecture remained unprotected and neglected. Some of these works are much older than those found in the Kathmandu Valley.

Kathmandu Valley, which has remained the political center for a long time, got the backing of political powers to promote its identity as Nepal’s identity. However, western region’s art and architecture remained in a state of ruin due to the negligence of state. “Through his scholarly works, cultural heritage of Nepal may subsequently come into the light from its hidden state,” writes professor Dr. Yagya Prasad Adhikari, executive director of Center for Nepal and Asian Studies in the publisher’s note.

“The region’s cultural richness can be seen in images, temples, reservoirs, water conduits, pillars, pavilions and memorials which are the major art components found extensively across the regions of terai to Himalayas. The stone temples can be found from north to south, either standing independently or in groups or on common platform. The temples built in a group of five, called pancha dewal,

## Heritage Of Western Nepal

Art & Architecture

By Dilli Raj Sharma

Publisher: Center for

Nepal and Asian

Studies, Tribhuwan

University, Kirtipur

Price: Undisclosed

Pages: 395

can be found commonly in the region. This reveals the acceptability of many sects popularly established in the medieval period within Hindu religious practices,” writes author Dilli Raj Sharma.

With photographs in the book, Sharma has highlighted the cultural heritage of western region in seven different chapters. In early stage of 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> centuries, the western region saw the rise of art and architecture in the entire region. The Kakrebihar of Surkhet district is one of the highly developed parts of the region.

Sharma solely focuses on the study of sculptural art, and architectural monuments of the medieval period. Based on the study of 15 districts of four zones, namely Bheri, Karnali, Seti and Mahakali, Sharma’s book is the first of its kind which has listed available art works and architecture.

One of the important lessons of Sharma’s book is that Kathmandu’s art and architecture alone is not Nepal. Many cities of western Nepal too developed with Kathmandu Valley and there is a linkage of both the parts. In place of the current trend of making studies of development of art and architecture separately, Sharma tries to link the subject for wider parts of Nepal. As scholarly work, this helps to enhance the knowledge. One must read it to know Nepal as it is. ■



## After “Visit Lumbini Year” – Then What?

By JACQUELINE DAMEN

I'm one of few foreigners in Lumbini that are not from India, and as usual the locals help me find my way when I am unsure of the right path. People stop to ask me where I am from, am I Buddhist, and there is the customary surprise that I am travelling alone. It is, of course, “Visit Lumbini Year”, and one can only guess what the future holds for this pilgrimage destination that is attracting more and more visitors each year, and from far further abroad than India.

As a tourist from neither Nepal nor India, the trip from Kathmandu is not too difficult to undertake, but the roads along the mountainous way are precariously bumpy in places. Once at the entrance to the gardens and temple area itself, there are a few maps on signs at some intersections, but the tourist office is unmanned, and there are no personnel around to offer maps or information. Travellers with limited background knowledge on Buddhism or Buddha himself might find themselves at a loss for information without prior study or their ever-ready smart phones at hand.

The town of Lumbini, as well as the garden and grounds of the many monasteries here is a hive of activity. Small construction work is being done along the main tourist paths, many new temples and centres are being erected within the park itself, and there are many guesthouses and hotels being built or renovated to cater for the hordes of pilgrims that have visited this year, and the imminent increase of visitors in the future. The manager of my hotel tells me that every day there is a new hotel being built, and that this year has brought a significantly larger amount of visitors than previous years.

The Mayadevi temple – the main attraction as it stands above the place of Buddha Sakyamuni's birth, and next to the Asoka pillar erected centuries ago – is a well maintained, impressive construction, standing within beautiful grounds. Tourists can meander along the path that takes them in and out of the temple and past the pillar, or leave it to explore the grassed and treed area to reflect and contemplate their sacred surroundings.

I am impressed by the Mayadevi temple's construction when I enter because I was not aware beforehand that the white building actually is a protectorate building, sheltering the remains of the temple that existed there two millennia ago. A similar architectural concept can be seen in the New Acropolis Museum in Athens, Greece, where the museum was built over an archeological site that has continued to be excavated whilst being viewed by museum goers through the glass floor of the museum. It is a living museum, and history buffs can watch artifacts and foundations of buildings appear beneath their feet over time as they are unearthed. It is refreshing to see the stunning white Mayadevi temple from the outside, and step inside to see the foundations of what was once there, unspoilt, unrestored, but intact enough to give one the idea of the building that once stood.

Similarly the grounds around the temple hold a menagerie of foundation stones and parts of walls and original Stupas that were built anywhere from the Third Century BCE to the Eighth Century CE. After a visit to the Mayadevi temple, there is the long walk, or cycle around to the many different monasteries, temples and monuments that

surrounding the long stretching pond in between the East and West sides of the park, culminating in the magnificent Japanese Peace Pagoda at its end.

With the signing of the agreement by the leader of the Unified Communist Party for Nepal-Maoists (UCPN-M), Prachanda, with a Chinese NGO for \$3 Billion further development of Lumbini, what is in store for this little town with one big religious draw card? The controversial decision, which bypassed the Nepali government and is claimed to have been supported by the United Nations, has not been allocated a time-frame and details are at this stage unclear. The dream of Prachanda and the Chinese group is to create, with the help of India and Nepal, a “Mecca for Buddhists”, but his motivations and the motivations of China have been questioned as a ploy to feign close ties with the Tibetan community and edify mainly Chinese Buddhists by providing impeccable transport and accommodation options at the birthplace of Buddha.

The proposal by the Maoist leader has left many Nepali angry, and some Lumbini locals concerned about the commercialisation of their tiny town, which is surrounded by hay fields and plains. Buddhists are understandably sceptical of their sacred place being controlled by a Maoist leader, with the pain of the ongoing plight of Tibetans lying not far below the surface. The ministers that were kept in the dark regarding the decision have been left irate and one can only wonder whether co-operation between Prachanda and the Nepali government ministers would be possible, considering the sourness of their exclusion from the initial discussion.

And so what will the future hold for Lumbini, with its dusty streets and unmade roads? It certainly has the potential to be a magical place, to be enjoyed by all Buddhists of the world. The people will most likely keep coming, so development may be a necessary thing regardless of how it occurs. But a lot of money and development is needed to turn it into a Mecca for Buddhists – to tidy up the jungle-like gardens, add signs, make maps and proper information available, and provide easy and accessible transport for visitors, keeping in mind that many may not speak Nepali. Only time will tell if Prachanda's dream is allowed to reach fruition, and if it is not, then hopefully the Nepali government – and the groups that have their temples and meditation centres erected there – will see the benefits of improving this sacred site of Lumbini, and will make decisions unanimously within a stable political climate to allow Lumbini to return to the Eden-like place it was in the time when Prince Siddhartha walked the Earth.

*Jacqueline Damen Is An Intern From Australia*

# “Same Resources To Fight AIDS”

SHOKO NODA

As the government has recently endorsed UNDAF, UN agencies have now framework to carry out development. SHOKO NODA, UNDP'S Country Director, spoke to NEW SPOTLIGHT on various issues including UNDAF and role of UN in the HIV/AIDS sector. Excerpts:

**As we observe the World AIDS Day, what is the state of HIV/AIDS in Nepal?**

Nepal has made a remarkable progress in addressing HIV prevention, treatment, care and support. As the UNAIDS Global HIV Report 2011 points out, Nepal is one of three Asia-Pacific countries where HIV prevalence has decreased by more than 25% in the last decade. Nepal has the second highest one-year survival rate for HIV infected people under antiretroviral therapy. Nepal was Asia's first country whose Supreme Court decriminalized homosexuality in December 2007. Under the Supreme Court ruling, those who describe themselves as third gender have the right to have identification cards in Nepal.

(approximately \$5million from DFID, and the rest from the Global Fund), representing 33% of all HIV resources in Nepal. It supported civil society organizations in dealing with key affected populations: people living with HIV, men having sex with men, migrants and their families, injecting drug users, prisoners, street children, networks of NGOs, networks of people living with HIV, and network of female sex workers.

UNDP has also supported the Ministry of Health and Population (MoHP) to deliver HIV prevention, treatment, care and support programmes through the Ministry's public facilities. UNDP and MoHP partnered to establish 36 Anti-Retroviral Treatment (ART) centers and sub-centers, as well as over 150 centers for HIV voluntary testing and counseling. As a result of UNDP's capacity development of the MOHP, these functions were transferred to Ministry of Health in 2011.

**Are there adequate resources available in Nepal to combat HIV/AIDS?**

Edwig Nepal's successful implementation of NHSP1 (Nepal Health

additional responsibility.

UNDP has been supporting Nepal's peace building process through various programmes, but what challenges do you see in consolidating peace after the completion of integration process?

Though not part of the current integration process, UNDP has been providing its support for the rehabilitation of the Verified Minors and Late Recruits (VMLRs) and will continue this until the programme wraps up in early 2013. The objective of the rehabilitation support is to assist the transition of the discharged VMLRs from military to civilian life by providing them with training and education and sustainable livelihoods. To date, 90% of those VMLRs who are still in the country, have received training and/or education support, and nearly 60% of the graduates are employed or have started their own business.

The integration process is a key component of the peace process, but it is more than just the integration of the former combatants into the Nepal Army. A large number have chosen civilian life over a military career. Any discussion about meaningful integration process will also have to include the reintegration of these former combatants, who chose voluntary retirement, back into the society. They will have to be assisted in their transition from a military to civilian life with educational, vocational skills, and proper psycho-social counseling. If this is not addressed properly, it could lead to frustration and even anger. These are groups of people who have had military training. If their energy is channeled in a wrong direction, this could very well lead to another cycle of violence.

Despite support from Nepal's development partners including UNDP in the process of constitution writing, Nepal failed to promulgate new constitution. How do you assess UNDP's support?

It is unfortunate that Nepal failed to

**Any discussion about meaningful integration process will also have to include the reintegration of these former combatants, who chose voluntary retirement, back into the society.**

Of course, more needs to be done. Nepal needs to adopt an integrated approach to deal with HIV and Sexually Transmitted Infections (STIs), including Hepatitis B and C. A larger number of people are infected with STIs and Hepatitis than HIV, and a significant number of people living with HIV are co-infected with Hepatitis B and C. Yet there are limited prevention-awareness and behavioral-change campaigns targeting STIs and Hepatitis.

**How would you describe UNDP's support in containing HIV infections in Nepal?**

Since 2005, UNDP has been working on HIV in Nepal. Until 2010, UNDP was managing about \$10 million per year

Sector Programme 1 – 2006-2011), external development partners are now channeling resources for HIV prevention and treatment for the second phase of the programme. UNDP, along with UNAIDS, and WHO have helped in the capacity development of Ministry of Health's National Center for HIV and STD Control (NCASC). The result is that NCASC has now begun managing Global Fund's HIV grants. UNDP will be closing its AIDs programme and would focus on other development challenges. But that does not mean that there will be fewer resources available to fight AIDS; it just means that with enhanced capacity, national specialized agencies like NCASC will shoulder on

promulgate a new Constitution within the stipulated time. This has created today something of a constitutional crisis as the Comprehensive Peace Agreement of 2006 and the Interim Constitution envisaged a new Constitution drafted and adopted by a representative Constituent Assembly. However, it should be recognized that during the past 4 years there were significant achievements in the constitution making process that will, I am sure, be built upon and consolidated in the near future. Agreeing upon an inclusive, federal constitution for a country as diverse as Nepal is no easy task. Nepal needs a new constitution as a matter of priority to consolidate the peace process and lay the foundation for good governance. UNDP remains committed to supporting the Government and people of Nepal in the important task of constitution making.

**UNDAF is already approved. How do you compare previous and the present UNDAF in terms of programmes?**

The new UNDAF introduced an innovative approach to analyze who the most vulnerable groups are and the root causes of their vulnerability. We are putting people, especially the most vulnerable, at the centre of our assistance. UNDP's programme in Nepal during 2013-2017 is an integral part of the UNDAF and exemplifies the spirit of promoting inclusive social change and economic development. For the next programming cycle, UNDP will engage in the areas of economic empowerment and inclusive growth; reducing discrimination; rule of law, justice and human rights; inclusive governance; disaster risk management and climate change; and peace building, conflict prevention and inclusive dialogue. In all these areas of work, UNDP will strive to ensure that ground level interventions actively reach out to the most vulnerable groups, such as women and Dalits, as our direct beneficiaries, while support for policy formulation and implementation at the central level emphasizes equity and inclusion.

**There were media reports that UNDAF's approval was delayed due to certain reservation by National**

**Planning Commission. If that was the case, what were the issues?**

As I said before, the current UNDAF for Nepal was formulated differently. It focuses on the vulnerable groups and its underlying causes. In the past UNDAF was organized around issues such as health, education, agriculture, etc. Of course in any country, discussion about vulnerable groups and discrimination is a sensitive topic. The government of Nepal does recognize that there is still discrimination, but it insists that the challenge now is of implementation of the policy interventions that it has already adopted, not structural discrimination.

**How much resource will the UN System mobilize to attain the objectives of UNDAF in next five years?**

Over the next five years, the UN Country Team estimates that approximately USD 685 million will be required. This estimate includes UN contributions as well as external resources that different UN agencies expect to mobilize. UNDP estimates that that it will mobilize approximately USD 160 million in the next five years.

**With support from UNDP and other major development partners, Nepal has made progress in achieving MDGs. What are some the challenges in meeting all these goals?**

Whenever I travel to the field, I am reminded that the UN's and UNDP's support to Nepal should eventually bring transformational changes in the lives of each of its citizens, in particular in those of vulnerable people. The new UNDAF sharpens this focus of the UN's work in Nepal at a critical juncture of its development path.

Nepal has made notable development progress despite its decade long conflict, becoming a global 'fastest mover' in its human development index value increasing from 0.210 to 0.428. Nepal's Gross National Income per capita has increased by 94 percent, the primary school enrolment rate has risen to 94 percent, and life expectancy has gone up by 19 years in the last forty years. Further, the maternal mortality ratio has been reduced to 229 in 2010, compared to 850 in 1990.



However, this progress is not evenly shared across ethnic, gender and geographic categories. For example, only 16 percent of Dalit women are literate, compared to the national average of 35 percent for women and 63 percent for men. In order to continue upward development trends and distribute gains evenly among different social groups, it is imperative to address traditional hierarchies and inequalities in Nepal.

**What are some of the MDG goals Nepal is likely to miss? And what sort of resource gap is there?**

Targets related to employment, hunger and environment seem difficult to achieve. There are also challenges under other goals if we review the situation at the indicator level. Survival rate to grade 5 is challenging. Progress on gender parity at tertiary level is below target. Environmental sustainability is not being addressed adequately. Access to sanitation is lagging behind, and the Government is preparing MDG acceleration framework (MAF) which will help identify priority solutions for the key bottlenecks in this area.

The MDG needs assessment report 2010 shows that for the period between 2011 and 2015, roughly USD 18 billion would be needed; out of which two-thirds will be available given the current resource scenario. There is a clear gap of one-third which is approximately USD 6 billion. If we look at it goal-wise, goal 1 (eradicating extreme poverty and hunger), goal 2 (universal primary

education) and goal 7 (environmental sustainability) have the highest resource gaps.

Climate change is going to affect livelihood of the rural Nepalese. How is UNDP supporting Nepal to mitigate the adverse effects?

UNDP in collaboration with the government facilitated preparation of National Adaptation Programme of Action (NAPA) which addresses and highlights the most pertinent effects of climate change in the country. As an outcome of NAPA, Nepal has been able to identify nine most important and immediate national adaptation priorities, most of which have direct or indirect linkages with the livelihood of rural population of Nepal. We are also providing technical support to the government in the implementation of climate change projects funded by DFID and EU, besides assisting the government to access climate financing from Global Environmental Facility.

UNDP's other social inclusion and poverty reduction interventions have been playing instrumental role in enhancing the livelihood status of rural poor and vulnerable communities.

As a major development partner, how do you implement the projects and programmes in the prolonged political instability in Nepal?

Political instability definitely has a wide ranging effect on development programmes. Prolonged absence of elected body at the local level has made implementing programmes that much harder. Delayed or partial budget every year affects the government's development spending. That in turn affects our joint programmes with government. Frequent changes in the ministries also have negative effect on the programmes. As frustrating as it is during this time of transition, we remain committed to providing support to Nepal. A lot of discussion has already taken place on constitution and different constitutional issues, it is time that Nepal's political parties consolidate these achievements to write a new constitution. Only free and fair elections both at local and central level will restore the normal working environment required for Nepal to prosper. ■

## CIVIL SOCIETY IN DEVELOPMENT

# Lead Role

*As the country's political parties indulge in intense internal wrangling, Nepal's civil society organizations are pushing the agenda for social change and executing development programs*

By A CORRESPONDENT

Be they on a march to end the violence against women or remember the peace day or protect the rights of the people with disabilities and in child labor, Nepal's civil society organizations, particularly the INGOs, are in the forefront.

Alongside their advocacy role, INGOs are launching development projects, targeting to alleviate poverty and trying to uplift the life of the underprivileged and marginalized communities in the remote parts of Nepal.

On the first day of the drive to end Violence Against Women, women activists, representing various civil society organizations, organized a rally expressing their concern over the cases of violence against women.

With the support from the

sectors.

The research has been conducted using a rapid assessment methodology, popularized by ILO earlier in 2000. The six sectors are keys for Nepal Government's next steps on elimination of worst forms of child labor and are noted in its Master Plan for Elimination of Child Labor 2012. According to Dyuti Baral, Monitoring and Evaluation Specialist, Naya Bato Naya Paila, World Education Nepal, three research institutes have participated in this research commissioned jointly by World Education and Plan Nepal collectively surveying over 2,400 children from across 30 districts.

This is not the last in the list. At a time when people with disabilities have been facing one or the other problems in finding jobs, AIN is organizing a job fair for the people with disabilities on December 5<sup>th</sup>. According to the organizers, the one-day job fair for the people with disabilities is the first of its kind targeting such group.

The Ministry of Women, Children and Social Welfare Council, AIN — the network of international NGOs in Nepal — National Federation of the Disabled - Nepal (NDFN) and other (private sector) partners will take part in the event.

"Our hope is that this sort of event will be an annual one, and will go on to assist many people with disabilities in finding jobs and will provide an opportunity for employers to recruit talented but underrepresented-in-the-workforce Nepalis such as people with disabilities," said Ashutosh Tiwari, chair of AIN.

The lead role is played by AIN's Disability Working Group, which is headed by Dipak Raj Sapkota, country director of Karuna Foundation Nepal. Despite constraints and difficulties with hostile government attitude, INGOs in Nepal have been working to bring transformation in the society. ■



Association of International NGOs in Nepal (AIN)'s Peace and Youth Working Group, a group of activists organized a candle light ceremony at Rani Pokhari to mark 21 November, the day when the Comprehensive Peace Accord was signed, ending a decade long violence, as the National Peace Day.

"This is an important day for us. Our sole motto is 'Eternal Peace for Prosperity and Development,'" said Reshma Shrestha, Program Coordinator of AIN. A large number of people working in various civil society organizations took part in the candle light ceremony.

Similarly, the World Education and Plan Nepal released a report on child labor on the International Child Rights Day. In a gathering of various stakeholders views were shared on various issues and the findings from the research on the worst forms of child labor in six

## MOVIE REVIEW

## Twilight Saga: Breaking Dawn Part 2



Dir: Bill Condon; Starring: Kristen Stewart, Robert Pattinson, Taylor Lautner, Michael Sheen, Dakota Fanning, Billy Burke, MyAnnaBuring. 12A cert, 115 min.

"And then we continued blissfully into this small but perfect piece of our forever." Stephenie Meyer's series of Twilight novels closes with that tenderly mangled sentiment, and it also flashes on screen at the end of Breaking Dawn Part 2, the second dose of a two-part film based on Meyer's fourth and final book.

As bad writing goes, it's unimprovable, and its appearance in unapologetic black and white perhaps shows how warmly director Bill Condon and his screenwriter Melissa Rosenberg have embraced the last chapter of the Twilight story in all its transcendent loopiness.



Breaking Dawn Part 2 is three fingers of supernatural teen romance served neat in a dirty glass with a sparkler and cocktail umbrella, and not a single concession is made to newcomers, or sanity. Within five minutes of the opening credits, the newlywed Bella, whom you may recall converted to vampirism at the end of Breaking Dawn Part 1, is hunting a puma in a figure-hugging blue cocktail dress. (Bella wears the dress, not the puma, although in the world of Twilight, the alternative is not unimaginable.)

Soon afterwards, the shapeshifting Jacob Black (Taylor Lautner) decides to reveal his true nature to Bella's father, the local policeman – by luring him into the forest and peeling off his clothes, while growling lustily about the world being a wilder place than he could ever imagine. Later still, a wolf karate chops Dakota Fanning's head off. A film that features scenes like these is very hard to dislike.

Condon has abandoned the half-hearted body horror tone of the last Twilight film for a glossier, spanglier aesthetic: Breaking Dawn Part 2 might have little in common with his Oscar-winning 2006 musical Dreamgirls, but the through-line is just about visible. He hoiks the camera around with soap opera clumsiness during the film's exposition-heavy first act, but elsewhere there are flashes of real creativity. The opening title sequence, in which frost blossoms on branches over Carter Burwell's elegant score, is surprisingly stylish, and there were cheers from the audience during a love scene in which the demonstrably satisfied Bella starts to glitter like a disco ball.

Bella may be no Katniss Everdeen, the quick-witted, resilient young heroine of The Hunger Games, but unlike so many young female characters in fantasy films, she remains resolutely and unapologetically at the heart of her own story. If that is to be Twilight's cinematic legacy then I'll accept it gladly, miserable vampires, topless werewolves and all.

*The Telegraph*

## MOVIE PREVIEW

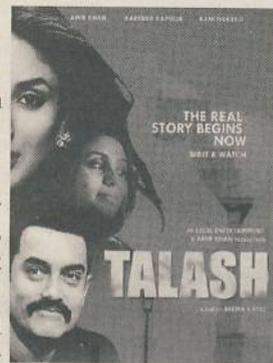
## Talaash

Genres: Drama, Suspense  
Producer: Farhan Akhtar, Ritesh Sidhwani

Director: Reema Kagti  
Cast : Aamir Khan, Kareena Kapoor, Rani Mukharjee, Newazuddin Siddiqui, Shernaz Patel

Talaash is a psychological thriller written and directed by Reema Kagti. The film is jointly produced by Excel Entertainment and Aamir Khan Productions, and features Aamir Khan, Kareena Kapoor and Rani Mukherji in lead roles. A cop, a housewife and a prostitute get entangled in a mystery that links their lives in unexpected ways.

Release Date: 30-Nov-2012



## Dabangg 2

Genres: Action, Social  
Producer: Arbaaz Khan  
Director: Arbaaz Khan  
Cast : Salman Khan, Sonakshi Sinha, Sonu Sood, Vinod Khanna

Dabangg 2 is an Indian masala film directed, written and produced by Arbaaz Khan. It stars Salman Khan and Sonakshi Sinha in the lead roles, with Prakash Raj playing the role of the main antagonist. It also has Vinod Khanna, Deepak Dobriyal and Nikitan Dheer in supporting roles. It is a sequel to the 2010 film Dabangg and is set in the city of Kanpur. The distribution rights were sold to UTV Motion Pictures for a price of 140 crore, the highest for a Bollywood film till date.

Release Date: 21-Dec-2012

## Khiladi 786

Genres: Action, Comedy  
Director: Ashish R Mohan  
Cast : Akshay Kumar, Paresh Rawal, Asin Thottumkal, Mithun Chakraborty, Ileana DCruz

Khiladi 786 is an upcoming Action masala film directed by Ashish R Mohan. Featuring Akshay Kumar & Asin in the lead roles; Mithun Chakraborty, Paresh Rawal and Himesh Reshammiya will also appear in pivotal roles. The film marks the return of Akshay Kumar to his famous Khiladi film series after 12 years since he acted in Khiladi 420. This will be the second film in which Akshay Kumar would be paired opposite Asin after Housefull 2. Akshay Kumar will be matching steps with Polish-German model Claudia Ciesla in "Balma" item song.



## HIV/AIDS DAY

# Matters of Sexual Equality

By JACQUELINE DAMEN



Our world today may seem a far cry from the controversial Australian "Grim Reaper" campaign of the eighties, and "Philadelphia" – the American movie of 1993 that made a gay lifestyle synonymous with the AIDS virus, but the plight for equality for Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning people continues around the globe.

Even those residing in long standing democracies of the world such as the United States of America and Australia, people of non-heterosexual orientation or "Male/Female" gender are still struggling against forms of discrimination; everything from the right to marry, to the seemingly simple task of filling out personal information – how do you choose between Male or Female, if you don't identify as either?

Nepal, a country struggling amidst political instability and uncertainty, and still with no constitution, harbours a dynamic force in the fight for equality. What's more, Nepal is leading the way in implementing change that protects the human rights of citizens who don't fit into what is seen as conventional heterosexual society.

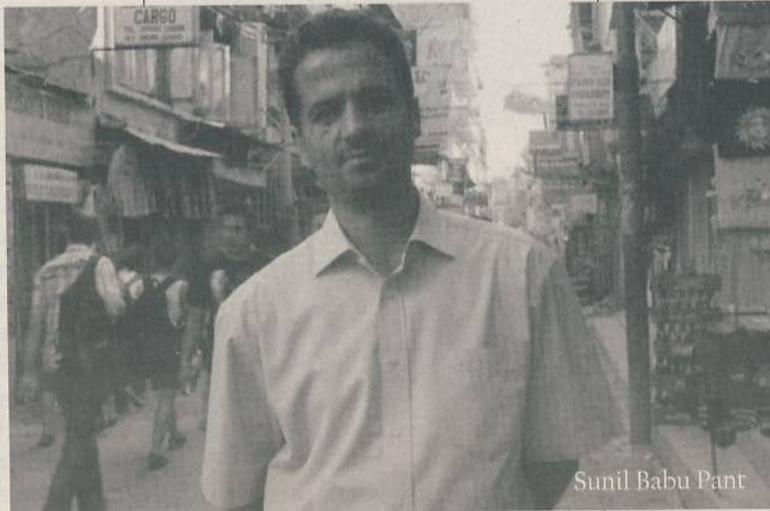
Sunil Babu Pant, famous for being the first openly gay Member of Parliament in Nepal, and who is now the leading face of Blue Diamond Society Nepal, an organisation supporting members of the LGBTIQ community. Whilst not only leading the campaign for equal rights in the broader sense – with involvement in politics, and building awareness through various forms of media, Blue Diamond Society also offer individual support for youth – running a Drop In centre where counselling, legal assistance, or just a welcoming place to spend time can be found – as well as

programs that offer assistance for a variety of individual's goals, from learning micro-business skills to building connections with political parties. Blue Diamond Society has been established now for almost twelve years, and Pant states that the organisation "has a big vision", and realises the potential in the youth of Nepal, and their various programs help to create opportunities for these youth.

An interesting aspect of Pant's notoriety was his decision to deactivate his Facebook account due to the

longer just focussing on gay men. The day attracts attention, Mr Pant says, and reminds people that the struggle for the rights of LGBTIQ people is an ongoing one.

Blue Diamond Society will be represented at the Fourth National Aids Conference, which is being held in Pokhara, and will be joined by various national centres and organisations that are active in campaigning for and supporting the LGBTIQ community. The theme for this year's conference is "Awareness".



Sunil Babu Pant

The past five years have shown the strength of the equality movement in this country, with the 2007 landmark ruling by the Supreme Court to change existing laws that discriminate against LGBTIQ people, and then in 2011 to recognise a third gender in the national census – moves greatly lauded by the United Nations. This allowed people who do not base their gender

on biology and may not have a fixed sexual orientation, to choose a third option other than Male or Female. There will also be the introduction of gender topics within high-school curriculum beginning next year for years 7-10 in Nepalese schools. When the constitution finally is written, LGBTIQ people will be protected from discrimination by law, but now it is a waiting game for the constitution and political stability. Mr Pant has confidence in the government to enact on the proposed movements due to the sturdy support offered by parliament members. At this point in time he tells me, LGBTIQ people from neighbouring Asian countries with lesser tolerance and greater persecution, are actually taking refuge in Nepal.

company's inaction to the request that they allow a third option for the gender of users' profiles. Whilst Facebook has ignored the famous activist's plea on behalf of the global LGBTIQ community, Google Plus has effortlessly changed their settings. As Mr Pant points out, Facebook stipulates that personal information must be completely accurate – but how is one to *not* lie if there is no option you identify with? It would hardly be appropriate to ask for one's Religion and only present the choice of 'Christian' and 'Buddhist'.

With World Aids Day occurring on December 1, Pant assured me that it is still a crucial day on the calendar for his organisation, even though the virus can be linked to various parts of society in differing regions of the world, and no



## Making Women Always Safe

By ADITI ARYAL

It is fascinating as a foreigner to hear of such positive change in Nepal, and yet shameful that in my democratic country, LGBTIQ people face the prospect of a much slower change in bringing about what most of its citizens support. But of course societal change is needed to ultimately eradicate discrimination – what use are laws if people and communities do not enact the values at their heart? With government owned television programs centred around identity and gay rights, as well as several community radio channels, Mr Pant tells me that nearly the entire population of Nepal can be reached with a message of equality and justice. With politicians and celebrities being open in matters relating to sexual diversity, discussions within families can occur more easily, rather than the topic being taboo or rarely raised at all. The recent, inaugural South Asia Gay, Bisexual and Transsexual games were a celebration of Gay culture and sport, held in Kathmandu and visited by various celebrities active in the LGBTIQ community. More than 300 athletes participated in the three-day event, which was reported on around the world.

Despite these leaps forward in exposure, awareness and legislation, Mr Pant admits that there is still “a long way to go.” There still exists discrimination within families and schools, and more education is needed. Bullying can come not only from other students, but their teachers, and families may exclude their LGBTIQ offspring from ancestral property. The worst case scenarios at this time Mr Pant explains, is when the bullying, exclusion or discrimination exists in the workplace – for where can one go when they are unable to work?

Pant exudes great hope and confidence in the movement towards complete equality and the upholding of human rights in Nepal, and the nation's efforts to ensure this in many ways leave richer, larger and more developed democratic countries behind. Within a stable political climate, Nepal will set a high standard of recognised civil rights and inclusive laws, and the rest of the world may be forced to sit up and take notice of this small landlocked country making big moves towards equality. ■

On November 25, 1960, three out of four Dominican political women dissidents, famously known as the Mirabal Sisters, were assassinated for opposing the rule of Rafael Trujillo. Honoring them, women activists marked this day as the International Day for the Elimination of Violence against Women since 1981 and the UN General Assembly officially declared the same in 1999, inviting governments, international organizations and NGOs to mark the day and bolster the fight against violence. This day also marks the start of the 16 ‘Days of Activism’ that leads to the Human Rights Day on 10<sup>th</sup> December.

‘Elimination of Violence against Women’ in itself shows how millions of women in many parts of the world still are beaten, killed, raped, assaulted, mutilated and tortured. And they go through this plight and will continue to do so for a very long time to come. A woman can never be safe anytime, anywhere from this violence or the fear of it, even in the vicinity of her own house. Statistics state about 70 per cent of the women face physical or sexual assault at least once in their lifetime. The plight gets worse as the culprits are seldom punished, actually hardly identified.

When a woman becomes a victim of such acts, it is considered by many as the best option to keep it under cover. But that is not the way it should happen. This encourages culprits and puts in danger the lives of many other women around us, including our mothers, sisters and friends. The perpetrator is at fault, not the innocent victim. Thus, it is the perpetrators who should be punished for their acts and not the victims, and this is what has been happening for a long time. If a woman is targeted as a means of revenge between family disputes and assaulted, she is disowned.

Violence against a woman is depriving her of human rights. These forms of violence can result in mental, physical, psychological and sexual problems. Many surveys have linked violence as psychological disorders in

the perpetrator as results of broken families, being victims at some point in their own lives, being under influence of alcohol or drugs, or mental disorders which reflect anti-social behavior. Many a times, husbands assault their wives for dowry, infidelity or competitiveness. This is an example when a woman is not safe inside her own house among the people she calls her family. Being the firsthand witnesses of such situations encourages similar activities among the other members too. Worse than that, other women and girls learn to accept this violence and pass it on as normal spheres of life.

It is said that assault on women was practiced from a very long time, as women were considered to be the property



of men and subservient to them. To this date, they continually face violence in parts of the world with low education, tolerating

gender inequality and violence. This applies in cases like honor killing, undertaken to maintain the purity and prestige of family or clan or molestation or sexual and physical harassment to keep them under control. Bride burning, acid throwing, breast ironing, sexual slavery, domestic violence all show the levels of exploitation and assault a woman needs to face in every part of the world.

According to the secretary general of the United Nations, Ban Ki-moon, as per interrogation, the young generation wished women violence to come to an end. They strongly wanted women to be free and their human rights not violated for the benefit and pleasure of some other people. The most important step to achieving this is every man growing to be a responsible brother, husband and father. No woman should face violence in any part of the world, even the remotest. Therefore the culprit should be punished; further actions should be taken to ensure their punishments instead of holding placards and shouting slogans in a rally to eliminate violence against women. Everybody should learn to be responsible to eradicate violence against women from the entire planet. ■



## High Altitude Adaptation: An Example Of Natural Selection?

By BUDDHABASNYAT, MD

What is common between a Nepali drinking milk (and getting the usual upset stomach "pet gadyanggudung") and high altitude adaptation? The commonality is certainly not in the stars but may be DNA based.

About 7000 years ago Northern Europeans learnt how to digest milk, a clear human evolutionary change. But people in South Asia have not made this genetic jump and predominantly suffer from lactose intolerance ( milk indigestion), which accounts for our "pet gadyanggudung" after drinking a glass or two of milk. The new example of documented evolutionary change may well be in the field of high altitude adaptation by

a medical anthropologist at Case Western Reserve University in Ohio, USA, one of the lead authors in bringing the HIF gene to the fore is actively looking into some of the preliminary questions pertaining to the Sherpas. The answers could potentially pave the way to some of the most intriguing findings in high altitude Himalayan medicine in recent times.

But let us go back to the question of high altitude dwellers in South America who have chronic mountain sickness, a disease uncommon in the Tibetan plateau. The South Americans also have resided at high altitude for thousands of years. How is it that the South American population that have been exposed to the severe hypoxia ( low oxygen in the environment) of high altitude over many generations ( thousands of years) have failed to adapt as well as the Tibetans? One reason may be that there is a problem studying high altitude residents of the

Andes because there is considerable admixture with European genes due to the invasion in South America by the Spanish in the middle ages. Anyway, these are exciting times for the study of high altitude natives. ■

**They may suffer from chronic problem in the lungs (shortness of breath) and brain ( patients become lethargic) primarily by producing too much haemoglobin in the blood.**

the Tibetans; and possibly ( by extrapolation) our Sherpas.

These are heady times for scientists interested in the evolution of people who have successfully adapted to permanent residence at high altitude. The principal population are those of Tibet, South America, Andes, and a smaller group in East Africa. Recent independent reports from Beijing Genomics Institute, Case Western Reserve University in Ohio, and University of Utah in the US have detected a gene which helps the Tibetans to adapt to high altitude. The gene is called Hypoxia Inducible Factor ( HIF 2 alpha, to be precise) and seems to be able to assist in properly adapting to high altitude in the same fashion that the Europeans avoid milk indigestion by a genetic switch.

There are high altitude dwellers in South America, too but they do not seem to properly adapt at high altitude, in fact they maladapt. The Han Chinese from the mainland who ascend to live in Tibet also seem to not do well. They may suffer from chronic problem in the lungs ( shortness of breath) and brain ( patients become lethargic) primarily by producing too much haemoglobin in the blood. The Tibetans on the other hand, thanks to the HIF gene, seem to hold off on overproduction of haemoglobin. The intriguing question then is, do the Sherpas who share a Tibetan ancestry also possess this HIF gene? If they do, is this gene playing a significant role in their amazing ability in climbing the Himalayas? In other words does the HIF gene give them a performance advantage?

A team lead by Dr Cynthia Beall who is

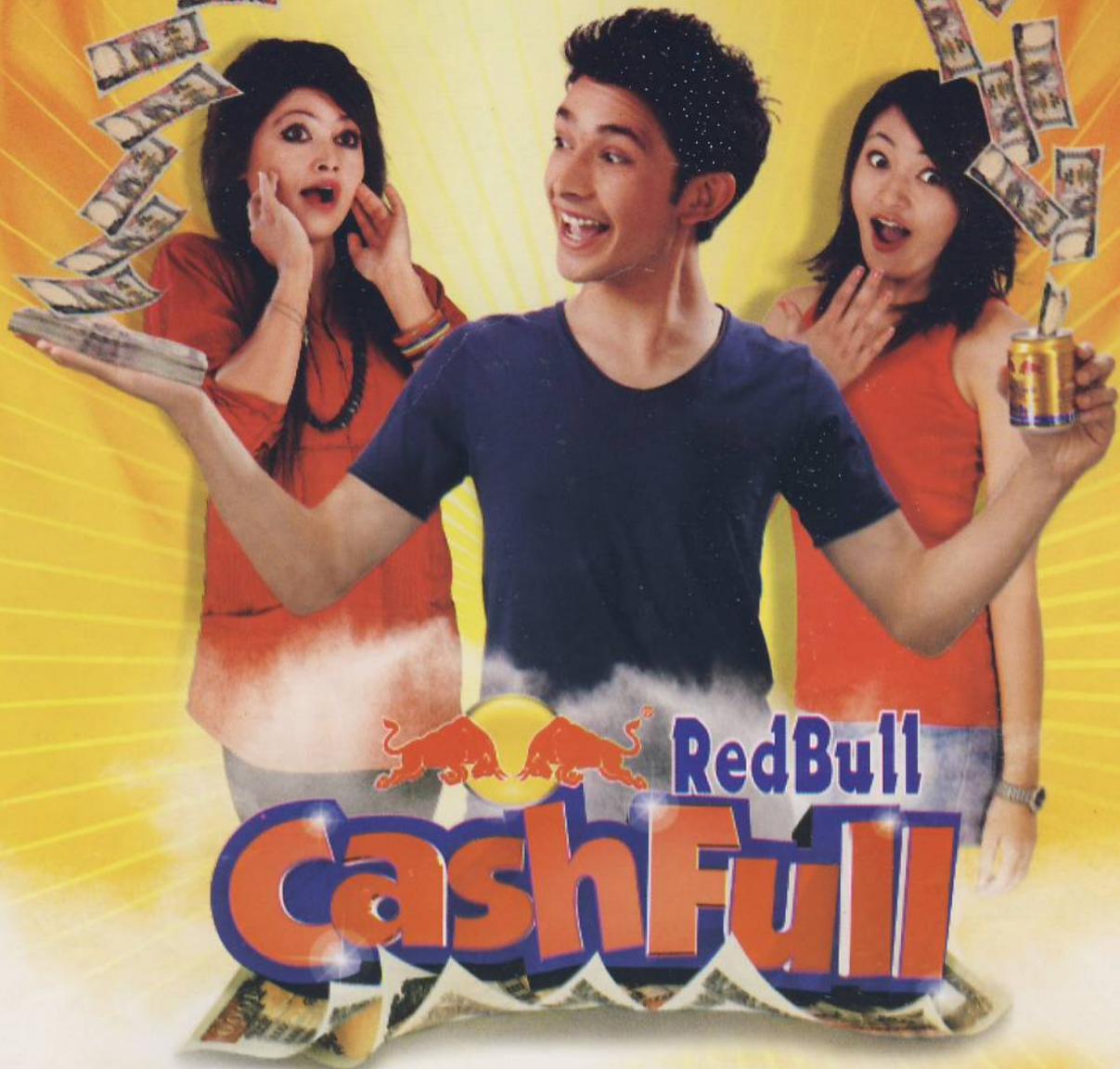
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आफूद्वारा चुनिएका  
प्रतिनिधिहरूद्वारा निर्माण  
गरिने पद्धति हो ।



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