

SPOTLIGHT

May 12 - 18, 2006



नेपाल अधिराज्यको संविधान
२०४७

Constituent Assembly Myth Of Sisyphus

प्रकारक
श्री ५ को सरकार
कानून तथा न्याय मन्त्रालय

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Economy : Wanted Immediate Relief
Norwegian Minister's Visit : Hands of Friendship

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Great minds drink alike.



TUBORG
GOLD

जिउ जिन्दगी रमेर



CONTENTS

	Page
LETTERS	3
NEWS NOTES	4
BRIEFS	6
QUOTE UNQUOTE/TRANSITION	7
OPINION : Dr. AB Thapa	8
NORWEGIAN MINISTER'S VISIT : Hands Of Friendship	17
ECONOMY : Wanted Immediate Relief	20
PERSPECTIVE: Dr. Tulsi Uprety	21
VIEWPOINT: Hari Krishna Shrestha	22
JAPANESE ASSISTANCE : Support for Agriculture	23
PROFILE: Krishna Hari Baral	24



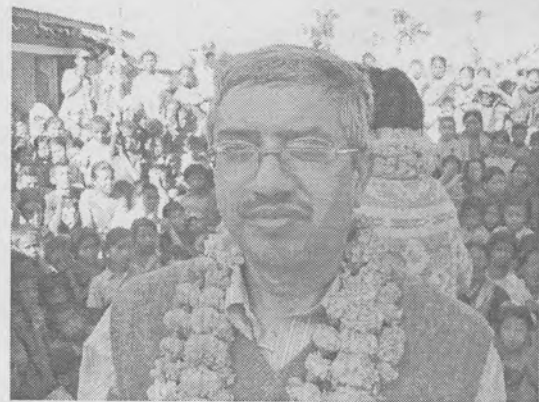
COVER STORY :
Myth Of Sisyphus
 Without pointing out specific weakness, Nepal is heading towards final stage of destroying the existing constitution

Page 12



UNITED STATES : Building Inter-community Harmony
 The US has achieved a remarkable degree of inter-community harmony

Page 10



FACE TO FACE : Dr. Surya Dhungel
 Eminent lawyer Dr. Dhungel discusses pros and cons of constituent assembly

Page 18

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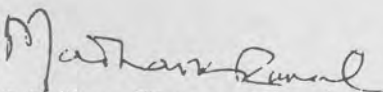
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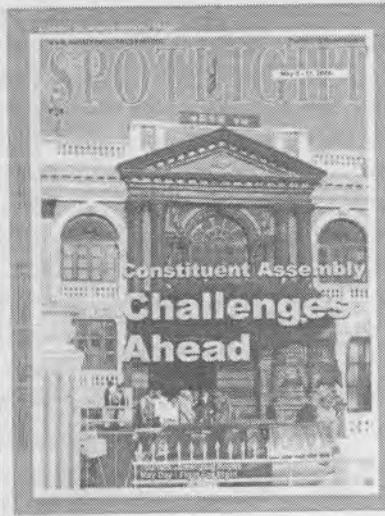
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The euphoria generated by the unprecedented triumph of the people's struggles does not seem to abate. Since the people's memory is proverbially short, they would be in total oblivion of what is in store for tomorrow. They must also be unaware that the intoxication of success often blunts the faculty of discrimination and they can be easily led astray by unscrupulous elements who are expert fishers in troubled waters. The massive crowd of poor and exploited Nepalis all over the Kingdom that have spilt their blood and sweat to acquire their birthright will again end up as losers if they stay complacent at the promises of the wily politicians. If they really want that their centuries-long sufferings and exploitations are mitigated and their sacrifices are not wasted again, they not only have to be on their toes all the time but also keep on knocking at the politicians reminding them of their obligations towards them. The politicians know how to use the people to achieve their own selfish interests and they have been doing that all the time. This time they must not be permitted to sideline the interests of the people. For this, this government formed to accomplish the objectives of the people's successful agitations have to start the dialogues with the Maoists without losing any time. The dialogues, too, must be short and fruitful so that all roads will open for the country to march speedily towards reconstructions and developments. This can only be possible when the people can repose their trust and faith in their representatives. The members of this House had lost the confidence of the people before it was dissolved more than four years ago as many of its members were stinking and a shame to the august body. The same members should not be permitted to influence the workings of the revered House in this changed context. This will necessitate the election to a new House and since the agitating crowds along with most of the politicians, and the partners, the Maoist leaders, too, have become averse to the present constitution, which was said to be one of the best framed so far, the country needs to vote for a constituent assembly that will frame a new constitution. When and in what shape the new constitution comes before us and whether the constituent assembly will meet the aspirations of the 25 million people of Nepal, we don't know. But that the constituent assembly must be a body encompassing all sections of the society – all minorities, the student community, the civil societies, the women and, of course, the political parties - should in no manner be overlooked. Women in our country have been ignored for long but they are now marching shoulder to shoulder with men and deserve equal treatment. As such, they must be well represented in the constitution making process. Since the Maoists, too, shall have to be associated with the making of the new constitution, the crux of the matter is – are they competent enough to take final decisions?

The historic changes the country is witnessing today is mainly due to the decade-long Maoist insurgency aided and abetted by our good friend in the south in full cognizance of the international community. The interests of bigger and powerful countries outweigh all other considerations of ethics, morality and the rights of smaller and weaker nations have been clearly demonstrated by the decade-long Maoist activities in Nepal.

Now that the democratic forces have scored over the regressive forces in Nepal, will the small poor country be permitted to have peace and normalcy? Can the leader of the SPA government Girija Prasad Koirala, who is known to have excellent rapport with the Indians, win their confidence to make them use their leverage on the Maoists? It is a testing time for India also. Will they keep on pressurizing Nepal or show some magnanimity? Nepal, indeed, expects sincere cooperation. In the changed context, Nepal even expects to be recompensed but not with Himalayan Marshall Plan or advice how to run its house but with the restoration of peace and normalcy. This would be one simple way of winning the bruised hearts of the poor Nepalis, which India, if she is a good friend, should not miss. Girija Koirala, too, must not let this last opportunity to redeem his honor go waste. At the fag end of his long political career, destiny has once again smiled on him. He must not fail to prove that he is a patriot also, not only a pliant politician. ■


Madhav Kumar Rimal
Chief Editor & Publisher



Analytical Story

The cover story this issue provides a very detailed analysis of the present political scenario "CONSTITUENT ASSEMBLY: Challenging Task" (SPOTLIGHT May 5, 2006). In the story you have discussed about the challenges, opportunities and possible risks of constituent assembly. As the nation is in a very critical situation, it is important for us all to plan well for the years to come and act accordingly. Particularly, as the leaders of the parliamentary parties are in the driving seat, they should listen to all sectors and discuss well among themselves before making decisions, as the decisions made now will have a long-term impact on the future of the country.

Kabita Shrestha
Swayambhu

Skeptical Article

You have expressed skeptical views about the elections to Constituent Assembly and formation of the new constitution in your cover story this issue "CONSTITUENT ASSEMBLY: Challenging Task" (SPOTLIGHT May 5, 2006). The arguments you have provided to support your skepticism are convincing. However, at this time it is more important to guide the leaders about how to utilize the situation best rather than expressing pessimism. The recent developments in the national politics has made the elections to the Constituent Assembly inevitable. But there are a lot of confusions prevailing about its modality. This is the time when all of us should be involved in the healthy debate about how to hold the elections. Before taking any decision, the possible consequences should be well discussed. We have fought for democracy many times and thousands of lives have been sacrificed for the sake of the nation. So, we cannot afford to squander this opportunity. If we do, it will be very difficult to protect our nation.

Pradeep Dhungana
Kalimati

Convincing Argument

The interview with Rabindra Nath Sharma was convincing as well as

revealing "The Support And Cooperation Of International Community Is Essential" (SPOTLIGHT May 5, 2006). As he has lamented the monarch was not very wise in selecting his advisors, if he had taken suggestions from the right people, he would have evaded the present crisis. There are many people like Sharma, who have been humiliated for saying 'black is black'. In Nepal, there is a bad practice to avoid and discourage healthy criticism instead of rewarding them. The present agitation should have taught everyone a lesson. Let us hope that in the coming days, people in power become more open to healthy criticisms and distinguish good advices from deceptive ones.

Hemanta Pradhan
Lagankhel

Last Option For Koirala

Girija Prasad Koirala is not a popular figure in Nepali politics "GIRIJA PRASAD KOIRALA: Championing Reconciliation" (SPOTLIGHT May 5, 2006). However, he has been given the vital post of the prime minister and people are supporting him considering his long experience to run the country in difficult situations. The people are closely watching his actions. This is the last opportunity for Koirala to regain his

lost popularity. In the past, he was alleged for being power hungry. This time he should keep away from family pressures and abstain favoritism for the sake of the welfare of the nation.

Kamal Ghimire
Chabahil

Say No To Military Support

United States has shown a good gesture by pledging required supports to democratic Nepal "United States Wants To Assure You That We Are With You And Here To Support You" (SPOTLIGHT May 5, 2006). While, Nepal should welcome the US assistant secretary of state for south and central Asian affairs Richard A. Boucher's pledge for support, we should also be bold to say no to the military support. This is not the most opportune time to talk about military support. The first need of Nepalese people is peace and no more war. At a time when Maoists are in the process of coming to the mainstream politics by renouncing violence, we should not talk about arms and more confrontation. Such talks will spoil the confidence between the parties and the Maoists. Instead, we should focus on reconstructing the destroyed infrastructure and rehabilitating the displaced and victimized people.

Mohan Kandel
Balaju

Develop Tourism Industry

Following ceasefires from both sides and the improvement of the political situation in the country, tourism entrepreneurs have reasons to rejoice "TOURISM: Emerging Hopes" (SPOTLIGHT May 5, 2006). Concerned agencies should now focus on promoting Nepal as a safe tourist destination in the world. Likewise, we should also start developing new packages to attract more tourists. We should all understand that the development of tourism industry is the fastest and best way towards national prosperity.

Karma Ghale
Thamel

Commission Starts Functioning

The high-level judicial commission formed by the government to investigate the charges of repression against the people's movement and recommend actions against such repressors started its function from Sunday (May 7). According to former Supreme Court judge Krishna Jung Rayamajhi – who has been named as the chairman of the commission – the commission would prepare its report soon honoring the spirit of the people's movement. He said persons who engaged in repression and violation of human rights will come under its scanner. The cabinet meeting of Friday had formed the commission headed by Rayamajhi. Other members of the commission include senior journalist Harihar Birahi, general secretary of Nepal Medical Association Dr. Kiran Shrestha and advocates Ram Kumar Shrestha and Hari Krishna Karki. The commission was formed by the government as per the directives by the parliament. *Compiled from reports.*

King Should Be Stripped Off Army Uniform: UML Gen Secretary

With the intention of bringing the army firmly under the control of parliament, the seven parties are preparing to make the formal announcement by the parliament regarding the same. The parties are preparing to sever all military ties with the palace including the dissolution of military secretariat at the palace and shifting the post of Param Senadhipati (commander-in-chief) of the army from the King to the Prime Minister. Nepali Congress (NC) Ram Chandra Poudel said that his party has decided to bring the army under the control of the parliament as per the 18-point agenda of the seven parties. Subas Nemwang of Unified Marxist Leninist (UML) said that homework were afoot to bring the army under the control of parliament. Amrit Bohara, senior leader of the UML has called for no delay to complete this process of transformation. Meanwhile, addressing a public rally in Rautahat, Madhav Kumar Nepal, general secretary of the UML, said the King should immediately abandon the army uniform as per the spirit of the people's movement. *Compiled from reports.*

UN Official Arrives To Take Stock Of Nepal Situation

A senior official of the United Nations arrived in Kathmandu on Saturday (May 6) to take stock of the situation in Nepal following the recent political changes here. Samuel Tamrat, the Special Advisor to the UN Under Secretary General for Political Affairs, arrived on a week-long visit which would see him meeting with political leaders, civil society representatives and members of international community with the objective of assessing the situation here and finding out what role the UN could play to support the march towards peace and democracy. "The visit is a continuation of consultations the UN has maintained to encourage a peaceful resolution of the country's armed conflict and political instability," said a UN Information Center statement. Tamrat has also brought Secretary General Kofi Annan's "goodwill message" on the restoration of democracy here, said UN officials. *Leading dailies report.*

"Direct Talks With The Maoists": Ministers

Two senior ministers in the current government have said that the government will soon hold 'direct talks' with the Maoists. Saying that the government is preparing its code of conduct for the peace process, deputy prime minister K.P. Oli said, "There should be no delay in going for constituent assembly after holding successful talks and forming interim government." Likewise, Home Minister Krishna Sitaula said, "We do not need any mediation. We are able to hold direct talks with the Maoists." *Kantipur daily reports.*

Two Soldiers Sacked, Three Policemen Suspended

The Military Court has dismissed two soldiers for drunken driving and assaulting public. They have been deemed unfit for future recruitment in government service as well. On Thursday evening, the ambulance driven by the drunken soldiers had hit a passenger bus in Babarmahal. Following the accident, the soldiers had asked for money from the driver and

assaulted other people. The Military Police had arrested soldiers Rabi Adhikari and Chandra Bahadur Lungeli Magar immediately after the incident. According to the army headquarters, the two soldiers were accused of working to tarnish the image of the army by breaching discipline. The court has also sentenced them for one year imprisonment. Likewise, Valley Police Office has suspended three policemen who tried to create terror among local people by placing grenade in a gathering. *Leading dailies report.*

Leaders Caution Ministers

Leaders of various political parties and representatives of civil society have cautioned the ministers not to transgress the agenda of seven political parties. Speaking at a program in the capital, Raghuji Pant of CPN-UML said nobody should oppose the decision to go for constituent assembly election to restore lasting peace in the country. He further said constituent assembly election was a must to bring Maoists into political mainstream and restore lasting peace in the country. Mahesh Acharya of Nepali Congress warned that the political parties would face bleak future if they don't push the common agenda forward. General Secretary of CPN-ML CP Mainali said the movement had ensured partial success to the people, and that the government's duty was now to lead the people to another victory. He suggested going for the constituent assembly election by announcing the present constitution as the interim statute. Former Justice of the Supreme Court, Laxman Aryal said the failure of the restored parliament to address the people's aspirations will create deadlock in the country. *Compiled from Reports.*

Displaced Folks Returning Home In Thousands

Thousands of youths of remote hilly districts of the far and mid-western regions, who had left for India to look for jobs and security, have begun returning home following the announcement of a ceasefire by the rebels. The homeward-bound youngsters said they were compelled to flee to India to escape abductions by the Maoists. A large number of people from

Humla, Mugu, Kalikot, Bajhang, Bajura, Achham, Baitadi, Doti and Dadeldhura were seen heading home via the Bhullaghat area of Baitadi and Gaddachowki of Kanchanpur. The returnees hope the Maoists will join the mainstream politics. Jay Bahadur Bista of Bistbada, Humla, said he was returning home after a decade from Simla. "In India, I used to wish for peace so that I could return home," he said. Youths of these hilly districts go to Kumau, Gadhwal, Simla, Mumbai and Delhi looking for work. *The Himalayan Times daily reports.*

Maoists Ready For Talks With Govt

Maoists, on Thursday (May 4), welcomed the government's announcement of cease-fire and agreed to enter into negotiations with the state. In a statement issued on that day, Maoist chairman Prachanda said that his party was ready to sit for talks with the government as per the 12-point understanding reached with the Seven Party Alliance. The Maoists also stated that they have already submitted to the government the proposed code of conduct for talks to be observed by both the sides in course of negotiations. The top Maoist leader stated that his party's decision to come forward for talks should not be seen as 'war-weariness' or 'a hurry to join the open politics.' "We are prepared to fight in any front as long as it is necessary for the sake of Nepal and the Nepalese people," he said. In his statement, Prachanda expressed hope that the forthcoming negotiations would not end in a failure as in the earlier two rounds of negotiations. The talks between the government and the Maoists in 2001 and 2003 failed to bear fruit. He has also called for the formulation of an interim statute and formation of an interim government by dissolving the reinstated Parliament, and existing Constitution and the government. Prachanda said the interim government would take charge of the entire election process for the constituent assembly. Describing the present situation in the country as transitional, Prachanda said the country was on the path to become a republic. On Wednesday, the newly formed government led by Girija Prasad Koirala

declared an indefinite cease-fire and decided to withdraw terrorist tag and 'Red Corner' notice against the Maoist party and its leadership to pave way for talks. *Compiled from Reports.*

Koirala Offers Place For Maoists To Join Interim Govt

Prime Minister Girija Prasad Koirala said on Thursday (May 4) that the Maoists would be invited to participate in an interim government if they relinquished violence and killings. Koirala revealed the probability while responding to the queries of Norwegian journalists. Emerging from a meeting with the visiting Norwegian Minister for International Development Eric Solheim, Koirala said the cooperation of the Norwegian Government would be very meaningful for the development of Nepal. He expressed the belief that Norway would continue its support in the days ahead. Solheim arrived in the capital to explore the avenues of mutual cooperation following the reinstatement of the parliament. Koirala said that Nepal would be in need of Norwegian cooperation particularly in the current post conflict situation. During the meeting, the Norwegian team also expressed commitment to extend its support for the revival of development works. The Norwegian Minister told journalists that Norway would be ready to extend its cooperation after the newly formed government in Nepal identifies key areas. In response to queries about the possibility of Norway's role in mediating the peace talks between the government and the Maoists, the Norwegian Minister said, "Norway had not so far played any role in resolving the conflicts in Nepal. However, Norway was willing to provide its support like it has been doing for other nations." *Compiled from Reports.*

Parliament Instructs Govt To Start Peace Talks

The meeting of the parliament on Sunday has directed the government to immediately form code of conduct and start peace talks with the Maoists. The proposal made by Rajendra Mahato of Nepal Sadbhavana Party was seconded by

Dhanendra Basnet of Unified Marxist Leninist (UML), Tanka Rai of Nepali Congress (NC-Democratic) and Benup Prasai of Nepali Congress. The proposal also states that the parliament will monitor the whole process of peace talks. Meanwhile, speaking in the parliament, UML leader Iswor Pokharel asked the government to dismiss 'pro-regression' chiefs of constitutional bodies including chief justice Dilip Kumar Poudel, justices Pawan Kumar Ojha and Shambhu Bahadur Khadka, chief election commissioner Keshab Raj Rajbhandari, among others. The parliamentarians also called for changing the nomenclature of His Majesty's Government to Nepal Government; withdraw the pictures of the King from paper notes; and dissolve Raj Parishad. *Nepal Samacharpatra daily reports.*

Number Of Martyrs Increases To 21

Anil Kumar Lama, a party worker of UML, died while undergoing treatment at Nepal Medical College, Jorpati on Saturday afternoon. With this death, the number of martyrs of the people's movement has reached to 21. He was an active worker of UML youth wing. He had been injured three weeks ago after being hit by tear gas shell. *Leading dailies report.*

Local Bodies Back To Bureaucrats

The government has decided to run District Development Committees (DDCs) and municipalities, without representatives, by appointing civil servants, said a cabinet source. "The civil servants will run DDCs and municipalities till another arrangement," said the source quoting the cabinet's decision. According to the cabinet decision, local development officers are authorized to take the role of DDC presidents while executive officers will be appointed to act as mayors and deputy mayors in municipalities. Earlier, the government dismissed all the royal nominees in the local bodies as well as the officials who were elected to run municipalities in the controversial municipal polls that were held in February. *Compiled from Reports.*



Red Cross Day being celebrated in Kathmandu Gorkhapatra

THIS YEAR NEPALI MEDIA OBSERVED THE WORLD PRESS Freedom Day on May 3 hoping for a significant improvement in Press freedom with the changed political scenario in the country. According to statistics, two journalists were killed and 88 tortured, 11 journalists were abducted, 282 attacked and 707 were arrested in the past 15 months. Similarly, 39 journalists were displaced, 250 sacked, and 108 newspapers were forced to halt publication. The government also blocked at least twenty-five news websites in Nepal, introduced draconian laws to curb the Press freedom, arrested and assaulted many journalists specially after the King took over power on February 1 last year. Authorities raided private radio stations and banned broadcasting of news from the stations for a few months until before the Supreme Court gave relief to the FM stations by allowing them to air news. On the other hand, Nepali media persons have been brutally attacked by the Maoist rebels as well. Maoists killed two journalists, assaulted and threatened many others during the period of their decade-long insurgency. Maoists barred, and are still barring, newsmen from reporting freely from their strongholds even though their leaders have time and again expressed commitment to respect Press freedom.

AS A GESTURE OF GOODWILL TO THE NEWLY FORMED government, India has released Duty Refund Procedures (DRP) dues worth Rs 1.23 billion to Nepal. "DRP dues worth Indian rupees 770 million has been released under the fast track and has been transferred to the Nepal government on Monday," said an Indian Embassy official. Earlier, the Indian government had refused to release about Rs 2 billion in DRP dues to the government, linking it with the government's failure to settle 'arms purchase dues'. During the meeting of the revenue authorities, held during the king's direct rule, the Indian officials then had dropped hints that it might not release the DPR refund unless Nepal clears its arms purchase dues. India had not released any DRP refund since April 2005. Prior to that, the refunds came every month. Nothing was pronounced on official terms as to why the refunds were not released. However, sources said India withheld the refund chiefly because it suspected Nepal of purchasing arms from China for cash after India, the US and the UK suspended their lethal military aid post February One. Of the total sum released, Rs 834.08 million covers the refund dues from April 2005 to December 2005. Also, additional Rs 221.92 million has been released for the dues incurring through January 2006 to April 2006. "This has been released under the fast track in a bid to ease financial position

of the newly formed government," said the source. DRP due is a sum which the Indian government needs to refund to the Nepali government for the excise duty it slaps on goods exported to Nepal. It contributes a substantial sum to the state coffers.

THE FORMER ELECTED REPRESENTATIVES OF THE LOCAL bodies have demanded that the government immediately reinstate the local bodies. The Village Development Committees, municipalities and District Development Committees remain without elected representatives since last four years. Speaking at an interaction of ex-officials of the local bodies, they have demanded that the government immediately reinstate the elected officials as per the spirit of the people's movement. They have concluded that the place of elected officials cannot be occupied by bureaucrats. Last week, the government had dismissed all the officials of the local bodies who had been elected in February polls held by royal government. Dor Mani Poudel, president of Municipal Association of Nepal (MuAN), said there are no options to their reinstatement for the purpose of carrying out development activities as desired by the people. Addressing the interaction, deputy prime minister K.P. Sharma Oli said that the government will not go back on the promises made by the parties while in street supporting the call for the reinstatement of the elected officials at local bodies.

NEPAL LAW SOCIETY (NLS) has formed a committee to study the issues relating to constituent assembly, its modalities, foreign experiences and Nepalese context. The committee was formed after the meeting of NLS held under the chairmanship of senior advocate Kusum Shrestha. The committee is headed by Kasi Raj Dahal. Its members include Purna Man Shakyu, Pushpa Bhusal, Kumar Regmi, Bhimarjun Acharya, Mukti Pradhan, Madhav Kumar Basnet and Sharmila Parajuli. Lalit Bahadur Basnet is its member secretary. ■

Khatiwada Is New Foreign Secy

The government has appointed Pradeep Khatiwada as the acting Foreign Secretary. Earlier, joint secretary at the Foreign Affairs Ministry, Khatiwada had been unceremoniously transferred to Election Commission and Ministry of General Administration.

However, the newly installed government has overturned the decision of the previous government and reinstated Khatiwada at the Ministry of Foreign Affairs. A career diplomat, Khatiwada's appointment is being seen as a positive move.

Meanwhile, the government has assigned responsibilities to three secretaries who had been sent to reserve pool by the earlier government. Umesh Mainali has been made the Secretary at the Home Ministry; Bhoj Raj Ghimire, Secretary at the Finance Ministry; and Tika Dutta Niraula, Secretary at the Water Resources Ministry. Bal Krishna Prasai who was the Secretary at the Home Ministry has been transferred to the Ministry of Science and Technology.

Mainali, Ghimire and Niraula all had served in top positions of the government in the past. Ghimire worked in the Ministry of Finance, National Planning Commission and Ministry of Culture, Tourism and Civil Aviation in the past. ■

“We do not need any mediation. We are able to hold direct talks with the Maoists.”

Khadga Prasad Oli Sharma, deputy prime minister with foreign ministry portfolio, in Kantipur.

* * *

“We will not do anything against people’s aspirations. You do not have to point fingers at us. Rather point fingers at the regressive elements.”

Krishna Sitaula, Home Minister, speaking at a function in Kathmandu.

* * *

“The commission will remain alert so as not to let the oppressors of the people go scot-free. The government should guarantee us that the culprits will not be spared punishment this time around.”

Krishna Jung Rayamajhi, chairman of the high level judicial commission to probe into the atrocities committed by the security personnel and officials of the royal regime against pro-democracy demonstrators during the ‘jana andolan’, speaking at a face-to-face program organized by the Reporters’ Club in the capital.

* * *



Bimarsha

“The international community and the people will not feel good if there is no democracy within the major party of a country where millions of people throng to the streets for democracy.”

Arjun Narsingh K.C., leader of Nepali Congress advocating for democratic practices within the party, in Bimarsha.

* * *

“If the King does not comply with the results of the constituent assembly, the nation will face a civil war and the war will sweep away monarchy.”

Lilamani Pokharel, vice president of People’s Front Nepal, speaking at an interaction in Kathmandu.

* * *

“Nepalese should not kneel down on anybody’s pressure and nobody should intervene or meddle on issues related to Nepal’s sovereignty. You write it in clear words, the kind of warning (US Assistant Secretary for South Asia) Richard Boucher is giving right

now...tell me who is he and on what basis is he saying that this or that should happen in Nepal. Nepalese people should rise against all such tendencies.”

Pushpa Kamal Dahal, alias Prachanda, chairman of Maoist party, in Nepal magazine.

* * *

“We had sent leaders and workers of a certain level at the agitation.”

Lekhnath Nyaupane, president of All Nepal Independent Students Union (Revolutionary) - student wing of the Maoists -, in Jana Astha

* * *

TRANSITION

RESIGNED: Sharad Sharma, member secretary, Ram Narayan Shrestha, vice-chairman, and Manjari Singh, treasurer of the Social Welfare Council, from their posts.

Dhruva Kumar Deuja, chairman of Gorkhapatra Corporation, from his post.

Mahantha Thakur, treasurer, **Dr. Ramsharan Mahat**, joint-general secretary, and **Krishna Sitaula**, spokesperson of Nepali Congress, from their posts.

Bandana Rana, chairperson of the newly formed National Women

Commission (NWC) along with all members, from their posts

CONSTITUTED: A high level judicial commission under the co-ordination of former judge of Supreme Court **Krishna Jung Rayamajhi**, to probe into the atrocities committed by the security personnel and officials of the royal regime against pro-democracy demonstrators across the country during the ‘jana andolan’ and recommend actions against them, by the government

RECALLED: Karna Dhoj Adhikari, Narendra Raj Pande, Kedar Bhakta Shrestha, Prabal Shumsher Rana, Prajjwal Shumsher Rana, Rameshananda Baidhya, Abulesh

Thakurain, Hiranya Lal Shrestha, Tara Bahadur Thapa, Shyama Nanda Suman, Victry Rana, Pushkar Man Singh Rajbhandari, Nepalese Ambassadors to India, China, USA, Britain, France, Japan, Saudi Arabia, Russia, Thailand, Qatar, Myanmar and Pakistan, respectively, by the government.

HONORED: Purna Prakash Yatri and Professor **Dr. Chuda Mani Bandhu**, for contributing to the promotion of folk literature and culture, by ‘Dayitwa Bangmaya Foundation’.

LEFT: Sir Edmund Hillary, legendary mountaineer who successfully scaled the Mount Everest for the first time, after a short visit to Nepal. ■

THE BIGGEST CHALLENGE: *Karnali Downstream Benefits*

By DR. AB THAPA

The proposed Karnali Chisapani Project is one of the largest in the world. In many ways it is comparable to the China's Three Gorges Project (TGP) which has been drawing since a long time the attention of the whole world because of the enormity of its size. The total storage volume of the Karnali Project reservoir is 39 billion cubic meters and similarly the total such volume of the TGP is also about 39 billion cubic meters. After the full development the total installed capacity of the Karnali Project power station is expected to be about 16 million KW. The installed capacity of the TGP would be only slightly greater. It would be 18 million KW. Both these projects can provide enormously large irrigation, flood control and navigation benefits. It is very interesting to compare the views of the peoples of China and Nepal about their projects.

Chinese People and the TGP

According to Lu Youmei, President of China Yangtze TGP Development

Corporation, the Three Gorges Project has remained as a dream for the China for more than 70 years. Implementation of the TGR is seen as the greatest challenge before the Chinese people and that country is seen to have spared nothing to fulfill the ambition of the Chinese people to harness the mighty Yangtze river even though it is taking such a long time.

Nepal is Unaware

Unfortunately most of the decision makers in Nepal whether they are economists

or politicians or bureaucrats are not seen to be aware of the difficult problems our country would have to face if our vast water resources is to be developed in the interest of our country. Apart from huge power benefit, the Karnali Chisapani Project can provide enormously large downstream benefits. In few cases the net downstream benefits to accrue to our country could even exceed the net power benefits. Recovery of the downstream benefits is going to be the most important task. We do not appear to be realizing the fact that a small country, like Nepal, should be very careful to ensure that our large water resources projects earmarked for exporting electricity and water are developed in a way to provide maximum benefits to our country.

Some foreign well wishers of our country deeply worried about our weaknesses have given us highly valuable advices. Mr. Paul D. Terrell from the Bechtel International of the USA, who was adviser consultant to the Karnali Chisapani Project, in an article published in the journal "HIMAL" has given Nepal few very important advices. (a) Nepal can decide NOT to build the Karnali Project, but Nepal alone cannot decide TO BUILD the project, (b) Nepal should beware of unintentional "give away" in hydro development, and not rush to compromise the optimum development for the sake of a quick deal, (c) The present institutions should be wary of giving away Nepali children's rightful inheritance.

Karnali Chisapani Project Not Needed

Nepal does not need to build Karnali or other very large storage dams to supply water for irrigation in Nepal. The natural flow of the Karnali river itself is more than sufficient to provide all the year round irrigation across

the Western Terai. We have full right to draw water from the Karnali river for irrigation. The 1966 revised Kosi agreement, which is the latest trans-boundary river agreement between Nepal and India, serves as a precedent that has helped to get recognized by both the countries our full right to draw water for irrigation in Nepal..

Karnali Project Extremely Attractive

The latest feasibility study of the Karnali High Dam Project had been carried out by the Himalayan Power Consultants,

a joint venture of three Canadian consulting firms(Acres International Limited, SNC Inc., Shawinigan Engineering Co. Ltd.) and Ebasco Overseas Corp. of the United States. Experts from the Bechtel International (USA) had served as advisor consultant to supervise the study on behalf of our government. The feasibility study, financed by a loan from the International Development Agency (IDA) of the World Bank, commenced in 1986. After the completion of the feasibility study a single main report volume has been presented supported by twenty specialized annexes

Karnali Chisapani Project has been found to be extremely attractive. It would be possible to generate power on a large scale to supply to the Indian market at low cost. It is

Unfortunately most of the decision makers in Nepal whether they are economists or politicians or bureaucrats are not seen to be aware of the difficult problems our country would have to face if our vast water resources is to be developed in the interest of our country. Apart from huge power benefit, the Karnali Chisapani Project can provide enormously large downstream benefits. In few cases the net downstream benefits to accrue to our country could even exceed the net power benefits.

regarded that the cost of the Karnali power could be roughly half that of the alternative generation sources. It is pointed out in the feasibility study report that there are very few other sites in the world at which a river of this size could be so readily dammed and raised to such a big height.

Karnali Project Potential

The Karnali Project has the potential to provide net irrigation benefits to India that could be as much as two times greater than the power benefit. If Nepal and India agree to follow the principle of sharing of the downstream benefits as laid down in the Columbia River Treaty between the USA and Canada, Nepal could then have virtually free of cost the Karnali Power Project (scaled down). The economic potential of the Karnali Project would be lost forever if arrangements are not made well in advance to recover the irrigation and other downstream benefits

Downstream Benefits Sharing Principles

Irrigation in India is going to be the main component of the downstream benefits to be accrued to Nepal from the Karnali Project. However, Nepal must reach an agreement with India on benefit sharing before we take decision to implement the project. At present the upstream country Canada is receiving 50% of the net downstream benefits from the USA for the use of the regulated flow of the Columbia River after the construction of storage dams in Canada. Similarly, the landlocked Lesotho is receiving 56 percent of the net downstream benefit from the South African Republic. Nepal should seriously do its homework to convince India to agree on terms of repayment to our country a reasonable percentage of the downstream irrigation benefit to be accrued to India from the use of the regulated flow of the Karnali river. We should never decide to implement the Karnali Project before settling with India the downstream benefits issue.

Nepal Could Be Misled

Most of us particularly those at the decision making level are not still fully aware of the enormity of the Karnali Project

downstream benefits and the proportion of such benefits that Nepal could hopefully expect to recover from India if our government in all seriousness conducted negotiations with that country. In the past few multinationals even tried without the slightest hesitation to misled our government into believing that the magnitude of the Karnali downstream benefits is very insignificant by comparison with the power benefits. We were suggested to forget about the downstream benefits. They were trying to convince us to believe them by telling us rhetorically that it is the dog that wags the tail but not the tail wagging the dog. What they mean is that the power benefit is the dog and the vast downstream benefit is only the tail. Nepal should be very careful not to be taken in by misleading reasoning of the private developers

A Strategy

The Karnali, West Seti and Pancheshwor projects are in the same Karnali basin. There is already a network of unified irrigation canal system in Indian territory to draw regulated flow from these projects. Moreover, the electricity generated by future power stations belonging to these projects would have to be supplied more or less to the same region. Nepal should, therefore, conduct a combined study of all these three projects to develop a common strategy to determine the best sequencing to implement these projects from our perspective taking into account the demand for power and irrigation in India.

In Conclusion

Nepal should hold discussions with India at the highest level to sort out downstream benefit issues. We can learn from the past experience of the USA and the Canada how such negotiations are conducted to reach an agreement. We should completely forget about planting a multinational company between Nepal and India to finalize the deal on our behalf. ■

(Dr. Thapa writes on water resources)

NATO Expresses Gratitude To Hillary

The Nepal Association of Tour Operators (NATO) has expressed gratitude to first Everester Sir Edmund Hillary for his kind remarks about Nepal.

“NATO, on behalf of the entire tourism entrepreneurs, takes this opportunity to express its sincere gratitude to Sir Edmund Hillary, the first man to conquer Mt. Everest with Tenzing Norgay Sherpa, for his efforts to promote Nepal,” states a press release by NATO.

Hillary, on May 4, 2006, urged tourists to make plans to travel to Nepal assuring them of a sound political climate in the country. He further said that the situation in the country has vastly improved and the Everest region has been untouched by any of the nation’s recent problems.

“Similarly, at a time when tourist arrivals to this Himalayan Kingdom is picking up, NATO heartily welcomes and appreciates the relaxing of the travel advisory by the United Kingdom. NATO is confident that this step will no doubt help to boost the tourism industry of Nepal and assist in attracting more tourists to the country. In addition, this will also help in the economic revival of the country and create opportunities for more people. We anticipate that other countries too will revise their travel advisories under the light of the present circumstances.”

“Given the fact that Nepal has always been a safe place for tourists, even under difficult circumstances faced by the country, we, at NATO, are confident that the latest progress will help a lot in the revival of the Nepalese Tourism Industry.” ■

UNITED STATES

Building Inter-community Harmony

Despite being the most diverse nation, the US has achieved a remarkable degree of inter-community harmony

By SANJAYA DHAKAL in United States

One of the most striking pictures of the United States that one gets from the visit there is how well that country has gelled together the diverse communities that have reached there from virtually all over the globe. One travel through the subway of New York is enough to show how people from various corners of the globe can come together and work together in an atmosphere of freedom and harmony.

And this sense of freedom and harmony has withstood the test of times. Despite some lingering problems, the US continues to present to the world the success of human freedom.

After 9/11 terrorist attacks against the United States, the Muslim community

in the country had felt unprecedented tensions. There were isolated incidents of attacks against Muslim and their interests within the US.

However, five years down the line, the Muslim communities in the US have now become more integrated and are taking up the causes of moderate Islam virtues.

The mainstream American politicians have also made every effort to assure their Muslim communities. In an effort to counter attempts to portray the US actions as being blatantly anti-Muslim, particularly with regards to its policies in Middle East, the politicians and people in the US have worked hard to build inter-faith harmony. One example of how serious American politicians are towards building harmony with the

Muslim community inside and outside the US is the fact that there is a separate place assigned for Muslim prayers within the Capitol Hill building complex.

During the tour organized by the State Department (International Visitors Leadership Program) in April for a group of journalists and teachers from South Asian countries, this scribe had the opportunity of meeting with various inter-faith community leaders in Washington DC, San Francisco and St. Louis.

Because of the skewed media presentations, the terrorist attacks linked with some extremist Islamic organizations are automatically shown in a manner that puts the entire Muslim community on defensive. Particularly, after the 9/11 incidents the Muslim community faced various difficulties. "There were indeed many problems that we faced. People looked at us differently. Law enforcement agencies like FBI's treated us differently," said Gulten Ilhan, vice president, Council on American Islamic Relations (CAIR), in St. Louis.

Ilhan, who is also an Associate Professor, said that in recent years the Muslim communities in the US have started working actively to 'correct' the image of Muslims. "We aim to help in the accurate portrayal of Muslims," she said.

The CAIR is a non-profit grassroots membership organizations with 35 chapters spread across the US. It was established to promote a positive image of Islam and Muslims in America. The CAIR believes misrepresentations of Islam are most often the result of ignorance on the part of non-Muslims and reluctance on the part of Muslims to articulate their cause. "That is why we are now trying to educate Muslim community about the importance of registering voters and participation in the political process in the US," Ilhan said.

With the aim of teaching the US people, law enforcement agencies and



New York Subway: Microcosm of the world

politicians about the Muslim traditions and religion, Ilhan engages in a number of lecture programs, trainings and orientations. "There are many things that we need to do to create further harmony. And we are pleased that the most Americans have positive view on Muslim community in this country," she added.

Likewise, Dr. Ghazal Hayat, president, Interfaith Partnership in St. Louis, added that "growing communication among people from various religion and faith has contributed to developing harmony." The Partnership she leads had, in fact, been established in 1983 and strives to provide a timely voice and visible presence of the religious community by bringing together people of faith for dialogue, celebration and increased understanding.

"We hold interfaith dialogue periodically, which helps to prevent any kind of misunderstanding," said Dr. Hayat.

In San Francisco, Shafi Refai has been engaged in building inter-faith harmony and promoting the causes of Muslim community. President of United Muslims of America, Refai recently traveled to Vatican city as a part of building inter-faith dialogue. "In recent years, the Muslim community in America has suffered from some discriminations. Issues such as racial profiling are there. But, by and large, the harmony is still intact. We still live at peace with our neighbors. Maybe in deeper parts of US, the Muslims are still facing some discriminations, but in big cities like San Francisco, there is no such feeling," Refai said.

According to Refai, he and other members of his community – who have come from South Asian countries – are busy in developing close coordination. At present, the US has a sizeable number of immigrants from South Asian countries – mostly from India and Pakistan but also thousands from Bangladesh, Nepal and Sri Lanka.

Earlier, most members of the South Asian community used to be involved in professional jobs like doctors and engineers. However, increasingly in the



Dr. Ghazal Hayat: Working to build inter-faith harmony

recent years, the second and third generations of this community have taken up such professions as politics, media and so on. "The growing diversity of jobs that members of our community are taking up is a positive signal. This will increase our political visibility as well," said Syed R. Mahmood, a businessman in San Francisco.

The US is a nation of immigrants and is a magnet to people from all over the world. Known as a land of opportunity, millions of people have gone there to fulfill their dream of prosperity. And, to an amazingly large extent, these people have been able to fulfill their dreams and been able to live in freedom, peace and harmony.

Tens of thousands of Nepalese also have gone to the US. "There are thousands of Nepalese in New York alone. And we have been doing reasonably well," said Mohan Gyawali, proprietor of Mt. Everest Nails – a professional manicure and pedicure service – in Ridgewood, Queens – New York. Gyawali, who is also the president of Ridgewood Nepalese Society, said that Nepalese were living without any problem whatsoever.

Perhaps because of this harmony among various communities that the terrorism experts in the US do not fear that next terrorist attack will come from within.

"The Muslim Americans have rejected the Al Qaeda. The Muslim clerics here do condemn terrorism," said Peter Bergen, Fellow at the New America Foundation in Washington DC and a leading terrorism analyst. The author of the book called "The Osama I Knew," Bergen said, "I think the next terrorist attack against the US will (be carried out) not by some Arab-looking Muslims but European-looking ones." Although there had been no attack inside the US in last four and a half years, Bergen fears the growing terrorist attacks in the European countries because of persisting tensions there among Muslim communities.

As a nation of immigrants, the US has done a remarkable job of integrating diverse communities. The demographic environment of the US is a unique one – that can become lessons for so many ethnically-divided countries in our region. According to a report prepared by International Institute in St. Louis – which works in refugee resettlement area – the foreign born population of the US has doubled since 1970 to reach 31 million (11% of the US population of 281 million). "Approximately, 40% of today's immigrants arrived in the 1990s and 28% in the 1980s. Today immigrants in the US are: 1 in 9 US residents; 1 in 7 US workers; 1 in 5 low-wage workers; 1 in 2 new workers." ■

CONSTITUENT ASSEMBLY

Myth

of

Sisyphus?

Without pinpointing the lacunae in the present constitution, and without building consensus on formation and modality of Constituent Assembly (CA), Nepal is, once again, heading towards the final stage to destroy the existing constitution – which was written with the mandate of popular uprising of 1990. Sandwiched between India and China- two Asian powers that still have longstanding disputes over their borders – Nepal’s constitution faces crisis whenever there is a crisis of adjustment and readjustment of external and internal powers. In the last five decades, Nepal has already experimented with five constitutions and the process of constitution making has resembled the myth of Sisyphus. Whenever a constitution reaches close to becoming mature through the building of institutions and developing of habits, there abruptly comes demands for new constitution. In whatever manner the constitution will be made, if it is unrealistic and if it does not reflect the hard realities of the country, it will inevitably collapse. The CA, if it materializes, will have to face difficulties on how to accommodate various conflicting interests of the country

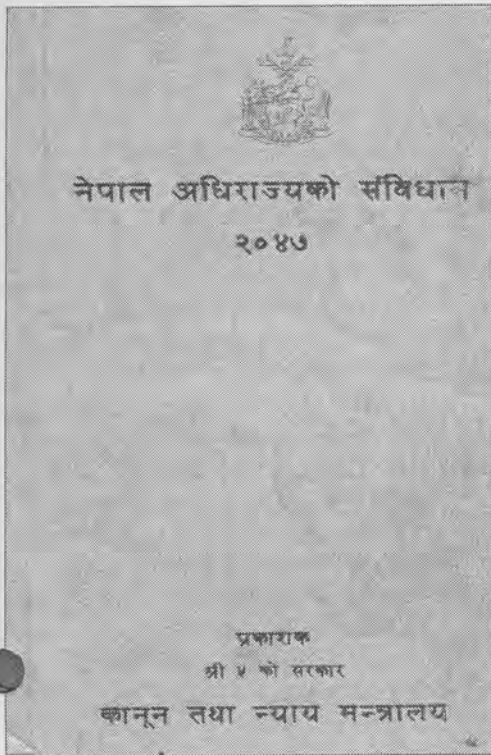
By KESHAB POUDEL

“**H**owever good a constitution may be, it is sure to turn out bad because those who are called to work it happen to be a bad lot. However bad a constitution may be, it may turn out to

be good if those who are called to work it happen to be a good lot.... If they adopt the revolutionary methods, however good the constitution may be, it requires no prophet to say that it will fail. It is, therefore, futile to pass any judgment upon the constitution without reference to the part which the people

and their parties are likely to play,” writes father of Constitution of India B.R Ambedkar. (Constitutional Government in India by M.V. Paylee)

Backed by CPN-Maoists, some members of civil society, constitutional lawyers and politicians have been pressing their demand for CA to



1990 Constitution: Left in the lurch!

formulate a new constitution for Nepal without pinpointing the lacunae and weaknesses in present constitution. Their simple position is that Constitution of the Kingdom of Nepal 1990 is unable to solve the political problems.

"There are no options other than to formulate new constitution through the elections of the CA. It will be constituted through elections like that of House of Representatives or dividing the nations in accordance with ethnic or linguistic basis. After discussions with experts and politicians, we will develop a modality for it," said former judge of Supreme Court Laxman Aryal. "There are various models for CA," said Aryal, who was also a member of Constitution Drafting Commission of 1990.

As Ambedkar says, the problem of Nepal is not a good or bad constitution but the incapability of the persons in power as well as low level of political awareness.

"The working of a constitution does not depend wholly upon the nature of the constitution. The constitution can provide only the organs of State such as the Legislature, the Executive and the Judiciary. The factors on which the

working of these organs of the state depends are the people and political parties they will set up as their instruments to carry out their wishes and their policies," writes Ambedkar.

Unlike other countries of the world, Nepal's geo-strategic location also affects Nepal's political process. In the last five decades, the region continues to pass through a crisis of adjustment and readjustment between two powerful neighbors with internal power equations.

"Nepal, a buffer state between two giant neighbors, is obliged to tread on the edge of a razor for her independent existence. The situation became grave when the dominant neighboring countries were more focused on their respective security interests and influences rather than neighborly relations based on sovereign equality. The challenges of the Nepalese nationhood continue to be double edged: her own centrifugal forces and her giant neighbors. Thus,

the survival of Nepal as a national state remains formidable challenge to the people of Nepal," said senior advocate and eminent constitutional lawyer Kusum Shrestha in his article Metamorphosis of the Constitution.

From the first constitution of the Government of Nepal Act 1948 to existing Constitution of Kingdom of Nepal 1990, all five constitutions faced similar political crisis. Although the constitutions had nothing to do with the political crisis, shortsighted politicians and intellectuals with loaded agenda hit the constitution demanding its replacement as if changing constitution could transform the political process.

"A constitution when written does not breathe. It comes to life and begins to grow only when human elements gather together and work it. As time passes, it changes in form and content, almost imperceptibly, and assumes a new shape and even a new meaning. This comes of the nature and temper of those who work it. Time and circumstances do have their impact on it. Yet, it is men, more than anything else, who shape and mould the destiny of a written constitution," writes Indian

Constitutional expert M.V. Pylee in his book Constitutional Government in India.

Invention of CA

Till a few years ago, the issue of CA was just a bottom-line agenda of CPN-Maoists. Following successful People's movement, there is a cry everywhere for CA to formulate a new constitution. "It is as if we are aspiring to make a perfect new constitution with a touch of Philosopher's Stone," said eminent constitutional lawyer and senior advocate Shrestha. "None has been able to pinpoint lacuna with present constitution but they are talking about making a new constitution. Nobody is there to raise the issue of modality and other things but all of them are talking about the CA."

Constituent Assembly has different modalities and it differs from country to country. Interestingly, no one has seen the kind of modalities politicians and half-read intellectuals are discussing now. The people in the street are thinking that CA is like parliament where all 205 members will write the constitution. Other intellectuals are demanding the CA including all the sections of the people on the basis of religion, ethnicity, gender, caste, geography and professions. Besides the push for republican, the Maoists have their own modality

In a country of more than hundreds of ethnic and linguistic groups, four major religions, three geographical regions, upper castes and lower castes, gender and hundreds of professional groups, allocating the constituent for them is a very difficult task. Some ethnic, linguistic and caste-based organizations have already put forward their demands and representations. Besides, there are other powerful lobbies including the security forces - which will definitely demand its honorable position in the constitution. Similarly, Maoists, too, want their share in the CA.

Despite strong backing of popular uprising and national consensus on the modalities of the constitution, a relatively small group of framers had to fight hard even to bring the present constitution. One can imagine what will be the situation in the country in the coming months when there will be virtually no consensus on any issue.

"I cannot oppose the idea of CA since it is a way through which the popular will can be accumulated in the constitution. If we see the history of the role of CA in constitution making, it produces authoritarian regime in overwhelming countries. Only a few countries have got democratic rulers and government," said former chief justice and eminent constitutional lawyer on condition of anonymity.

CA is a body, which has constituent power to frame the constitution. In some countries, election is held for CA and a committee formed to make constitution. In other countries, a constitution will be formulated by some experts and presented to the parliament. Some

have already shown the way, any regional, ethnic or linguistic group will not hesitate to launch a bloody struggle.

In the United States, Philadelphia Convention is regarded as a constituent assembly. In neighboring India, the present constitution was framed on the basis of 1935 Act and Indian Independence Act of 1947, although the resolution of Indian Congress was that independent India would be governed by a constitution granted by a constituent assembly elected by people. In Pakistan, the constitution drafted by Constituent Assembly was put in dustbin by General Yahya Khan. In Russia, Bolsheviks dictated the terms of constituent assembly when they stormed it.

with the state, a proud endowment of which has continuity despite adverse external forces and pervasive or combustive change in its polity. Not that continuity has natural flow without obstruction or interference. Nepal has faced challenges, intrusions and even battles from her northern and southern neighbors. The ingenuities of the successive rulers of Nepal coupled with a quirk of fate have saved Nepal from the domination of the neighboring giants," writes senior advocate Shrestha. "Not that continuity of the Nepalese nationhood is without roughshod. The King and people made tryst with a constitutional state. The people had nation-state since the day Nepal was unified by King Prithivi Narayan Shaha, of which they were proud. But they wanted the state fused with constitutionalism - that to borrow a striking phrase of a jurist - springs from the limited government under the umbrella of democracy."

A constitution pre-supposes the existence of a state with concomitants: a permanent population, a defined territory, a government and a capacity to enter relations with other states. What constitution intends is to effect a metamorphosis of a state into a constitutional state entwined with nationalism and representative democracy - that is to say a state with limited government under the rule of law.

The turning point of Nepal began from the 18th February 1951 when the political forces agreed to introduce monarchical democracy in Nepal by winding up the Rana autocracy. The Interim Constitution, Nepal Interim Government Act was promulgated till a democratic constitution was framed by the popularly elected Constituent Assembly as affirmed by King Tribhuvan in his Royal Proclamation of February 1951.

The first constitution of 1948 till the existing constitution of Kingdom of Nepal 1990 faced similar kinds of political crisis. Whether Nepal Interim Government Act 1951 or Constitution of Kingdom of Nepal 1959 or Constitution of Nepal 1961 or the present one, their existence were threatened not by the



Maoist cadres: Demanding CA

The Kathmandu Post

countries have adopted the constitution by putting it in the referendum.

However, there are no countries in the world where the demands for CA are raised like here in Nepal. If the elections for the CA will be held in Nepal as per the demands put forward by various regional groups, ethnic groups, caste and gender groups, political parties, intellectuals and professional groups, the CA would be like a jamboree of thousands of people.

Since the government is now dictated and directed by the street agitation, no one can assert the pressure or deny the demands of different groups. As Maoists

Constitution History

In the case of Nepal, it has its own traditional system of self-governance. Prior to 1949, Nepal was not able for not having a formal constitutional document. Until that time, the symbols, values and teachings of Hinduism had been - as it had been for more than three thousand years - the thread that drew the experiences of Nepalese society into a recognizable pattern.

"Since the unification of divergent principalities and fiefdoms into a unified nation by King Prithivi Naryan Shaha around 1773, Nepal has been endowed

crisis originating from them but by the crisis originating from somewhere else.

Political Change

Although all Nepal's western friends and sensible persons in Nepal have made every effort to avert the present political and constitutional crisis stressing reconciliation between the King and the organized political parties, no one responded to it paving the way for dramatic change in Nepal. King Gyanendra - who was under delusion to see the huge crowd queuing up to greet him and the Queen in various parts of the country including the capital - failed to understand the political reality.

The King's hollow overconfidence turned into a fiasco when the same crowd forced him to bow down on April 24. When the King was coerced to bow down to the people, the forces of conflict prevailed over the forces of reconciliation. Some western diplomats had expressed anguished comments about the dramatic changes in Nepal - that we all have lost. Similarly, persons of centrist and mild approach in politics in Nepal also had the same kind of feeling about this dramatic change as nobody knows where the street will lead the country to.

It was like a Tsunami type of political upheaval which appeared for a while and disappeared soon. Leaders in the political agitation did not have any expectation of a result like this in which they are completely unprepared to manage. Their main thrust was to transfer the political power from the King, which he had unconstitutionally usurped, back to the parliament - thus to the people.

Constituent Assembly, in fact, was a "bottom-line" of Maoists, which was agreed upon by pro-constitution parties with a belief that the violence will cease and peaceful democratic process will begin. Two major political parties Nepali Congress and CPN-UML had played a decisive role to bring out this prevalent constitution of 1990. None of the political parties in the parliament had any specific reservation or dissent about any provision of this constitution.

The final draft of the present constitution was signed by senior advocate Daman Nath Dhungana, Laxman Aryal as NC members and CPN-



Rallying for transformation: Street pressure

Annapurna post

UML leader Madhav Kumar Nepal, Bharat Mohan Adhikary, apart from two others were from the communist front. Interestingly, all four are now staunch advocates of CA.

NC and CPN-UML contested three elections of the parliament and led the governments turn by turn. There was a hopeful sign for evolution of constitutional process.

But healthy trend was shadowed by a lurking threat of the extraneous strategic conflict. Unfortunately, that erupted with a violent and the terrorist actions against the parliamentary system in Nepal in 1996. Due to the internal confusions and bickering after the tragic royal massacre of 2001, major forces of Nepalese politics collided against each other.

A situation of distrust and mistrust aggravated so much that the political parties now acutely distrust the King and the army loyal to him. Similarly, the King also ignored the role of pro-constitutional parties and assumed all executive powers for indefinite period for undefined tasks. Slowly and gradually, Nepal entered into a double-barreled conflict—a conflict between the King and the Maoists and another conflict between the King and the pro-constitution parties.

Root of Crisis

As it is said, my enemy's enemy is my friend. So, enemies were united

against the common enemy. The present political situation was the result of this tragic but avoidable conflict between the internal forces. In Nepal's peculiar geopolitical situation one can very well guess its side effects

Present crisis of Nepal is neither due to any lacuna in the present constitution nor can it be solved by having another one - however, beautifully drafted or unanimously agreed. Root of the present crisis is a reflection of a regional conflict that has decades-old hostile background. It is very apparent by the way the constitution making debate is still going on after subsequent Royal Proclamations of 24 April. No political leader is sure how his party is going to respond to present situation.

In the beginning Prime Minister Girija Prasad Koirala was almost alone in his party for demanding the reinstatement of the parliament. Ultimately, covert negotiations between Maoists and all seven parties in Indian capital New Delhi agreed, in a very explicit and unequivocal term, that they would enter into the CA by adhering to the present constitution.

Now none of the signatories cares to adhere to the present constitution. "There is no question to adhere to the constitution. As this parliament is restored through the mandate of popular uprising, no one is above this parliament.

The parliament can do whatever it wants," said Subash Nembang, leader of CPN-UML. "Whatever the parliament will decide is the constitution of Nepal."

The leader of centrist democratic party, too, holds similar views as Nembang. "Only the constituent assembly elected by the fresh mandate can replace the mandate of present parliament. The parliament does not need to follow the previous rules and regulations," said Nepali Congress leader Arjun Narshing K.C. "The parliament must pass the bill appropriate to amend the constitution."

Heading for CA

Whether one likes it or not, the country has already opened the debate over the constituent assembly and

Most bewildering debates are going on in the political forums as well as so called civil societies. Reasonable persons in politics as well as legal professions, all the time are warning that the CA will lead the country nowhere.

"The idea of CA is a very democratic. Even our late King Tribhuvan agreed to rule the country on the basis of a constitution framed by the CA. The experiences of other countries have shown that there are only a few countries in the world where democratic government was formed through CA. In most of other countries, the CA installed an authoritarian ruler," said former minister Rabindra Nath Sharma.

"In fact, the Constituent Assembly was not an agenda of seven political

for this nation. This country is the poorest in economic terms, very low in literacy and with a very high mortality but its leaders have number one priority of replacing the present multiparty democratic constitution into an unknown shape of the constitution through the CA.

From inside and outside, dominating voices are being heard that the CA will have no pre-condition for a new constitution. According to them, there would not be any pre-condition for multiparty democracy, preservation of human rights, rule of law, free press, independent judiciary and so on and so forth. A bloodless change has ushered into Nepal where all politicians even of democratic commitments are celebrating their victory for their roadmap to CA.

In such a background, responsible persons in Nepal as well as friends and well-wishers of Nepal have a heavy task to bring out a liberal democratic constitution and shorten the unstable transition.

"It is dead sure that constitution will never work which is unrealistic against the hard realities of the country. That will become a scrap of paper. Only that constitution will prevail which accommodates all conflicting interests of the country and accommodates the realities of this country. Sensible persons have their eyes seriously upon political dialogues and adjustments than writing down another document as a constitution. That constitution, in fact, will work which reflects the balance of power of the political forces of the country and that power balance has not much changed even now," said a political analyst. "If one wants to make the constitution stable and functional, it must make adjustments with the realities of the country. The constitution must have a reasonable balance on it to accommodate divergent views and interest."

The country has already seen the process of constitution making in Nepal as a myth of Sisyphus. Will CA become a next myth or is it going to solve the process of constitution making forever remains to be seen.



Experts debating CA: Stirring a hornet's nest!

Gorkhapatra

political forces have to face new realities now.

The sum total of declaration of all political leaders is to trample this constitution before any consensus emerges among themselves about what and how the CA would come into process.

"Once the elections for the constitution assembly is announced, we will develop modalities of CA. I can say it must be unconditional," said Jhalnath Khanal, member of CPN-UML. "We don't want to see any condition on CA as we will accept what people will choose."

parties. This was an opinion instigated by scholars of Jawaharlal Nehru University (India) and later upheld by Maoist insurgents. CA was the bottom-line political agenda of the Maoists," said a political analyst. "This demand had a very good appreciation and publicity in some of the news media of India. This was a political demand initiated not from the common people at the grass root but from a distance top to the grass root."

Having popularized in this strange background, common people and political elites do not know much about it but CA has become a number one task

VISIT OF NORWEGIAN MINISTER Hands Of Friendship

Norwegian minister agrees to provide all kinds of necessary support to Nepal

By KESHAB POUDEL

Just after a visit by American Assistant Secretary of State Richard A. Boucher, Norwegian Minister of International Development Eric Solheim visited Nepal agreeing to offer all kinds of necessary support to Nepal.

Although Norway is a small European country, it has been playing important role overall development of Nepal. From hydropower sector to drinking water and education, rule of law and human rights, Norway is one of the main development partners of Nepal.

One of the major donors of Melamchi Drinking Water Project, Norway pulled out from the project following the February 1 move of King Gyanendra to rule the country on his own.

The recent visit of minister Solheim of Norway, a country having a successful experiment of Constitutional monarchy and multi-party democracy, is very significant in the sense that the visit came just a few hours after the visit by US assistant secretary of state for South Asia and Central Asia Richard A. Boucher.

"Norway is ready to provide all necessary support to the present government including Melamchi Drinking Water Project," said Norwegian minister Solheim. "It is up to the government to decide in which areas they want our support."

Regarding the question of constitutional monarchy, Norwegian minister said that it is for the people of Nepal to decide what kinds of government and system they want to have in their country. "Our country has a constitutional monarchy and multi-party democracy but it is up to the people of Nepal to decide what kinds of political system they want," said Norwegian minister Solheim.

During his visit, Norwegian minister Solheim met with prime minister Girija

Prasad Koirala, CPN-UML leader Madhav Kumar Nepal, Minister for Finance Dr. Ram Sharan Mahat and other senior officials.

Norwegian minister also met with Indian, Chinese, American and other European ambassadors. "After meeting with them, I found that all the countries are eager to support in peace building process in Nepal. All of them have similar views regarding restoration of peace in Nepal," said Solheim. "I am also happy to say that

will have spill over effect in India," said Solheim. "India has expressed its commitment to bring peace and normalcy in Nepal."

On the question of peace process and negotiations, Norwegian minister said that the process is a long and tedious one involving issues such as weapon management, confidence building measures etc. In the process of arms management, Norwegian minister said that the army is going to have an important role to play. "It is a very positive sign that the army is supporting the civilian authority established recently."

"We want to support peace and democracy in Nepal. I am very happy to visit Nepal to get first hand knowledge about the change in Nepal," said minister Solheim. "I am optimistic about the situation in Nepal."



Solheim (right) meets with PM Koirala: Pledge of support

Gorkhapatra

political leaders have determined to short cut the political transition."

Regarding the role of international communities in the peace making process in Nepal, Norwegian minister, whose government is playing a role of mediator between Tamil rebels and Sri Lankan government, made it clear that his government does not have any interest to play any kind of mediating role here.

"India has important role to bring peace in Nepal as any disturbance in Nepal

On government-Maoists peace process, Norwegian minister Solheim expressed the hope that the peace talks will bring long lasting peace in Nepal. "All major political parties want to see peace in Nepal. I am happy say that the peace process can take place soon." Along with supporting development programs, Norwegian minister also expressed his willingness to offer support in the areas of democratic institution building, Constituent Assembly, human rights and judiciary. ■

"It Is The Task Of The Political Parties And Leaders, Not That Of The Constituent Assembly, To Resolve Political Crises"

— DR. SURYA DHUNGEL

Dr. Surya Dhungel is a renowned constitution lawyer. Dhungel has a long experience of teaching constitutional law and has also practiced law for a number of years. Dhungel spoke to KESHAB POUDEL on issues related with constituent assembly. Excerpts:

How much assured are you of the proposed Constituent Assembly?

No matter what an individual thinks, efforts should be made by all the Nepalese and stakeholders, including the monarch, to work towards creating or agreeing on a suitable model of the Constituent Assembly through a fair, transparent and inclusive democratic process at the earliest. This is not an easy task, and the all concerned will have to responsibly contribute to the process with full vigilance and alertness. Managing a transitional process of change and governance is very challenging.

Do you think the newly elected CA would be able to resolve the current political and constitutional crises?

I am optimistic about the final outcome, provided we are able to convey a strong message to all that the Nepalese people and political parties are committed to a peaceful democratic transition and that the people and the civil society will not ever tolerate any direct or clandestine attempt from any quarters, both internal and external, to undermine the spirit of *Jana Andolan*. The national stakeholders should also be able to galvanize the support of the people, including the goodwill of the international community and friendly nations, for a constitutional transformation through a meaningful deliberation in the CA. The responsible role of political parties, especially the Seven Party Alliance and CPN (Maoists), will remain very critical throughout the constitution making process, and the Nepalese people have already made it clear that they will not forgive the political party leaders if they failed to manage their internal problems and betrayed the democratic causes by distorting the process.

How do you explain the CA?

The myth of a Constituent Assembly (CA) created by the 1951 Interim Constitution of Nepal is likely to be a reality in 2007. The people are given the impression by many political and civil society leaders that their sovereignty will be secured only when the newly elected CA adopts and promulgates a new Constitution, replacing the present one. Hence, the House of Representatives (HOR) took no time right after its restoration to approve a resolution proposed in the House for holding elections for the CA at the earliest in order to draft and promulgate a new Constitution of Nepal. With opportunities open for the CA to deliberate on all possible forms of government, including a republic, and make a choice under a new Constitution, in principle, all major demands of the CPN (Maoists) are met by the Seven Party Alliance (SPA), the HOR and the Government even without disarming the insurgent Maoists. Once the CPN (Maoists) joins the Government, doors for the Maoists would be open for advocating their agenda through the interim Government. This certainly will not be an easy process, as the Maoists are still in possession of arms and their ability to play a democratic role in an open and transparent political environment is yet to be seen.

What can the CA do?

I think, through an inclusive democratic exercises, the Constituent Assembly can only bridge the constitutional gaps that still remained in the 1990 constitution and bring about some structural changes if

the Assembly members so decide. But it is the task of the political parties and leaders, not that of the Constituent Assembly, to resolve political crises. For this, we need to strengthen democratic and accountability institutions. Even the constitutional crisis was the creation of the politicians and aberration of the political process. The royal political ambition to unconstitutionally take over state power in October 2002 and February 2005, was in fact responsible for taking the political problems to a new culmination of *Jana Andolan*. The seed of political instability was initially sowed by the over decade long Maoist insurgency and political party leaders' subsequent failures to address them.

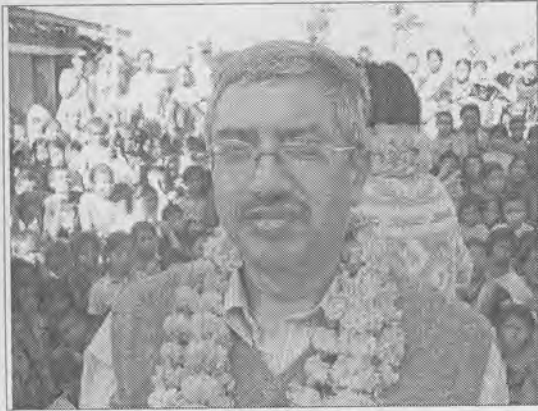
If you are not sure that the new Constitution can address the nation's problems, what else the Nepalese people can do to resolve them?

We must understand that no political problem in Nepal was ever created by the Constitution. As stated earlier, repeated failure of the political leaders of all major political parties during the last few years to timely deal with and properly address the social, economic and political problems was in fact the main reason behind the Maoists' violent insurgency also. Even the Maoist problem was not seriously tackled by any political forces of the day, including the monarchy. And no serious diplomatic effort was ever made to solicit support from the neighbouring nations and the international community to address the Maoist insurgency at its infancy. Offer of the United Nations to help resolve armed conflict was repeatedly ignored, and every subsequent government claimed that it is capable to address by its own. No government ever disclosed the truth about its refusal to accept UN offers. The King's political ambition and authoritarian approach and mishandling of the situation further compounded the already growing chronic national problems. Every rational individual understands that such political problems cannot be addressed through a mere constitutional change. A political problem must be resolved by political actors through political means, and the Constitution cannot be blamed for the failure of the political forces and actors. The Nepalese Constitution has in fact become a victim of bad politics in Nepal. Over decade long Maoists' armed insurgency has added serious human rights related problems also. I doubt whether the new political order and the CA can address the massive human rights problems, especially excessive abuse of human rights against children, women and innocent common people who were either killed, terrorized, abducted, detained or forcefully displaced.

What will be the role of political actors in the changed context?

Under the new political order, if the political parties and leaders of the country can rise above their petty political and personal interests and are prepared to work together in the interest of the Nepalese people and the nation, the democratic Constitutional framework will be an effective tool to ease their task to address the national problem under the rule of law. The politicians must themselves be able to play a role model in respecting the rule of law and human rights. They must not hesitate to take bold political decisions in the interest of the nation, but it has to be under the constitutional and democratic framework. The political movement that vehemently opposed the royal usurpation of state power against the Constitution, will never accept the politicians do the same in the name of restored parliament's authority. Respect for constitutional norms and

"A political problem must be resolved by political actors through political means, and the Constitution cannot be blamed for the failure of the political forces and actors."



the rule of law should be paramount but in compliance with the spirit of the *Jana Andolan*.

If the CA also does not succeed to resolve the country's problems, would it not disappoint the people who took the risk of defying curfew several times to make the last *Jana Andolan* (people's movement) a success?

The Nepalese people are closely watching the moves and political behaviour of the parties and their leaders. They want to be betrayed by political leaders any more. People's anger will now be turned towards political actors, mainly towards the Seven Party Alliance and CPN (Maoists), if they failed to put the derailed constitutional and democratic processes on the right tract due to their irrational and amateurish behaviour and approaches, against the spirit of the recent political movement. Until Maoists surrender their arms and join the mainstream politics of the country through peaceful and legitimate means under the rule of law for working together with SPA and others for creating a new legitimate political and constitutional order, the people will remain vigilant. The question is how far the national actors are capable and prepared to transition the change process without being unduly influenced by external elements? Are the new changes going to be our for us? Failure of the political forces to respect the verdict of the people will certainly disappoint them.

You as a constitutional expert must contribute to the constitution making process in coming days. What major constitutional issues should the CA address?

As a citizen of Nepal and also as a student of constitutionalism, I must not fail to contribute my share in coalition and coordination with other colleagues. Every individual of the country, especially those who have been hitherto excluded from the participatory process should be enabled to contribute in the CA process. New inclusive democratic devices may have to be created to allow maximum participation of the people. But equal attention should be paid not to allow wrong elements to erode the process of change. More damage might be done by undemocratic elements and antinational factors. We must accept CA as an inclusive democratic process. It may not necessarily produce a better Constitution than the earlier one. But CA has a symbolic value: it represents people as a collective author of the Constitution. The people should not be left under the impression that the Constitution framed by CA can address all political problems of the nation. In many countries, including France, Russia, Pakistan and Sri Lanka, the Constitutions framed by CA did not last long and could not deliver any good. In some countries, like Soviet Russia and Israel, the CA was not able to even deliver a Constitution. We must not forget that a Constitution is simply a legitimate tool, if the political forces are capable to skilfully use the tool in the interest of the people, it can deliver good results. Otherwise, we may have to wait for another decade for drafting from seventh to eighth Constitution without any rational democratic exercises. As far as the model of CA is

concerned, there are indirect, direct, proportional representative, and a blend of multiple electoral processes that may be borrowed to create a CA of a real inclusive character. The latest model is the Bolivian model which would be used in July 2006. But for Nepal, we will have to make our own choice that suits us best. Without any reservation, I can say that it must be of democratic and inclusive character, and simple in form. A serious study must be made by experts and political and social scientists for suggesting a right model of CA for the country. But before that a consensus must be reached by all relevant political forces without any prejudice and biases about the mandate to be given to CA before we start talking about the possible models.

What the forthcoming CA can do through the new Constitution that the 1990 Constitution could not do?

Few issues that were not included in the 1990 Constitution, such as local government structure, representation of minority groups, gender, federal (or unitary) feature of provincial governance, national army under civilian control, secularism, ceremonial monarchy, republicanism, etc., have already come to the surface for public discussions. But the danger is always there that while trying to include everything, we may end up losing everything. Hence, the Constitution should never be an emotional document, it should always be an objective charter that serves the interest of the nation best. It should not be an abstract document loaded by theories and concepts alone, it must be a functional document that can be effectively implemented.

Are you in favour of a republican form of Government? What is the future of monarchy?

As long as a democratic system is in place under a pluralistic constitutional framework, I am not against any form of Government. The Nepalese people have repeatedly voiced against all forms of autocratic system and they have always publicly demonstrated their immense faith in democracy during the past several decades, especially through the last two but very peaceful and powerful political movements (two *Jana-andolans*) that Nepal does not have any alternative to a pluralistic democratic system. I don't want to make any guess and speak on behalf of the people, but I am sure, they will decide through ballots in the Constituent Assembly as to what form of Government would be best suited for Nepal. So far, I have sensed that the people and the leading democratic forces are still favouring a parliamentary form of government with a 'ceremonial monarchy' as Head of the State. But they are hesitant to admit that. They don't want to see any loopholes in the new system that allows the Head of the State, whether a ceremonial monarch or an elected president still to unconstitutionally usurp state power. Of course, the people are angry against the authoritarian and unpopular political behaviour and attitude of some individual monarchs, but in view of the geopolitical, cultural and historical context of Nepal they may not be in favour of abolishing monarchy yet. Actually, the future of monarchy in Nepal will depend on the wisdom of the monarch himself. Authoritarianism has no place in Nepal anymore. But this is to be decided by the people through the proposed CA, I don't want to make any prediction about it.

What about the future of Royal Nepalese Army in Nepal under the newly drafted Constitution by the CA?

As far as the Nepalese Army is concerned, the 1990 Constitution itself has brought it through Article 118 under the civilian fold. It is the subsequent governments that failed in the past to bring the army under the constitutional and civilian folds through legislative changes. Nepal simply needs a more professional, competent, and people and human rights oriented army guided by legal norms under the national legal framework. I believe, even the army want to see so. Politicians should abstain from making irrational and irresponsible statements about the army which are bound to humiliate and distance them. ■

"I have sensed that the people and the leading democratic forces are still favouring a parliamentary form of government with a 'ceremonial monarchy' as Head of the State. But they are hesitant to admit that. They don't want to see any loopholes in the new system that allows the Head of the State, whether a ceremonial monarch or an elected president still to unconstitutionally usurp state power."

ECONOMIC CRISIS

Wanted Immediate Relief

Finance Minister calls for immediate relief from donors to avoid serious economic crisis

By SANJAYA DHAKAL

It was hardly a surprise when the newly appointed Finance Minister Dr. Ram Sharan Mahat called on the donors to come up with immediate relief. An economy as battered as that of current Nepal, it is in fact a surprise that it is still holding together.

A decade of violent conflict, bandhs, strikes, blockades all had a cumulative effect on the economy. Low revenue growth, low employment, high inflation and high trade deficit were some of the disturbing features that characterized the economy in the past few months.

But with the success of the recent people's movement, things could take a turn for positive direction. After 20 days of consecutive unrest that threw the entire economy out of track, the new government has come to the power. And less than a week after he was handed over the mantle of Finance Ministry – his old turf – Dr. Mahat has started sounding warning bells.

"My concerns are not that of medium or long term. Right now, my concerns are of immediate nature," he said addressing a program of NGO Federation in Kathmandu on May 7. His remarks came days after international community indicated they were willing to provide economic assistance after the Nepal government identifies key areas for support. Dr. Mahat, however, made it clear that while the investment and support in infrastructures and other areas

in medium and long-term are going to be necessary, what he needs at this point is the immediate support package.

"The government expects budgetary support in the very short-term – within two/three months," he said, indicating the acute financial crisis. Charging the past regime of having indulged in undisciplined financial activities, he said that the government



Mahat: In the hot-seat

would not be able to collect revenue as targeted. The shortfall is expected to be over Rs 10 billion.

Dr. Mahat said that he is planning to hold a major meeting with donor community within this week to present the needs of the government. He added that the government would also bring out a two-year plan for foreign assistance. The Finance Ministry is also preparing to introduce a White Paper on the situation of economy as well as the roadmap for future. The White Paper is expected to be tabled at the parliament soon.

Earlier, last week Nepal appealed to the international community for financial support to the tune of Rs 86.4 billion (US\$ 1.2 billion) for reconstruction and rehabilitation.

"It is our preliminary estimates that we will need US\$ 1.2 billion for carrying out reconstruction and rehabilitation efforts," said Rameshwore Prasad Khanal, a joint secretary at the Ministry of Finance, was quoted as saying by international news agencies.

Khanal made these remarks on the sidelines of the 39th annual meeting of Asian Development Bank (ADB) that was held in Hyderabad, India. Khanal informed that the priority of the government is to develop rural infrastructure and rehabilitate the people displaced by the conflict. He also said

that the government is planning to launch special campaign to attract tourists who have largely stayed away due to violent conflict in Nepal in past couple of years.

Given the positive international reaction to the changes in Nepal, the government is expecting generous aid packages. Last week, the visiting Norwegian minister Eric Solheim expressed his country's commitment to help Nepal. Likewise, the European Union has also expressed willingness to come to Nepal's rescue.

Eduardo Lechuga Jimenez, Charge d'Affaires of European Commission to Nepal, was quoted in newspapers as saying that EU would help based on Nepal's needs. He also said that EU would help Nepal enhance its trade competitiveness and invest in reconstruction of destroyed infrastructures. India, Britain, Japan and the US have also indicated their willingness to help Nepalese economy. The onus, therefore, is now on the seasoned economist-cum-politician Dr. Mahat to heal the battered economy and infuse a sense of hope to the millions of frustrated countrymen. ■

Recent Effects of Political Changes for Economic Recovery

By DR. TULSI UPRETY

Nepal has been experiencing tremendous economic stress contributed by high unemployment, extremely high inflation and virtually standstill economic growth. In the meantime, it is going through tremendous political as well as social changes. Recently, the people of this country were quite successful to bring to an end an autocratic/absolute monarchy, which is only one part of the political equation. Second part of the political equation is the permanent resolution of the Maoist conflict and bringing them into the political mainstream, which still needs to be attained.

There is no doubt that the current economic hardship is largely contributed by the Maoist conflict and if it is not resolved the economic recovery can not take place at all. Economic consequences would be quite scary, such as there would not be any domestic investment & reinvestment, there would not be any foreign investment, the tourism industry would collapse, foreign aid and loan may dry up, Nepal would be left far behind by India and China in terms of economic growth and development as well as in every other area and by every other country in the region. To sum up, without political stability, process of economic recovery can not start and, eventually, we will be the number one poorest of poor nations on the face of this earth.

Recent political change is only one part of the political development, which has allowed the public sector to send vital signals to the private sector. Public sectors, such as, all customs, tax and revenue collection offices began to function and it is reported that revenue collection has already gone up; all the financial institutions (both public & private) including stock market are operating for business; there have been some assurances and commitments for more foreign aid; and service sectors, such as public health organizations and education institutions began to deliver their services. Consequently, still a very nervous private sector has opened up for business. Wholesale and retail business, financial institution, service sector, transportation industry, existing industries and agriculture industry have resumed their services. In other words, the existing economic machine has started operating.

Although, current political development may help to energize the economic growth, however, the real economic recovery and growth may not be realized without a permanent solution to the Maoist conflict or creating a peaceful and friendly environment for development. Thus, the settlement of the Maoist conflict has become a prerequisite to real economic recovery, growth and development of Nepal. Equally important, erosion of economic confidence among consumers, producers, investors (domestic or foreign) must be restored prior to any possibility of economic recovery.

In light of the present state of the political and economic environment, perhaps economic recovery in a near term basis

could be stimulated by immediately injecting capital in the economy to finance public works projects, such as roads, bridges, waterlines, sewer lines, transmission lines, public school facilities, canals, government facilities, office buildings, hospitals, industrial parks, national parks, and environmentally friendly projects. Similarly, collection of revenue should be accelerated in addition to national debt relief activities for acquiring additional loan. Equally, it could be quite important to transfer funds from nonessential areas and program to finance more pressing economic activities. Injection of additional capital will energize the economy by creating employment and business opportunities, which is badly needed to absorb the unskilled and semi skilled workers. At the very least, the above activities will help to restore economic confidence of the private sector. This will further energize the short term as well as the long term economic activities, such as domestic and foreign investment in industry and businesses.

To expand our optimistic economic imagination, Nepal could enjoy tremendous ripple effect of economic growth that is taking place in China and India. In the middle of two Asian giants, Nepal is strategically located and we should no longer use our location (sandwiched between two giants) as an excuse for our slow economic growth and problems associated with it. Instead, Nepal's geographical location is a wonderful economic blessing and it is up to Nepal to capitalize it or not

Lately, there are some indications that both India and China are also keen to establish a stable political environment in Nepal driven by their larger economic interest. Both of these countries could economically benefit by trading between each other by using possible transit route through different parts of Nepal. This cannot happen without resolving the Maoist conflict and establishing a stable political environment in Nepal. Therefore, especially India may no longer be interested to provide a safe haven to the Maoists and she is possibly pressing them to settle their political dispute with the Kingdom of Nepal. China and India's economic interests outweigh the Maoist interest, which is a hopeful sign to create a stable Nepal that will only come through the exchange of ideas and thoughts instead of guns, threat and fear. Therefore, peace is prerequisite to Nepalese economic recovery and I believe this is also the aspiration of Nepalese people. ■

(Dr. Uprety earned his PhD in Economic Development and Public Administration from the University of California Berkeley in 1982. He has taught micro and macro economic courses in colleges and universities in the United States and abroad. This article is excerpts of a paper he presented recently at a talk program organized by the World Bank and the Management Association of Nepal.)

A Pleasant Surprise: Declining Trends in Losses from Landslides and Floods in Nepal (Contd)

By HARI K. SHRESTHA

So, what is the cause of the declining trend in the ratio of human life and economic loss in Nepal in the last twenty years? Three possible reasons were evaluated. The first possible reason may be called a Bad Case Scenario. If the number of disaster events and the consequent losses remain relatively constant and the population and budget gradually increases with time, the declining trend will result without any improvements in disaster mitigation activities. Even when raw data are considered, there is a definite declining trend in the number of people dead from landslides and floods. Hence is it not true that the number of dead people from landslides and floods are constant with time. The raw data of economic losses does show a gradually increasing trend in annual economic losses; however, it does not portray the reality since no adjustment is made for the average inflation rate. A loss of 2400 million rupees in 1983, for example, is not the same as the loss of same amount in 2003. When adjustment is made for the average inflation rate, a definite declining trend in the economic losses from landslides and floods is seen. In fact, in a developing country like Nepal, a gradual increase in economic losses from landslides and floods would not have been surprising as more and more developmental activities are carried out in geologically unstable areas.

The second possible reason is the Worst Case Scenario. If the rate of disastrous landslides and floods events and the consequent damages are increasing rapidly, but the rate of increase in population and budget figures are even higher, then we will still see the declining trends. If this is indeed the case, then all the disaster mitigation attempts in Nepal can be considered a total failure. However, as stated previously, this is not the case. The population of Nepal and the national budget is increasing, but again, even in absolute term, there is a declining trend in the number of people dead. Similarly, when average inflation rate is considered to compare the annual economic losses of each year in an equal footing, we see a declining trend in economic losses also.

The third possible reason is a Good Case Scenario. In this case, the continuous efforts of various organizations working in the field of disaster mitigation activities in Nepal such as DWIDP, DMSP, CNDRS, NRCS, UNDP, the mass media and other GOs and NGOs in enhancing public awareness are silently making an effect. Inclusion of information on landslides and other types of disasters in school textbooks, however limited, are affecting the way people react to the disasters. People living in vulnerable areas are getting the lessons. As people become more aware of the potential risk of disaster, they make provision for escaping from its consequence, which results in declining trends in various losses from disasters.

The declining trends in both the ratio of people dead and economic losses despite increases in population density and economic activities in landslide prone areas can be considered at least a partial success in disaster mitigation activities. Undoubtedly, experts may argue on the significance and the reason of the declining trends shown above.

The volume of data is insufficient to make strong statements on the trends, and a few major disasters in the near future, if they are to occur, may change the trends. However, the available data indicates that we are seeing the Good Case Scenario. Future data may prove, or disprove, the statement.

Lessons to be learned

Letting the guards down, however, would be a disaster. It is not a time to relax yet. An annual loss of more than 300 human lives from landslides and floods is an unacceptable standard. A resource constrained country like Nepal can ill afford an annual loss of around 800 million rupees. The performance of line agencies and other organizations involved in disaster mitigation must be improved. Increase in the rate of the declining trend of proportion of human life and economic loss cannot be expected without better efforts from all the concerned parties because various natural and human factors are progressing that can tip the balance and reverse the declining trends in the ratio of human life and economic losses.

The Department of Hydrology and Meteorology's study show that there is rising trend in the average air temperature of Nepal. The effect of global climate change seems to be contributing to this rising trend in temperature. An increase of a few degrees of air temperature can spell a major disaster from rapid snow melt and glacier regression in the Himalayan Mountains of Nepal.

As indicated in the National Action Plan on Disaster Management in Nepal-1996 (NAP), well coordinated and continuous efforts should be made towards pre- and post-disaster activities to prevent the declining trend from reversing. Implementation of NAP's programs would be a major step in the right direction.

Human activities such as deforestation, rock and sand mining that initiate soil erosion, gully formation and eventually trigger landslides are on the rise along with rapid population increase and consequent growing demand for food and settlement areas. More infrastructures, like roads, communication towers, transmission lines, schools and houses, are being built in mountainous terrains of Nepal in the last two decades. Very little consideration for slope stability is given during infrastructure development. More and more marginal lands are being to agricultural uses. On top of that, unsustainable agricultural practices, which enhance production in the short term, are getting popular. Obviously, the potential of increase in the numbers of landslide and floods disaster events in Nepal are going up.

The importance of public awareness enhancement (PAE) in reducing the effects of disasters cannot be over emphasized. The concerned governmental, non-governmental, academic and social organizations should make concerted effort for PAE. Thousands of lower secondary and high schools spread across Nepal can and should play crucial role in PAE efforts. More practical information on landslides and floods should be included in the school textbooks. The reference books on disasters such as the ones published by DWIDP, Nepal Engineering College and Ehime University should be made widely available to general public and schools. The mass media like radio, television, newspapers and magazines should be made a regular part of PAE to maintain, and if possible to accelerate, the rate of declining trend of ratio of human life and economic losses.

Concluded

(The writer is associated with Nepal Engineering College, who recently completed his Doctorate from Ehime University, Japan.)

JAPANESE ASSISTANCE

Support for Agriculture

The Japanese government has, based on the request made by Nepalese government, recently approved the utilization of the Counterpart Fund of Rs 286 million for the implementation of nine projects, mostly in agriculture.

In the agriculture (including fishery) sector, Japan has approved the following seven (7) projects to be implemented by various agencies under the Ministry of Agriculture and Cooperatives. The projects include: "Special Agriculture Production Program (Buffer Fertilizer Storage and Management)", which is implemented for managing the buffer stock fertilizer in Nepal with an objective of promoting agriculture productivity through the proper supply of chemical fertilizer.

Likewise, other areas of its assistance include "Agriculture Development Project Janakpur" through which promotion of the installation of deep tube-wells for irrigation in the Terai region, and replications of the same program have been supported.

Japan has also supported the sericulture sector from 1995 through technical cooperation. Self-help activities to use the techniques will be supported to promote sericulture under the "Sericulture Development Program".

Furthermore, "Small Scale Irrigation and Co-operative Farming Based Small Irrigation Seeds and Fertilizers Transportation Subsidy Program" is another project that is designed to provide subsidies for repairs of small scale irrigation systems through farmers' groups in all districts, and for bearing transportation costs of seeds and fertilizer to 26 districts in mountain regions with poor access.

The assistance will also cover the fishery sector. Under the "Fisheries Development Program" and "Natural Water Fisheries Development Project", promotional work in the fishery sector

will be continued. Likewise, the "Agricultural Training and Extension Improvement Project" will also be supported.

These apart, Japan has approved one project to be implemented by the Ministry of Forestry and Soil Conservation in the field of watershed management around the Pokhara area through a participatory approach. The "Community Development and Forest/Watershed Conservation" project is expected to promote replication of the project activities.

In the irrigation sector, Japan has approved one project to be implemented by the Department of Irrigation under the Ministry of Water Resource. Japan has provided technical assistance to establish a

quality testing laboratory in Pokhara for irrigation works. Under the "Construction Quality Testing Laboratories" projects, four more laboratories will be established for testing purposes, which is expected to contribute in improving the quality of irrigation systems.

"The Counterpart Fund was established through the financial assistance extended by the Government of Japan to increase agriculture production under KR2 (Increase of Food Production Project). His Majesty's Government of Nepal has procured fertilizer through this assistance, and sold it in the domestic market. The amount collected from selling the fertilizer was deposited as a Counterpart Fund. The Fund can be utilized for implementing various social and economic development projects through consultation between the two governments," states the press release from the Embassy of Japan. ■

International Honor For Nepalese Civil Society

In the recently concluded Fourth Assembly of World Movement for Democracy, which was held in Istanbul, Turkey on April 2-5, 2006, the Nepalese civil society organizations have been recognized for their inspiring fight for the restoration of democracy. The assembly was organized by the National Endowment for Democracy (NED) to assess the democratic movements going on across the world in different countries. Six hundred participants from 122 countries took part in the assembly. The assembly honored four countries for their inspiring movement for democracy including Nepal. The assembly paid "Democracy Courage Tributes" on four different titles. It honored democracy activists in Vietnam, human rights and democracy movement in Uzbekistan and heroic figure Mustafa Djemilev of Ukraine. On Nepal, the assembly honored the Civil Societies for their inspiring leadership in the movement for restoring democracy. The assembly took note of two important aspects of Nepal – the decade-long Maoist insurgency and the rise of undemocratic King. The assembly honored the civil society of Nepal including political parties for their nationwide movement pressing for the restoration of democratic institutions and processes.

Last week, the Civil Society Alliance for Political Reforms (CiSAPR) - a network of five different NGOs including Center for Studies on Democracy and Good Governance (CSDG), Pro-Public, National Association of VDCs, Nepal (NAVIN), Nepal Law Society (NLS) and Society of Constitutional and Parliamentary Exercises (SCOPE) - organized an interaction program titled "Democratic Movement of Nepal and International Honor" to share experiences and discuss the role of civil societies in the coming days. ■

KRISHNA HARI BARAL

Lyricist's Lyricist

Baral's lyrics portray human feelings and experiences in broad spectrum

By THAKUR AMGAI

One fine afternoon in 2033 BS, a young boy from a remote village in east Nepal, went to Radio Nepal with a quest to visit his favorite anchors. As his name was familiar at Radio Nepal through the letters he posted for various Radio programs, he was well received there. As per the suggestions of radio program presenter Pandav Sunuwar, he dropped a few songs that he had written while he was studying in Janakpur.

Luckily, six out of ten songs he had dropped were passed from the censor board. Shortly, Pandav Sunuwar and Suresh Shrestha recorded one of his songs 'Ma Bhakta Hun Yo Deshko' with music composition of Gokul Rai.

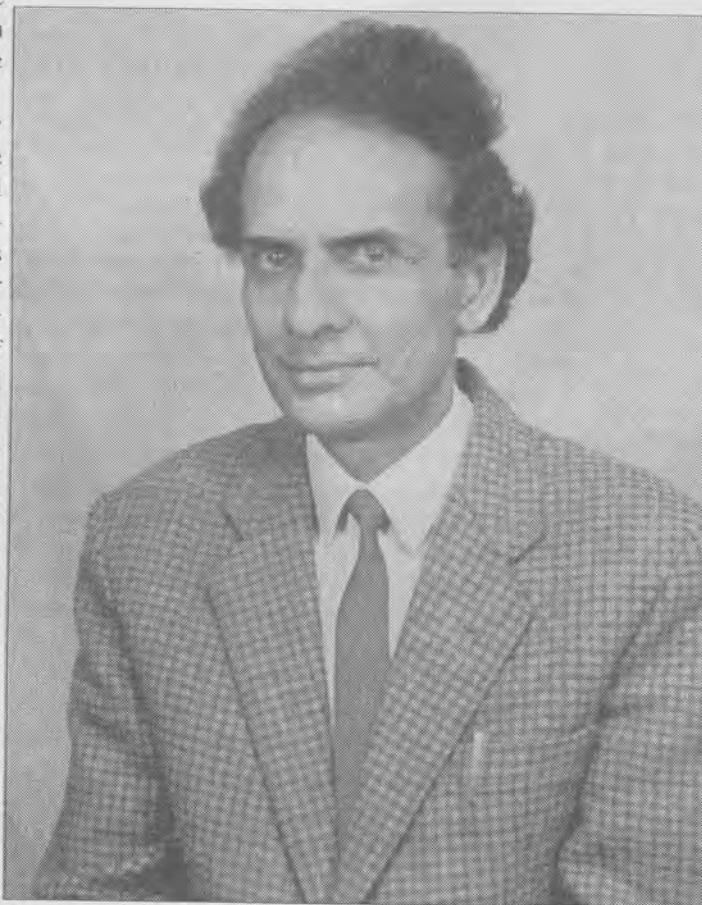
The song became very popular among the audience soon after it started being aired from Radio Nepal. For Baral - who had never thought his songs would be published or recorded - this popularity became a tonic of encouragement. He got inspired to write more songs and as his songs always portrayed some newness both in style and content, music directors and singers started being attracted towards his songs.

The momentum that gained then, never retarded. And now, through three decades of perpetual dedication, Baral has been established as a prominent lyricist, among other facets of his personality, and a trend setter of various styles in Nepali songs.

Of the several beautiful songs penned by Baral

'Risaunda Ni Afnai', 'Ke Bhoor Bhayo Priya', 'Ki Ta Phool Man Parchha', 'Yi Hallaharu Hun', 'Kahile Dekhi Chadhyo Mama Jawani', are some of the hits to mention a few. Baral has almost a dozen albums including 'Risaideuna Binti', 'Saphaltam', 'Pahilo Bhet', 'Bimba', 'Ki Ta Phool Manparchha' to his credit. Likewise, the songs he wrote for feature films like 'Maya Baiguni', 'Basain' and 'Andolan' were also well received by the audience.

Born in Hatpate village of Sindhuli, an eastern hilly district in 2010, Baral enjoyed reading religious epics and singing Bhajans in the ritual functions



Baral: Master of words

of the village. As he listened to the rhythmic recitations of Bhagwati Stotra from his grandfather and modern day poetry of Devkota and Lekhnath Poudel, his tender mind unknowingly got inclined towards prose and literature.

Baral wrote a poem and won the first prize when he was in fifth grade for 'originality'. Perhaps, this left an impression in him to respect originality and become sensitive towards it. Today, Baral is known for introducing new styles one after another in writing songs. In the scores of songs he has written, Baral has used variety of symbols that easily touch the heart of the listeners and leave a lasting impression.

A broad spectrum of content can be observed in Baral's songs. Ranging from distress and happiness in love to emotional expressions of the highs and lows of life to awareness creating songs in social contexts to ultra modern concepts of existentialism, Baral always puts his creative mind to explore wider contexts. In that Baral's songs are not limited within a narrow and limited subject matter.

Whether it may be the use of paradox in content or the catchy quotations in expression styles, there is always some kind of newness in his creations. Baral particularly deserves the credit for pioneering in popularizing Ghazals in Nepali music. He has brought out 'Ghazal' albums at a time when there is a trend of singing ghazals in Nepal. 'Yi Hallaharu Hun' sung by Ananda Karki, 'Ma Sunnai Nasakine Awaj Bhayan' etc are some of his popular ghazals.

In recognition to his contribution to Nepali music, Baral has been honored and felicitated by many organizations. He has bagged several awards including the Best Lyricist in the 'First Video Film Festival 2047' and 'Chhinnalata Geet Puraskar'.

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