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The National Newsmagazine

# SPOTLIGHT

Nov 10-16, 2006

## Crucial Peace Talks

### Special Report : People And Constitution

**Nepali Congress : Divided House  
Economy : Power Summit**

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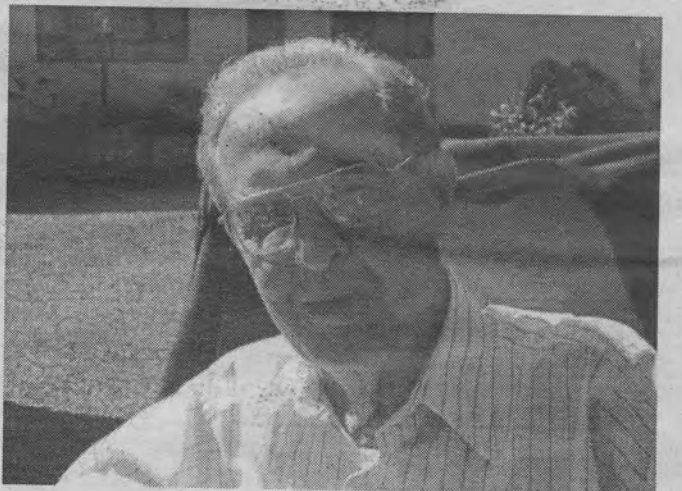
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**SPOTLIGHT**

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**Chief Editor And Publisher**  
Madhav Kumar Rimal

**Editor**  
Sarita Rimal

**Managing Editor**  
Keshab Poudel

**Senior Reporter**  
Sanjaya Dhakal

**Reporter**  
Thakur Amgai

**Design and Layout**  
Jyoti Dangol (Singh)

**Photographer**  
Sandesh Manandhar

**Legal Advisor**  
Advocate Lok Bhakta Rana

**Marketing**  
Navin Kumar Maharjan  
Madan Raj Poudel  
Bishnu Prasad Chaulagain

**Editorial Office**  
GPO Box 7256, Maitidevi, Kathmandu  
Tel (977-1) 4423127 Fax: (977-1)  
4417845  
Chief Editor's : 4435594,  
E-mail : spot@mail.com.np  
Internet : www.nepalnews.com/spotlight

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E-mail : degiscan@wlink.com.np

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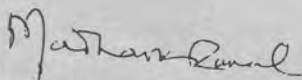
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**I**t is, indeed, a historic agreement. But who is really behind it? The SPA? The Maoists? Ian Martin? Or, any other force? As the proverb goes – suffice in eating the fruit not bothering from which tree it comes. Well ! Well begun is only half done. And there are too many slips between the cup and the lips. So, knowing our politicians more than we should, we are simply wondering how should we take it. But one of the important parties that signed the agreement is still an “unknown commodity.” May be we can depend on them. The Maoist leadership has shouldered a juggernaut responsibility of partnering with the corrupt and discredited leadership. It may not be vary irrelevant to briefly quote Professor Johan Galtung of the University of Hawaii who, talking to Kathmandu Post said, “It is really very sad your Prime Minister is not accountable to Parliament and the government. He is accountable to Delhi and the United States. It is very unfortunate. This is a major problem.” Could there be a more damaging statement against the Prime Minister of a country? Let us hope the Maoist leadership is quite familiar with the problems it will face and solve them too. Still, we will not grudge to give them some valuable suggestions to make things easier for the new corner in the government. Office holders in the new interim government must be all new faces. Any politician who has ever held any berth in any government should not be taken again. That can prove to be some kind of cushion against political corruption. And the leader of the government too must come from that party which has never participated in any government. Members from the civil societies must be given greater representation in the government and that must include Janjatis and Dalits. Let the politicians for a change, stay out of the government and perform the job of legislators only, at least in the interim government. That way we can hope the elections for the constituent assembly to be comparatively free and fair. Because the new constitution that will shape the destiny of our nation must not be permitted to be influenced by any extraneous forces.

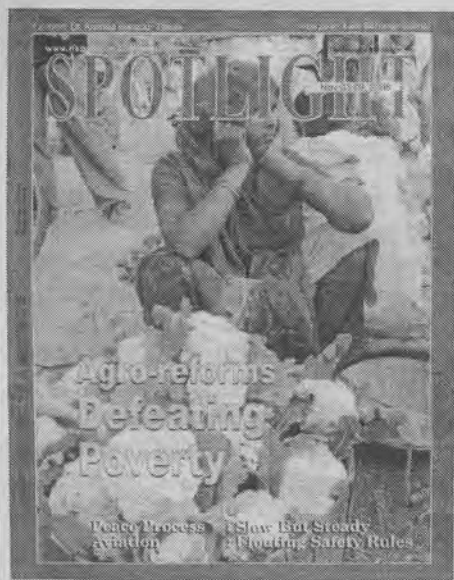
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The death punishment meted out to the former President of Iraq, Saddam Hussein, if carried out, is definite to generate grave repercussions. Whether Saddam Hussein got a fair trial has become a contentious issue. The prejudiced court and the prejudiced judges could not have made an objective analysis of his crimes. Moreover, many detached observers believe a proxy government and a proxy judiciary could not be expected to become impartial. As a matter of fact, the trial of Saddam Hussein has only become a farce. Once he was captured, his fate had been sealed and all knowledgeable people in the world knew this is how the court was going to announce its verdict. If the intentions of the captors had been honest, Saddam Hussein should have been tried, either by the International Court at the Hague or any other neutral court in a neutral country. His fate was a foregone conclusion and no sane man could accept this verdict as impartial. And moreover, the timing of announcing the verdict too is suspect. It sure was meant to bolster the scarred image of the U.S. President George W. Bush, who was facing bleak fortunes in the mid-term elections in his own country. The Iraq war was most unjustified and why Bush started it at all is still a mystery to many because Bush could have no love for Iraq or Iraqis, whether Shias or Sunnis. It could only be a clear manifestation of brute force in his own interest. Bush has few supporters even in his own country and those who supported him were cheating themselves by not being honest. As such, if the world wants to avoid the terrible fall out of Saddam's murder (if executed) let Bush give second thoughts and use his good offices for the good of humanity. ■



**Madhav Kumar Rimal**

Chief Editor & Publisher



### Encouraging Story

The cover story "Defeating Poverty" (SPOTLIGHT November 3) showed that despite insurgency and insecurity, some sectors of the country have been developing silently. The gradual progress in the agriculture sector is an example how the efforts of the people and the government has led to limited success. Such success stories must be emulated and expanded in order to touch the livelihoods of millions of poor Nepalese.

*Bishal Gyawali*  
Battisputali

### Conflicting Report

The cover story "Defeating Poverty" (SPOTLIGHT November 3) showed that there has been substantial progress in agriculture sector. But we do not see any marked change in the standards of living of poor people. Either the report is fallacious or the progress is limited to few areas. The story says that the expansion of agriculture roads has helped in promoting the market of agro products. This could be true only to those areas falling near by the highways and big roads. What about the rural hinterlands away from the access of road? These areas should also be developed.

*Kamal Bista*  
Hattisar

### Build On The Progress

It appears that the certain amount of progress that has been attained in the agriculture sector in recent years must be taken to include all areas and all people across the nation ("Defeating Poverty" SPOTLIGHT November 3). It is not adequate to glee over some progress. Time is running away fast. We must build on our past progresses and intensify the efforts to accelerate the pace of development in an unprecedented scale. As the country is moving towards durable peace, people now must be mobilized in the nation-building efforts.

*Lalit Shrestha*  
Kumaripati

### Huge Market Potential

If Nepal can develop basic infrastructures like road, electricity, communication and market linkages, the products of the country whether they be agro-based or non-agro-based can enjoy huge market potentials ("Defeating Poverty" SPOTLIGHT November 3). Located between two growing giants of Asia – India and China – Nepal should not have any problem about market. Anything can be sold to these two countries. Nepal, in fact, need not worry about third country exports if it can focus on its two neighbors. A good political and economic relations between them will be the essential pre requisite to harness these potentials.

*Jeeban Rai*  
Sorhakutte

### Poverty Issues

The problem of poverty has haunted Nepal for centuries. It is only in the recent years that Nepal along with the cooperation of its development partners, has started thinking seriously about defeating this malady ("Defeating Poverty" SPOTLIGHT November 3). As such, the country would need to re-orient its priorities and redistribute its resources because poverty cannot be eliminated by developing agriculture alone. It involves a whole lot of issues such as infrastructure development, service delivery, economic growth, private sector development, human development and socio-economic

transformation. Therefore, all these issues must be dealt in a wholesome manner.

*Hikmat Gurung*  
Kalimati

### Slow Process

The article "Slow and Steady" (SPOTLIGHT November 3) has pointed out that the peace process is moving steadily albeit slowly. It would be good if this process leads to comprehensive settlement of all issues despite the long time it has taken. It has now been almost eight months since the political change in the country. Let us hope for the best and let us hope that Nepali people can once again live in an atmosphere without fear and intimidation of any kind from any side.

*Binaya Sharma*  
Ghattekulo

### Reality Vs Aspiration

The article "Realities of Country and Aspirations of People" disclosed the prevalent situation in the country. The aspirations of the people are, indeed, very high. They are demanding all kinds of facilities and benefits of democracy. On the other hand, the reality is quite different. No political force has a magic wand to free the country of all kinds of ills. The contradictions between realities and aspirations could become very dangerous and force the country to the same situation that it suffered in the late 1990s and early 2000. There is a need to manage this contradiction.

*Tilak KC*  
Sanepa

### Safe Flight

The article "Again CFIT" showed how the reckless behavior by pilots are sometimes responsible for plane accidents. Even though airplanes in the country are equipped only with Visual Flight Rules, sometimes pilots take risks and fly into clouds, which is known as Controlled Flight Into Terrain. At times, these risky ventures prove fatal when the aircraft collides with terrain. The Civil Aviation Authority of Nepal (CAAN) needs to introduce practicable rules and enforce them strictly in order to prevent aviation accidents in future.

*Grishma Tuladhar*  
Nayabazar

## Parliamentary Committee Directs The Govt To Nationalize Royal Properties

The Natural Resource Committee (NRC) of House of Representatives has directed the government to nationalize the properties of the King and the royal family members. It asked the government also to distribute thousands of ropanis of land to landless farmers. The committee has been investigating about the property of the King since past four months. The committee's report says King Gyanendra and his kin have been occupying 50,926 ropanis of land in 14 districts. The report has charged that the government ministries did not cooperate with the committee and did not provide full details. *Leading dailies report.*

## NJP On Donation Collection Drive

The Nepal Jantantrik Party (NJP), which recently announced to raise arms to protect monarchy, has started collecting donations in the far western region. In this connection, a joint meeting of Nepali and Indian police chiefs and businessmen of Indo-Nepal border area in the far western region was held on November 4 in Banbasa of India. Businessmen on either side of the border have started getting threatening letters asking them to cough up hefty sums of money. *Leading dailies report.*

## PM Koirala Stresses On Parliamentary Democracy

Prime Minister Girija Prasad Koirala has said that the parliamentary democracy system would be the most appropriate and all-inclusive for Nepal. He said that although some term this as 'bourgeois system,' this is the only system that can protect all political forces including the Maoists. "All forces can come into the fold of parliamentary democracy system," he said, adding that this system can also help in development and creation of a new Nepal. He made these remarks unveiling a book written by Finance Minister Dr. Ram Sharan Mahat at a program in the capital on Saturday (November 4). The translated version (in Nepali language) of book titled "In Defense of Democracy" was unveiled on Saturday. In the book Dr. Mahat has

highlighted how democratic system had brought about fundamental changes in socio-economic situation of the country in the 1990s. *Compiled from reports.*

## Army Objects To Maoist Search Of Its Vehicles

The Nepali Army (NA) has issued a strong statement objecting against the inspection of its vehicles by the cadres of Maoists. The Directorate of Public Relations (DPR) of NA issued a statement raising strong objections to the obstacles created by the Maoists in Paurahi VDC of Rautahat district on Thursday (November 2). The vehicles were ferrying essential items and regular logistics of the army to its barracks in eastern region. In the statement, the DPR has said the "concerned side would have to bear responsibility if any untoward accident occurs due to such acts against the Nepali Army, which is carrying out its duty as per the orders given by the Nepal government." The statement adds that the attention of NA has been seriously drawn by such acts that aim at discouraging or adversely affecting the management, prestige and daily work of NA. Some 40-50 Maoists had stopped the army convoy and the vehicles were allowed to move ahead after their inspection in presence of media persons and human rights activists could not fail to locate any weapon. *Compiled from reports.*

## Maoists Not To Stop 'Law Enforcement' Activities

Despite the appeal by the UN human rights organization to stop its 'law enforcement' activities, the Maoists have indicated that they would continue with it. Talking to BBC Nepali Service on Thursday (November 2), Pawan Man Shrestha, Maoist leader chief of Newa National Liberation Front (NNLF), said their efforts were aimed at controlling criminal activities. Shrestha said his party will take steps to address the concerns of the UN Office of High Commissioner of Human Rights (OHCHR). "There have been problems due to lack of proper places where those detained could be held in custody. But everyone should understand

our problem also," Shrestha added. Earlier, the OHCHR-Nepal had called on the Maoists to stop their "law enforcement" activities around the country. In a statement issued on Wednesday, the UN rights body said that such activities have resulted in serious abuses of human rights. "OHCHR-Nepal considers these parallel "law enforcement" activities to be illegal, as well as in violation of international human rights standards to which CPN-Maoist has made repeated commitments," the statement further said. The rights watchdog mentioned that it had confirmed the abductions of 39 individuals in the districts of Bhaktapur, Lalitpur and Kathmandu in October alone. The CPN-Maoist itself publicly declared on 21 October that more than 80 individuals had been taken into captivity, whom they accused of being linked to criminal activities. According to the OHCHR-Nepal, Maoist cadres have held individuals incommunicado in hidden locations - thus increasing their vulnerability to human rights abuses. The OHCHR-Nepal also complained that Maoists had at times obstructed the officials from gaining immediate access to those in captivity. In response to this charge, Shrestha said that they were willing to provide access to the UN rights officials if they are informed in advance. "Sometimes, they just want access within one hour, which is difficult," he added. *Compiled from reports.*

## Entrepreneurs Shut Down Bara To Protest Killings

Bara district was shut down on Friday (November 3) after two traders were killed by unidentified groups in separate attacks. The district chamber of commerce held a protest rally demanding full security. On Friday, Amarjit Singh died after being shot at by unidentified persons in Nitampur of Bara district. Singh was the owner of local Bagga Oil Store. Shot at in the head, Singh died immediately after he was taken to a local hospital. Earlier, on Thursday, unidentified group had shot young entrepreneur Abhimanyu Kumar Shah. He later succumbed to bullet wounds at Tribhuvan University Teaching Hospital in Kathmandu. His families suspect that the killers could be members of notorious

Indian criminal Chhote Lal Sahani, who operates his cross-border crime network from an Indian jail. *Leading dailies report.*

## Prachanda To Attend Meet

Maoist chairman Prachanda is scheduled to address a public meeting in the capital on November 10. He will be addressing the inaugural session of the second national conference of Newar National Liberation Front (NNLF). Chairman of NNLF Pawan Man Shrestha said, "The Maoist chairman is going to address the meeting for the first time." He also said that Prachanda and his deputy Dr. Baburam Bhattarai will head for New Delhi to attend The Hindustan Times Leadership Summit to be held on November 17 and 18. "They will also meet some top leaders in New Delhi and use the occasion to pressurize the Indian government on releasing Maoist leaders and activists in various Indian jails," he said. *The Himalayan Times daily reports.*

## Matrika Yadav Accuses Indian Pm Of Delay In Talks

Matrika Yadav, a central member of the Maoists, has accused the Indian Prime Minister of delaying the fruitful peace talks in the country. Yadav who heads Maoists' Madhesi National Liberation Front (MNLF), addressing the first convention of the front in Bhairahawa on Wednesday (November 1), said, "The key of the talks is in the hands of Indian PM." He further revealed that Maoist chairman Prachanda had recently met with the Indian ambassador to Nepal Shiv Shankar Mukherjee to untie the knot. He also accused the Indian government of interfering in Nepal's internal affairs "The capitalists from all over the world have gathered in New Delhi to make Maoists unsuccessful." He further accused that US ambassador James Moriarty, too, had recently visited New Delhi with the same purpose. *Rajdhani daily reports.*

## Maoist Leaders Meet With Indian Envoy

Maoist chairman Prachanda and his second-in-command Dr. Baburam

Bhattarai went to Indian embassy in Lanchour at the invitation of envoy Shiv Shankar Mukherjee on Tuesday (October 31). According to Indian embassy spokesperson Gopal Bagley, they discussed "prevailing political situation." Meanwhile, Dr. Bhattarai later informed media that the meeting was called by the envoy to express India's assurance of all possible help in successfully concluding the ongoing peace process. Dr. Bhattarai added that the Indian envoy also agreed for release "within a few days" of their colleague CP Gajurel, who is languishing in an Indian jail. However, regarding the release of another senior Maoist leader Mohan Baidya, the Indian envoy is learnt to have said that it could take more time. This is the first time that the Indian envoy has met with Maoist chairman Prachanda since the April change in Nepal. Dr. Bhattarai, however, has already met with him once. *Compiled from reports.*

## SLC To Be Based On Ten Class Syllabus Only

With the objective of lessening the burden of students, the government has decided to include the syllabus of Tenth Grade only at the School Leaving Certificate (SLC) examinations. Till now, the SLC comprised of syllabi of both 9<sup>th</sup> and 10<sup>th</sup> grades. The government made this move to check the growing number of students who fail the SLC tests every year. The Education Ministry has made the decision to this effect last week. *Leading dailies report.*

## Human Rights Community Want Wider Participation

The human rights community has urged the eight parties (the Seven Party Alliance government and the Maoists) to initiate wider consultations with rights workers and civil society in the ongoing peace talks. "In order to make the peace process inclusive and durable and to ensure the implementation of its decisions, there is a need for public debate, transparency and broad consultations," states an appeal issued by Human Rights Home and signed by leading rights activists including Sushil Pyakurel, Subodh Pyakurel, Shobhakar

Budhathoki, Gopal K. Siwakoti, and Kapil Shrestha, among others. The appeal calls for attention in four major areas: initiating wider consultations; signing human rights accord; signing comprehensive ceasefire pact; and making the peace process inclusive. "The human rights accord should include all international human rights instruments to which Nepal is a state party as well as commitments to other humanitarian laws. This should address the impunity," the statement says. Likewise, the statement calls for comprehensive ceasefire to build 'environment of trust.' *Compiled from reports.* ■

## Maoists Security

Maoist leaders have hectic routine these days. From meeting party workers to attending the summit meeting and meeting with diplomats, Maoist leaders have to perform various roles. Whenever the Maoist leaders come out to meet Nepalese figures, Maoists militia has difficult time to provide security to their leaders. Often the Maoists even do not hesitate from prohibiting the all-powerful members of the media.

From prime minister's residence to other governmental areas, Maoist militia come to provide personal security to their leaders. In the name of providing security, they even block traffic at the road and obstruct movements of people.

As the leaders of revolutionary party, this kind of security arrangement is understandable. In visiting within the country, CPN-Maoist leaders want to demonstrate that they have their own security. This was, however, not true when they visited Indian Embassy in Lanchaur last week to meet Indian ambassador Shiv Shankar Mukherjee.

When Maoist leaders Prachanda and Dr. Baburam Bhattarai went to the Indian Embassy, there were neither road blocks nor any Maoists militia in combat position providing security to their revolutionary leaders.

Interestingly, Indian envoy visits residences or offices of other political leaders. However, Maoist supremo Prachanda who claims himself as the leader of parallel government, went to Indian Embassy to meet the Indian envoy.

At a time when Maoist leaders are claiming that they are living under constant threat, how is it possible for Maoist leaders to walk without personal security? Does it mean Maoist leaders are secure now? ■



PM Koirala launches a book by Finance Minister Dr. Ram Sharan Mahat

Annapurna Post

**THE 13<sup>TH</sup> MEETING OF THE TRADE NEGOTIATION** Committee (TNC) of BIMSTEC (Bay of Bengal Initiative for Multisectoral Technological and Economic Cooperation) is beginning in Myanmar from November 6 to 10. The meeting has already been delayed by five months due to trouble in member countries, which include Bangladesh, India, Myanmar, Sri Lanka, Thailand, Nepal and Bhutan. The meeting would discuss trade in goods, rules of origin, safeguard measures, negative list, normal and fast track, investment and services.

**A DELEGATION OF BHUTANESE LEADERS MET WITH** deputy prime minister and foreign minister KP Oli at the latter's office on Thursday (November 2). The delegation led by Thinley Penjore, president of National Front for Democracy, presented a memo to the minister urging him to include India in the forthcoming dialogue with Bhutan. The ministerial-level talks between Nepal and Bhutan could take place sometime in the third week of November. Before that, Oli is also scheduled to pay a five-day visit to New Delhi beginning November 5. Meanwhile, a fresh census will be taken at all the seven refugee camps in eastern Nepal. The census will start from November 15 and will include camps in both Jhapa and Morang district in eastern Nepal. The Home Ministry and the United Nations High Commissioner for Refugees (UNHCR) will be cooperating in this effort.

**CITING THEIR FAILURE TO PAY TAXES TO THEIR** Party, Maoist cadres have stopped two big industries from exporting/selling/distributing their products in Nawalparasi district last week. In Dumkauli, Maoist cadres have stopped Chaudhary Group from taking out its Wai Wai noodles and beer. Likewise, in Mukundapur, they have stopped Gorkha Brewery from taking out Tuborg and Carlsberg beer. Maoists' militia have been deployed at the main gate of both the industries to enforce their stoppage. "We have stopped them to bring them under the tax net of new regime," said a Maoist worker. Entrepreneurs have reportedly refused to pay the tax stating that they cannot bear double taxation.

**THE HEALTH AUTHORITIES HAVE CONFIRMED THAT** the outbreak of unknown disease since past two weeks in four

VDCs of Banke district is caused by cerebral malaria. Forty-one people have already died of the disease in the area till now. Doctors tested the blood of patients to reach the conclusion.

**FINANCE MINISTER DR. RAM SHARAN MAHAT HAS** said that legal action is underway against 75 out of the 90 big loan defaulters. He urged the Federation of Nepalese Chamber of Commerce and Industry (FNCCI) not to work as a shield on their behalf. Speaking at a program organized on Wednesday (November 1) in Butwal by Butwal Chamber of Commerce and Industry, Mahat said, "There are over 90 defaulters who have outstanding dues worth hundreds of millions of rupees. Only 15 of them responded when notices were sent to them for loan adjustment." He said he is committed to take legal action against them. He also informed that following the ceasefire in the country, the revenue collection has increased by 19 percent.

**STATE MINISTER FOR WATER RESOURCE GYANENDRA** Bahadur Karki has appealed to the domestic investors to come forward to fund 309 MW-strong Upper Tamakosi project. Addressing a press meet on Wednesday (November 1), Karki said he is hopeful that the Nepal Electricity Authority (NEA) will be able to mobilize domestic resources to build the project. It was informed that resources from Citizens' Investment Fund, Employees Provident Fund, Army Welfare Fund, local commercial banks and financial institutions could be mobilized to build the project. The Upper Tamakosi project needs Rs 30 billion of investment and is regarded as the most viable project for producing economical electricity and remove load shedding. A study had shown that the cost of production of its electricity will be 1.6 US cents (Rs 1.12) per unit. Meanwhile, at the press conference, Minister Karki informed that a few foreign investors had shown interest to develop projects like Upper Karnali (300 MW), Arun III (402 MW) and Budhi Gandaki (600 MW).

**THIS YEAR'S FOOTBALL LEAGUE TOURNAMENT** kicked off from November 1 at Dasarath Stadium. The All Nepal Football Association (ANFA) has informed that the Martyr's Memorial San Miguel "A" Division League Football tournament based on "home and away" double league system will take at least three months to complete and altogether 182 matches will be played. Two matches will be played everyday, according to ANFA. "The League winner will get a chance to play in the AFC President's Cup which is a big boost for any team after winning the National League," said ANFA president Ganesh Thapa. The League Champion will win Rs 2 million while the first runner-up will get Rs 1 million and the second runner-up Rs 5 lakhs. ANFA has also decided to give away prize money to top-listed teams up to the eighth position. The fourth placed team will walk away with Rs 3 lakhs, the fifth will get Rs 2 lakhs, the sixth Rs 1 lakh, the seventh Rs 60,000 and the eighth placed team Rs 40,000. The Clubs will divide the money collected at the gates this time. The ANFA will provide a car for the most valuable player of the league and is negotiating with the Toyota Company for the latest brand. Meanwhile, ANFA will provide six motorbikes for the best goalkeeper, defense, mid-field, forward, scorer and coach of the league.



**“P**arliamentary democracy is the only system that could include all forces and help in the development of the nation.”

*Prime Minister Girija Prasad Koirala, stressing his belief on the parliamentary democracy, addressing a program in the capital.*

\* \* \*

**“T**he arms will be locked up and the key will be given to the commander of our People’s Liberation Army. The UN will monitor it through alarm system.”

*Maoist chairman Prachanda, elaborating about the agreement on arms management to the reporters in Pokhara.*

\* \* \*

**I** will not discuss about any new agreements or pacts during this trip.”

*Deputy Prime Minister and Foreign Minister KP Oli, talking to reporters before leaving for a week long visit to India.*

\* \* \*

**“M**y government feels the issue of arms management is fundamental. There must be an arms management, which is complete and credible.

*Shiv Shankar Mukherjee, Indian ambassador to Nepal, saying that the most important aspect about the arms management is to ensure the end results (which is) such that people of Nepal should feel they are no longer under the shadow of gun, talking to journalists.*

\* \* \*



Summit Meeting

Kantipur

**“T**he capitalists from all over the world have gathered in New Delhi to make Maoists unsuccessful.”

*Matrika Yadav, leader of Maoists, addressing the conference of Madhesi National Liberation Front in Bhairahawa.*

\* \* \*

**“T**here have been problems due to lack of proper places where those detained could be held in custody. But everyone should understand our problem also.”

*Pawan Man Shrestha, chief of Newa National Liberation Front of the Maoists, expressing the Maoist position that they would not*

*stop ‘law enforcement activities’ despite the UN human rights agency’s assertions that such activities were leading to human rights abuses.*

\* \* \*

**“O**HCHR-Nepal has investigated a number of reports of ill-treatment and torture, including severe beatings. OHCHR-Nepal staff have witnessed serious injuries among those held captive by CPN-Maoist, consistent with claims of ill-treatment and torture.”

*The press release issued by the UN human rights office in Kathmandu.*

\* \* \*

## TRANSITION

**LEFT:** KP Oli, Deputy Prime Minister and Foreign Minister, on a week-long visit to India (November 5-11), at the invitation of Indian government.

**Pradeep Gyawali**, minister for Culture, Tourism and Civil Aviation, for London to take part in World Tourism Market 2006.

**RETURNED:** Foreign Minister of Belgium **Karel De Gucht**, after completing the two-day visit to Nepal.

**SHOT DEAD:** **Amarjit Singh** and **Abhimanyu Shah**, two traders of Bara district, by unidentified group, in separate incidents.

**KICKED OFF:** This year’s Martyr’s Memorial San Miguel “A” Division League Football tournament, organized

by the All Nepal Football Association (ANFA), from November 1.

**APPROVED:** The Parliamentary Special Hearing Committee (PSHC) has approved the nomination of **Usha Nepal** and **Nilkantha Upreti** as commissioners of Election Commission. Earlier, the PSHC had approved the nomination of **Dr. Bhoj Raj Pokharel** as Chief Election Commissioner (CEC), who was subsequently appointed to the post by the government.

# Enlargement Of The Panama Canal Capacity

By Dr. AB Thapa

Very recently a referendum was held on enlargement of the Panama Canal capacity. The overwhelming majority of the people of Panama had voted for the enlargement of the Panama Canal capacity. After the implementation of the enlargement program the capacity of the Panama Canal is expected to be doubled.

Nepal and India had few years back signed an agreement to conduct detailed feasibility study of a navigation canal connecting Nepal with the seaport. Hence information about navigation canal is of great interest to our country.

## Past History

Panama Canal provides a direct passage to sea going vessels to enter into the Pacific Ocean from the Atlantic side and vice versa without taking a hazardous circuitous route passing through the southernmost tip of the South America. Thus the Panama Canal handling a large volume of the world shipping by enabling the vessels to avoid traveling around the South America reduces the voyage by thousands of kilometers and many days.

It is said that as early as the 16th century, Europeans had dreamed of building a ship canal across the Isthmus of Panama. Spain had recognized the advantages of a canal across the Central American isthmus. Spanish kings had even considered using such canal to carry treasure extorted from their South American colonies back to Spain. The Inca Empire, which was highly developed and very rich, had stretched out from north to south over a distance of about 4000 km on the western coast of the South America. Spain had ruthlessly conquered this vast empire in 1532 and plundered it of its vast wealth. However, no attempt was made to construct such canal.

Panama Canal project became possible only in the 19th century, when heavy machineries became available to construct such canal. Originally, two routes came to be considered, one through Panama and the other through Nicaragua. Impetus for selecting the route through Panama increased with the construction by the United States of the Panama Railroad in the mid-19th century, which closely followed the eventual route of the canal.

## Layout of the Canal

The Panama Canal consists of artificially created lakes, channels, and a series of locks, or water-filled chambers, that raise and lower ships through the mountainous terrain of central Panama. There are three separate canal locks, as well as other artificial waterways. The canal spans a total distance of 64 km from the Pacific Ocean to the Atlantic Ocean through

the Isthmus of Panama. Because the Isthmus of Panama extends east-west, a ship sailing from the Atlantic to the Pacific through the canal actually travels from northwest to southeast.

The Panama Canal was built by the United States from 1904 to 1914.

The Panama Canal posed major engineering challenges, such as damming a major river and digging a channel through a mountain ridge. It was the largest and the most complex project of this kind ever undertaken at that time, employing tens of thousands of workers.

The canal consists of dredged approaches and three sets of locks at each end; Gatún Lake, one of the largest artificially created bodies of water in the world; and the excavated portion of the crossing, called Gaillard Cut. At Gatún, on the Atlantic side, the locks form continuous steps; on the Pacific side, a small lake (Miraflores) separates the middle and upper locks.

## Travel from Atlantic to Pacific

To travel from the Atlantic to the Pacific, a ship enters Limón Bay from the north and anchors behind a breakwater to await scheduling of its passage. When ready, the canal authorities send out a canal pilot to take the vessel through the locks. The canal employs highly trained and experienced pilots to handle the complex job of steering ships through the waterway. As soon as the pilot takes over, the ship is under canal jurisdiction. Very large or hard-to-maneuver ships may require two or more pilots and assistance from tugboats.

The ship travels south-southeast about 11 km and enters the first lock at Gatún. Line handlers at the lock attach steel mooring cables that are controlled by powerful electric locomotives, called mules. The mules guide the ship through the locks and steady it while the chambers are filled with water. In three steps the ship is raised to the level of Gatún Lake, 26 m above the sea. It travels through the lake and Gaillard Cut, the narrowest section of the canal. It is then lowered through a lock to Miraflores Lake, and passes through two more locks before reaching the Pacific Ocean.

## Size of Locks

The canal's 12 locks (3 sets of double locks at each end) have the same dimensions: 33.5 m wide by 305 m long. The gates at each end are 2.1 m thick. Water enters and leaves each lock through a system of main culverts or pipes, which connect to 100 holes in the floor of each chamber. For each ship traveling through the canal, 197 thousand cubic meters of fresh water are used, fed by gravity flow from Gatún Lake. Smaller ships often go through the locks together to conserve water.

The ship drops the mooring lines at the top of the Gatún locks and proceeds under its own power for 37 km through the lake, following the former channel of the Chagres River. Gatún Dam, built adjoining the locks, flooded the river basin and formed the lake, which covers 430 sq km. The flooding created a number of islands, as the water covered all but the tops of hills. The waterway gradually narrows until the river turns to the east at Gamboa, flowing under a bridge of the Panama Railroad.

South from Gamboa, the canal follows a channel dug through the mountains, which was the most difficult part of the construction project. Called Gaillard Cut, this section measures 14 km and traverses the Continental Divide, a ridge made of rock and shale. Numerous landslides occurred both during and after construction, requiring frequent dredging to keep the canal open. The channel through the cut is 150 m wide, which is the narrowest part of the canal. Originally only 91.5 m the cut was widened in phases beginning in the 1930s to allow two-way traffic. In the 1990s it was further enlarged to accommodate larger ships.

The ship slows at the southern end of Gaillard Cut and enters Pedro Miguel locks. Again, cables and mules guide and steady the ship before it is lowered 9.4 m to Miraflores Lake. The cables are released and the ship crosses the lake, which is 2.1 km long and lies 16 m above sea level. The ship then enters the last two locks, also named Miraflores, and is lowered to the level of the Pacific Ocean. The final stretch of the canal carries the ship to the harbour of Balboa, where the canal pilot leaves the vessel. The ship sails into the Bay of Panama, an arm of the Pacific Ocean. Northbound ships anchor in the Bay of Panama while waiting for their turn to travel through the canal to the Atlantic.

The entire trip through the canal takes between 8 and 10 hours plus waiting time. The canal operates 24 hours a day year-round.

**Traffic Volume**

Very large volume of the world's ships, cargo, and passengers travel every year through the Panama Canal. In 1996 more than 15,000 ships made the crossing. From 1985 to 1995 the number of ships passing through the canal and their tonnage had substantially increased. About 14,000 ships, 400,000 crew members, and 300,000 passengers traveled through the canal in 1995.

A wide variety of general cargo vessels and specialized ships pass through the canal. The most common are bulk carriers for ore, grain, and liquids; automobile carriers; container ships; refrigerated ships; tankers; liquid-gas carriers; and passenger liners. Many naval vessels, fishing boats, barges, dredges, floating drydocks, and ocean-going tugs also use the canal.

The principal commodities shipped through the canal in 1993 were canned and refrigerated foods, chemicals, coal and coke, grains, lumber and wood products, machinery and equipment (including automobiles), iron

and steel products, minerals, ores and metals, agricultural commodities, and petroleum and by-products. The single largest commodity was grain, mostly being shipped from the U.S. Gulf Coast region to Asia. Another important group was automobiles: About half of the cars shipped from Asia to the United States went through the canal in the mid-1990s.

The size of ships using the Panama Canal has steadily increased. About 27 percent of the vessels that use the canal are built to the maximum dimensions that can pass through it (a category called "Panamax"). This has prompted further widening of Gaillard Cut, so that the larger Panamax vessels may transit safely. However, some of the world's commercial and military ships are too large for the canal. Since the 1940s, new U.S. battleships and aircraft carriers have been built exceeding the canal's dimensions; so have some petroleum supertankers, huge container ships, and ore carriers. Despite this trend, planners anticipate steadily increasing demand for use of the canal for the next 20 years.

The Panama Canal was built in part for military reasons, to give the U.S. Navy rapid access to both the Atlantic and Pacific oceans. Many U.S. Army, Navy, and Air Force bases were built in the canal zone to defend the vital channel. However, since World War II the canal has been considered vulnerable to attack. A single bomb or a scuttled ship could disrupt canal traffic for a long period, and the jungles along the canal could be used by guerrilla forces. Therefore, the canal was considered less valuable as a military asset. The nearby bases, while continuing to guard the canal, became a center for U.S. military operations throughout Central America and the Caribbean. The headquarters for the U.S. military's Southern Command was relocated from bases in Panama to Florida in 1997. All U.S. military bases in Panama were closed before the end of 1999.

**Canal Administration**

The canal is operated by the Panama Canal Authority, a public Panamanian corporation. Before Panama took control of the canal in 1999, the canal was managed by the Panama Canal Commission, a U.S. government agency under the Department of Defense. The commission was established in 1979 to operate the canal during the 20-year transition from U.S. to Panamanian control, and it gave Panamanians a role in governing the canal for the first time. The commission was supervised by a nine-member board composed of five U.S. citizens and four Panamanians. After 1990 the canal's administrator was a Panamanian. The commission provided Panamanian employees with specialized training, and Panamanians formed more than 90 percent of the canal's workforce by 1996. Until 1979 the canal and adjoining lands had been run solely by the U.S. government as if they were U.S. territory. ■

*(Dr. Thapa writes on water resources)*

# People And Constitution

Today (November 9) is perhaps the last anniversary of the Constitution of Kingdom of Nepal 1990 - which was the outcome of a glorious uprising of 1990 - and hailed as "the best constitution of the world." If responsible persons in power as well as public opinion don't care about establishing healthy traditions and conventions in the constitutional process, what will be there to guarantee the survival of the next constitution - even up to the period this constitution survived. In other democratic societies, the people are not taken for granted as just an object by politicians but in Nepal it is the politicians who decide how to rule and who should rule the people and the country. Otherwise, the present constitution would not have been scrapped without placing it before the people through referendum or similar democratic exercise. The way the constitutions are being made and unmade has established negative precedents. As long as Nepal's neighbors do not come up with peaceful and workable relations, no constitution, whether it is democratic or undemocratic, can escape from similar fate as the present one

By KESHAB POUDEL

**“F**ollowing our agreement, the life of present constitution is over and we will promulgate the new interim constitution and new interim government formed under it will hold the elections for Constituent Assembly,” thundered Maoist leader Prachanda. “People have got what they desired to make the constitution through the CA.”

Not only Maoist leader Prachanda, Nepali Congress leaders like Ram Chandra Poudel, too, holds similar views regarding the quiet burial of the Constitution of Kingdom of Nepal 1990 - which was drafted as per the mandate of popular uprising of 1990. He, too, considers its

burial as a great victory. “The new era of political course has been ushered and the new arrangement will restructure Nepalese society,” said NC general secretary Poudel.

Although the decision of scrapping the present constitution may give moral victory to Maoist leader Prachanda as his party had waged the war against it, nobody understands the reason behind the jubilation in the face of persons like Nepali Congress leader Poudel.

Canceling the official holiday (on the Constitution Day, which falls on November 9 this year) a week ago, the SPA government, which was formed under the present constitution and whose works are legitimized by it, indicated that the previously best constitution of the world has no admirer in Nepal - to pay even the

last respects to it. In similar manner, four earlier constitutions were scrapped one after another in the last five decades without paying any respect. All the constitutions, which could not survive in the heat of regional rivalry, were scrapped when they were in the process of evolving.

“Our political problem is not due to the constitutions nor can any constitution resolve them. The geo-political situation of Nepal is such that constitutions and the political stability of the country became its favorite casualty. As long as Nepal's neighbors do not come up with peaceful and workable relations across the Himalayas, peace is a mirage and no constitution has any prospect to bring successful result,” said a political analyst. “Nepal has no enemies and Nepalese are



PM Koirala : On trial

not against any of their neighbors. Whatever Nepal is suffering from is the direct result of activities directed against third country.”

Notwithstanding the hopes expressed by Prachanda and Poudel about the new constitution, it, too, might face similar fate in a country where every politician demands the constitution as a bounty to begin negotiations.

Healthy precedents are essential for a success of any democratic constitution. The people, who are illiterate in constitution and constitutional law, have been misled all the time as political leaders guided by petty interests to be in the power have reaped all the benefits.

Fourteen years ago, then supreme leader Ganesh Man Singh and communist leader late Manmohan Adhikary were jubilant when the present constitution was promulgated and old constitution was scrapped. At that time Prachanda's party was an insignificant force, which opposed the constitution. Similarly, when Prachanda and Poudel are now jubilant, opposition voice is already being raised by a small armed group from Terai opposing the agreement.

“Although there would not be any seminar, symposium or meeting about the

tragic situation of present constitution, there are sensible persons who had the respect for the constitution up to the last because no society can live in civilized relationship in anarchy and confusion,” said the analyst. “The present constitution could have been amended to imbibe the whole spirit of present political consensus. Had the question of prestige of some radicals not been at stake; the constitution could have been redrafted and implemented after a referendum. But the whole exercise of Constituent Assembly is going to open a Pandora's Box about which none of political leaders have a clear vision.”

After studying the prospect of making a constitution, UNDP employed expert on constitution Yesh Ghai has cited the experiences of Kenya, which is yet to get a constitution by CA even after 15 years of elections. If Kenya - which has definitely better infrastructures inherited under British colonial rule, cannot come out with a successful draft of a constitution, it is virtually impossible for Nepal to do so.

Similarly, Pakistan spent more than a decade in the past but could not come out with a successful draft of a constitution. In Nepal, there is debate

going on to make an interim constitution which constitutional expert Ghai also endorsed in his recent writing.

“Taking Pakistan and Kenya's experiences, Nepal might be governed for a pretty long time by unelected leaders having no accountability to the people for even longer time than those countries. Without considering all these consequences, our leaders have a tendency to decide in haste and regret in leisure,” said the analyst.

#### Vanishing Euphoria

Thousands of articles were written in defense of the present constitutions but the past euphoria is vanishing now and populist media and public figures are praising the decision to hold the elections for Constituent Assembly.

Gone were the days just after the promulgation of the Constitution of Kingdom of Nepal 1990 when all available media, TV, Radio and the print used to be over-flooded by rhetoric and high words in the praise of this constitution as “the best in the world.”

There were populist figures from politics, social and professional sectors that were over-beating each other to highlight unique features of this constitution as a favor of the sovereign rights of the people.

The common point in its praise was that it converted the Royal subject of Nepal into a sovereign citizen of the multi-party system.

“Constitution can be changed in accordance with the wishes of the people as people can make and break any constitution. No constitution can be best constitution for ever,” said CPN-UML leader and one of the framers of present constitution Bharat Mohan Adhikary, adding, “The forthcoming constitution drafted by CA will protect the Loktantra.”

“Nobody knows where and how all these leaders have been converted to adopt the new political dogma, which is being popularized as Loktantra. People in general have no say yet over the matter of scrapping out this constitution by which they elected three subsequent parliaments and expressed their belief in this constitution through their

involvement as citizens for fifteen years," said the analyst.

"Nepal has been passing through the most dangerous period in its history. Any miscalculation by any of its neighbors may endanger the peace and progress of the whole region. It is, therefore, the world community wants to contribute for the peace and progress of this country but the greatest obligation is of its own citizen. All leaders are in the trial at this moment and particularly persons who are at the helm of affairs have to prove their mettle as a politician and as a patriot," said the analyst.

One cannot predict the weather of Kathmandu just as one cannot measure the attitude of Kathmandu-centered politicians. Till Sunday (5 November), UML leader Madhav Kumar Nepal was at the peak of a political debate by his stand to hold referendum on monarchy but he did not get his time to consult his committee before changing that vital stand on Monday 6, November. CPN-UML leader gave up his stand in political compromise but everybody knows that it was not only through the internal initiative.

Even if UML leader has changed his political stand, the utility of referendum has not yet been lost. There is still a lot of

"The politicians must have political honesty to enlighten people in a matter which they are proposing otherwise people may unnecessarily be confused. Monarchy has varied forms in its history. Except the position of constitutional monarchy, even the King may not claim to be the absolute monarch or monarch like prisoner during Raja's autocracy," said the analyst.

Referendum can be held in any system. However, undemocratic previous Panchayat system was, the constitutional system of that time was put into a referendum responding to the politics of national reconciliation led by B.P. Koirala.

"In fact, the emergence of multi-party system was a consequential outcome of referendum of 1979. At that time the constitution was silent about the process of referendum but as the people were considered sovereign, referendum was considered as a legitimate process for exercising that sovereign rights. Thus, a very noble process was introduced in the past to resolve the politics of distrust, mistrust and animosity," said the analyst.

"Keeping in view that democratic process of referendum to resolve controversies and conflicts, it should have been again exercised when



Common people : Ignored

"The time is very difficult and crucial," 84-years-old prime minister Girija Prasad Koirala told SPOTLIGHT. Brother of Nepal's popular political figure B.P. Koirala, Prime Minister Girija Prasad Koirala is going through the greatest trial of his political career. If he commits any mistakes, he will be the most condemned politician in the history of Nepal. If he is able to rescue the country from his calculative risk, he will have established himself as a leader. In his major trial, Koirala has to show his guts to prove that he is patriot and democrat.

#### Debate on Referendum

walking left to do before successfully climbing the summit.

"Only referendum can decide the fate of monarchy. This is a legitimate way to say good bye to monarchy forever," said CPN-UML leader Madhav Kumar Nepal. (November 4). "Our party gave up the stand for referendum to pave the way for peaceful settlement of the present political crisis," he said on November 6.

It is just a populist rhetoric to confuse the masses of the people. To be in the news headline, the persons take populist path. CPN-UML leaders were not talking what type of monarchy they want to put in referendum.

deciding the fate of fundamental law of the country," said the analyst. "There are opinions nearer to the idea of resolving the dispute by a referendum. The leader of the largest party in parliament has been persistent in his latest stand that the fate of monarchy should be settled by the referendum. But there appears to be a flaw in the argument as he has not explained what form of monarchy they propose to the people."

#### Two Views

Earlier, among the two major constitutional parties, Nepali Congress Supremo and prime minister Girija Prasad Koirala said that the position of

monarchy will be settled by Constituent Assembly whereas leaders CPN-UML - largest party in parliament - Madhav Kumar Nepal had a stand that the position of monarchy must be resolved by the referendum before the elections for Constituent Assembly.

In due course, prime minister Koirala prevailed but the question to referendum-which CPN-UML gave up still has valid points.

"The priority of the government is to hold the elections for Constituent Assembly- which will decide the future of monarchy and other main political issues," said prime minister Girija Prasad Koirala.

"The first meeting of newly elected Constituent Assembly will decide the future of monarchy and the issues of Maoist militia. Referendum will establish the monarchy. If King secures reasonable votes, international community will also find valid point to raise the role of monarchy," prime minister Koirala told SPOTLIGHT. "If we hold the elections for CA and referendum on monarchy together, it will create obstruction on holding the elections for CA," he added.

Leaders - who were involved in preparing the final draft of the Constitution of 1990, know that it had a constitutional monarchy. Perhaps, PM Koirala has the same thing in his mind which he described in changed words "ceremonial monarchy."

"If the constitutional monarchy is not the ceremonial monarchy, a person of G.P. Koirala's stature and command at this time, must have guts and honesty to explain what that form of ceremonial monarchy is? Both, these two leaders of the largest parties have to explain to the people in a explicit manner what they propose to the people," said the analyst.

If UML leader Madhav Kumar Nepal sincerely desires to put the monarchy into



**Political leadership:** Silent farewell to 1990 Constitution

referendum, he must come clear out about the form of monarchy which people has in different periods of history in different forms. In pre-Rana period, it was almost an absolute monarchy. During Rana regime, it was almost a symbolic institution. During Panchayat, it was an active monarchy in an absolute form.

"One can very easily guess that the present King including the large number of monarchists will never support absolute form of monarchy. However, in the last few years in the absence of the parliament, the King assumed the power in an absolute way, which was counter productive to him and pushed him to this stage of isolation and humiliation. As the King has burnt all his fingers, it is humanly unperceivable that he would again try for that. In fact, the constitution or the institutions under it are neither for the King nor for politicians' needs. All these things are needed for the people and therefore the people in general must have a final say over such matters," said the analyst.

A time comes in the life of a nation when every responsible citizen has to come out from his or personal interest

and prejudices into a national consensus. The call of the time at present is to find out reasonable solution of the pressing problems.

"The lower strata or the poorest people of Nepal have been always ignored while deciding the forms of government and imposing the constitution and other laws. Let this class of the people be in the polling booths with the top head of the country. There was a memorable scene in 1979 when the tallest leader of that time B.P. Koirala was there in the queue behind an insignificant identity who was as distinguished at that moment as that leader was. Let that scene be repeated in the process of endorsing new constitution," added the analyst.

Whatever type of constitutions and political arrangements are make, they will not work in a situation as long as Nepal's two powerful neighbors do not develop workable relations. "As long as Nepal's neighbors do not come up with peaceful and workable relations across the Himalayas, peace in Nepal is a mirage and no constitution has any prospect to bring successful results," said the analyst.

## SUMMIT MEETING

# Midnight Achievement

Like most other historic achievements, the Seven Party Alliance (SPA) government and the Maoists' much-awaited agreement was also signed at midnight at around 1 am on Wednesday. The deal, which is divided in six major categories, paves the way for peaceful resolution of the 11-year-old conflict in the country, which took the precious lives of nearly 15,000 Nepalese. The SPA government and the Maoists have signed agreement on all major contentious issues including that of the fate of monarchy, interim arrangement and modalities of Constituent Assembly. The leaders have agreed to form an interim government including the Maoists on December 1 under the leadership of current Prime Minister Girija Prasad Koirala. For Nepalese people who had been yearning for formal agreement between the SPA and the Maoists, the deal has come as a welcome relief. Their hopes and expectations of a beautiful, peaceful and prosperous Nepal can be built only if the agreement is fully adhered to by all its signatories

By SANJAYA DHAKAL

**W**hen they emerged out of Baluwatar after 18-hour-long talkathon, the haggard-looking leaders nonetheless were beaming with excitement and pleasure.

The face of Krishna Sitaula, the Home Minister and the coordinator of government talks team, was particularly reflective. Tired and worn-out, Sitaula – who has been castigated by his fellow parliamentarians for failing to maintain law and order in the country – was trying to

hide his fatigue when he forced a smile in his unshaven face when a band of media persons shot a volley of queries regarding the newly signed deal.

“The deal is truly historic. It will usher in the era of peace and democracy,” said Sitaula. Perhaps, in response to the recent barrage of criticisms against him, Sitaula added that “within 15 days from Wednesday, all combatants of Maoists will have gone into cantonments.”

After seven months since they started the peace negotiations, the leaders finally had something to show to the people. “We have entered into a new era,” said Arjun

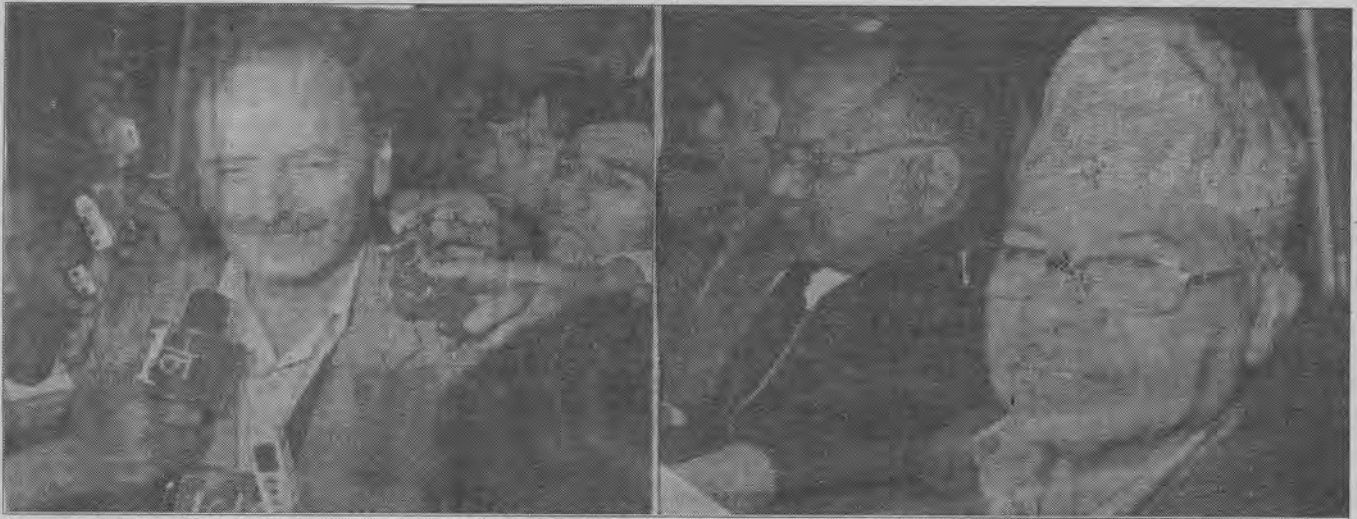
Narsingh KC, the central member of Nepali Congress (NC). KC was among a few leaders who had been actively involved in the drafting and consultation process of the historic deal.

### The Deal

Divided into six major categories and numerous points within them, the deal is signed by the leaders of both the SPA and the Maoists.

The six major categories include: 1) On Implementation of Past Agreements; 2) On Arms Management; 3) On Issues Related with Interim Constitution (interim statute, monarchy, interim legislature,





Home minister Sitaula (left) and CPN UML leader Nepal : In jubilant mood

interim government, judiciary, constitutional organs, local bodies, citizenship, CA elections, State structure, and socio-economic transformation issues); 4) Rehabilitation of Conflict Victims; 5) Miscellaneous; and 6) Time Schedule.

The agreement has been signed by Maoist chairman Prachanda on behalf of his party. Likewise, on behalf of SPA, Prime Minister and president of Nepali Congress (NC) Girija Prasad Koirala, UML general secretary Madhav Kumar Nepal, NC (Democratic) president Sher Bahadur Deuba, People's Front president and deputy Prime Minister Amik Sherchan, general secretary of Nepal Sadbhavana Party (NSP-Anandidevi) Bharat Bimal Yadav, president of Nepal Workers and Peasants Party (NWPP) Narayan Man Bijukchhe, Leftist Front leader CP Mainali have signed the agreement.

#### On Monarchy

The agreement states that the fate of monarchy will be determined by the first meeting of the Constituent Assembly (CA). This was an issue of contention among the SPA and the Maoists. Even within the SPA, parties like UML had stood steadfast on their position that monarchy's fate must be decided through referendum.

However, the leaders finally agreed to settle this issue through the first meeting of CA by simple majority. The UML has written a note of dissent on this matter.

The agreement states that the King will have no right whatsoever in the governance of the country.

Likewise, the properties of late King Birendra, late Queen Aishwarya and their families will be put under a trust of Nepal government and will be used for welfare purposes. The ancestral property of current King Gyanendra such as various palaces, forests and national parks, heritage of historic significance will be nationalized.

#### On the Management of Arms

Like the media reports that have been reporting about the understanding reached between Prachanda and PM Koirala, the agreement states after the government and the Maoists sign a Comprehensive Peace Agreement on November 16, the Maoist army would be sent to cantonments on November 21.

The agreement lists seven big cantonments will be set up each in Kailali, Surkhet, Rolpa, Palpa, Ilam, Kavre and Sindhuli districts and there will be 21 smaller camps – three in each district to be located around the periphery of big cantonments.

The arms of the Maoist army – except those required to provide security to the camps - will be separated and put under single lock system; its key given to Maoists and the cantonments will be monitored by the United Nations through Closed Circuit Television (CCTV) and siren alarm, which will be set off if there is any unauthorized tampering of the lock.

The UN will start verifying arms, record and monitor it from November 16 itself. Similar quantity of arms of Nepali Army (NA) would also be put under single lock system.

The agreement states that NA will be operated as per new Military Act by the Council of Ministers. The interim government will democratize and reform NA as per the recommendations of interim legislature. The NA will be trained on human rights and made inclusive.

The NA, however, will continue to operate in regular activities such as providing border security, providing security to distinguished persons, providing security to national parks and wildlife reserves, telephone towers, power plants, airports, banks and so on.

#### Interim Arrangement

The agreement states that the interim constitution will be promulgated on November 26 after finalizing the previous draft of the interim statute submitted by drafting committee. It will be promulgated by the House of Representatives, which would then be dissolved. An interim legislature will replace the House of Representatives, which would then endorse the interim constitution.

The agreement adds that the interim legislature will have 330 members – Nepali Congress (75 seats), Unified Marxist Leninist (73 seats), and Maoists (73 seats). In fact, 209 sitting MPs of the House of Representatives and National Assembly will be nominated by their respective parties to the interim legislature. These will not include pro-regression parliamentarians. Apart from them, the Maoists will nominate 73 members and 48 members will be chosen from civil society, professional organizations and various party organizations.

The interim government will be led by current Prime Minister and president of Nepali Congress (NC) Girija Prasad Koirala. It will be formed on December 1 including the Maoists.

#### CA Elections

The agreement states that the CA election would be held within mid-June 2007. The CA elections would be held on the basis of mixed proportional procedure.

There will be 425 members of CA – 205 will be elected directly on the basis of existing electoral constituencies. Another 204 members will be nominated by various parties on the basis of their proportional strength seen during direct elections. The Prime Minister will nominate 16 remaining members of the CA.

The age for voting rights eligibility has been fixed at 18 years. Although some parties had pressed for bringing this down to 16 years, the agreement was reached in the existing age of eligibility that is at 18 years.

On this point also, the UML has written its Note of Dissent. It has stated that the party believes that election to CA should have been held on fully proportional representation system.

#### Miscellany

Likewise, the agreement states that 1990 will be the cut-off year for providing citizenship.

It calls for restructuring of the state to end all kinds of discriminations based on

class, ethnicity, lingual, gender, cultural, religious and so on. It has agreed to form a high level committee to recommend restructuring of the state to ensure inclusion, democracy and progress.

The agreement also talks about directive principles of socio-economic transformation and management of victims of conflict.

A high-level joint monitoring committee will be formed to monitor the implementation of all agreements. The

parties and Maoists have hailed it as historic. They claimed that the deal will ensure full democracy and establish peace in the country.

“Our party has now entered into a new political environment,” said Barsha Man Pun aka Ananta, a central leader of the Maoist party and a commander of special central command of its People’s Liberation Army.

Ram Chandra Poudel, general secretary of NC, “A great historic



PM Koirala (left) and Maoist leader Prachanda : Challenges ahead

government could punish anyone who violates ceasefire code of conduct, agreements, deals and works against the law.

On the issue of republic, socio-economic transformation, referendum and electoral system, the political parties will be free to advance their viewpoints during the CA elections.

#### Welcome Deal

Following the formal signing of the far-reaching deal, leaders of political

agreement has been signed. This will end the 11-year-old conflict.” Madhav Kumar Nepal, general secretary of the Unified Marxist Leninist (UML), whose party has added Note of Dissent on two points of the agreement, reacted thus: “This agreement will further strengthen the unity of political parties. Dissensions are natural in democracy.”

Another senior UML leader Jhal Nath Khanal said his party, despite the note of dissent, would fully support the agreement because it aims to free the country of conflict. “We firmly support the agreement and we would be firm in its implementation as well,” he said, adding that had the deal also agreed upon holding referendum to decide the fate of monarchy and holding CA elections fully on the basis of Proportional Representation electoral procedure, “wider participation of people could have been ensured.”

### Time Schedule of the Agreement:

- 1) A Comprehensive Peace Agreement will be signed by the Government of Nepal and the CPN (Maoists) by November 16.
- 2) The Maoist army would be sent to cantonments by November 21. This will be verified, recorded and monitored by the UN.
- 3) The interim constitution will be finalized by November 21.
- 4) The interim constitution will be promulgated by November 26. By this time, the House of Representatives and National Assembly will be dissolved and interim legislature formed.
- 5) The interim Council of Ministers will be formed by December 1

## NEPALI CONGRESS

**Divided House**

A strong section of Nepali Congress is struggling to save its image as a centrist party

By A CORRESPONDENT

As soon as the meeting of Nepali Congress parliamentary party began on last Thursday (2 November) at Prime Minister's residence Baluwatar, former minister and assistant general secretary Govinda Raj Joshi began his statement raising the question over the party's deviation towards the left.

Joshi was not alone to raise the objections on the working style of party's

present functionaries, - there were other dozen members of Nepali Congress who backed the argument put forth by former minister Joshi. From general secretary K.B. Gurung to MP Binaya Dhoj Chanda, Chakra Prasad Bastola and central committee member Sunil Kumar Bhandari to Laxman Ghimire and Gopal Pahadi, all of them expressed concerns over Nepali Congress bowing down before the Maoists.

In the two hour meeting, the members criticized the policy formulated by general

secretary Ram Chandra Poudel, central committee member Arjun Narsingh K.C and Home Minister Krishna Prasad Sitaula.

Almost all members present at the meeting were said to be very critical on the role played by Home Minister Sitaula. Although prime minister Girija Prasad Koirala finally took the responsibility of deteriorating law and order situation of the country, most of the speakers demanded the resignation of home minister.

Central committee member Joshi who has backed prime minister Koirala all the time reportedly raised the case of humiliated and demoralized army, armed police and Nepal Police in front of Maoists. Joshi - who claimed that he and other colleagues are not anti-peace group - urged the party leadership not to deviate from its centrist role and identity.

Similarly, general secretary K.B. Gurung also was critical about the role of home minister and stressed the need to follow the centrist role in coming political battle when extreme rights and leftists are coming with strong backing.

Central committee member Sunil Bhandari expressed the need for Nepali Congress to follow the path of reconciliation followed by B.P. Koirala. Although the meeting took note about the objection raised by members of Nepali Congress, it is yet to decide what its position would be in the forthcoming elections for CA.

At a time when the Maoists are participating in the forthcoming elections for CA, there is a very rare possibility that Nepali Congress workers will get the opportunity to participate in the election process in a fair manner.

Although Nepali Congress leader and prime minister Girija Prasad Koirala is leading the negotiation to bring peace in the country, many party workers are expressing resentment over the way Nepali Congress is giving up its stand in front of Maoists.

In its history, Nepali Congress has seen many ups and downs in its ideology and stand. As a centrist party, it has advantage of accommodating all kinds of views. From republican Narahari Acharya to rightist monarchist, all are there in the party. Despite their differences over issues, Narahari to Chakra and others are supporting Nepali Congress leader Girija Prasad Koirala. ■



Congress leaders in a meeting: Debate on policy

Kantipur

# “Nepal Has Potential To Survive As A Prosperous Country”

—QUENTIN W. LINDSAY

*“The thrust of development should be the equitable distribution of the benefits as every one should get fair share of development. It should be a society functioning within the organizational structure and a sustainable environment.”*

*Although QUENTIN W. LINDSAY, who came to Nepal in 1962 as an advisor on land reform, had left Nepal many years ago, his affections and love to Nepal continues. Living in North Carolina, Lindsay's heart and mind is always here as he keenly observes events in Nepal. Lindsey joined the Ford Foundation for service as advisor first to the government of Burma, followed by six years with the government of Nepal. After years of his work, Lindsey, who did his Ph.D from Harvard University in economics, has finally come out with a book. *The Transformation of Nepal*, which focuses on how to improve the life for all Nepalese was written as a narrative. Lindsay's book gives the picture about how Nepali society has been transforming in all spheres. After releasing his book, Lindsay spoke at length to KESHAB POUDEL about his observation on Nepal. Excerpts:*

**How do you see the transformation of Nepalese society?**

The history of Nepal as a nation has its origin in 1743, according to the western calendar. It was then that the young Gorkhali King, Prithivi Narayan Shaha, initiated the process by which he and his royal successors united- by conquest, coercion and persuasion – more than sixty independent principalities. He thus established approximately the present geographic identity of this mountain Kingdom bounded on the south by India and north by China. King Prithivi Naryan Shaha changed the whole structure of this area and gave rise to a historical change that is so important. It was the first major transformation in Nepalese history. He integrated many smaller principalities into a nation.

**What is your impression about the social transformation of Nepal?**

When I came to Nepal in 1962, some people say Nepal was just Kathmandu and it alone was identified as Nepal. Kathmandu is a society like villages, only much bigger. So, is the nation of Nepal, except that is still much larger, and far more complex. In 1960s few people know about Nepal. Now all these have changed, people living in all parts of Nepal are saying they are now Nepalese. This is a major change. Now Nepal as a society consists of organizational entities of government at village, district and national levels, industrial and business firms, health service organizations, including hospitals, schools, and universities and so on. This is the transformation Nepal has achieved in the last four decades or so.

**What did you try to see in Nepal?**

I look at various issues like what is wrong with the structures? What we have now? What can we do to benefit large number of people? One of the problems is

the development, which is not organized. I discuss what benefit Nepal can get as a nation. Development has to benefit the society as democracy needs to benefit all the people, not only the people in power. One has to transform society to benefit all of them. Keeping this in mind one has to wonder what is wrong in the process and why all Nepalese are not benefiting? Why there are such disparities even after spending millions of dollars? Thus, I started to write in a narrative way.

**What should be the thrust of development?**

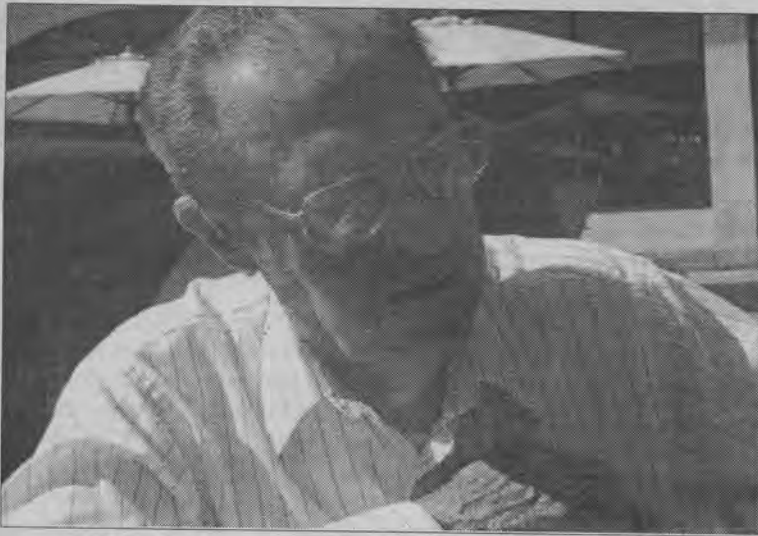
The thrust of development should be the equitable distribution of the benefits as every one should get fair share of development. It should be a society functioning within the organizational structure and a sustainable environment. The development needs to sustain from generation to generation. Nepal needs to pull out from the least developed category.

**Wedged between two neighbors India and China, how can Nepal benefit from the development of two big neighbors?**

I saw today and yesterday headline news on the development of hydro-electricity in Nepal. How you are going to develop this power is very important as India and China both want chunks of it. It is better for Nepal to avoid the trade out of their interest. You need their helps but you need to think in your own mind what kind of projects help you. You can sell your energy to neighbors as it is a major source for the development. Their support is necessary. Again how Nepalese will take benefit from them is very important. My feeling is that Nepal has to develop negotiation skills to benefit from growing economic power of both the countries. Future of Nepal lies on how you develop your own country and how you exploit the energy you have.

**You have already published a book discuss the transformation of Nepal. How do you look at the present state of transformation?**

When I first came here in Nepal, I was a young economist graduated from major university of the United States. I thought that I could bring change through my studies. However, I quickly learned that by only applying the economic theories, we could not change the society. What is important is to understand the social structures. It was very difficult time when the country was in the process of making new institutions replacing the Rana era system. When I joined as an advisor of land reform, there were confusion and difficulties to implement the land reform programs. It was the major test to the government of King Mahendra as the landowners were pressing the government not to implement the programs. I pursued the idea that we have to buy surplus land from land owners and distribute it to the landless. As a country relying on agriculture, land reform was very important component for Nepal.



**Do you have discussed all the challenges and difficulties in your book?**

My book is more than a showcase for grandiose ideas. Instead it offers real solutions on how to make life better in a small country plagued by big problems, including over population, illiteracy, corruption and political instability. The heart of my book lies in its ideas regarding development, defined as the transformation of people, society, and the environment. Nothing remains the same as transformation takes place. Development can appear good or bad depending on the purpose and who gains and who loses. Unfortunately, developed nations have not been very successful in causing the less-developed nations to evolve in orderly, creative, equitable ways for the benefit of all their people. - Nepal is a good example with unstable government.

**How will economic progress of Nepal's two neighbors affect Nepal?**

Although China is under one party communist rule, it has made progress in the economic sector following the capitalist economy. As China does not have open political system to meet challenges posed by the high economic growth and disparities created by economic development, there is possibility of one or other kinds of instability in future. So far as India is concerned, it has democratic institutions and market forces but one of the major challenges of India is to bridge the growing disparities between the rich and poor.

**What will be the response of India and China towards Nepal?**

Well, I don't know what India and China want to do in their relations with Nepal. I would hope that they will recognize the importance of economic development of Nepal for the benefit of Nepalese as well entire region. They need to help Nepal for their own benefits. Nepal's two neighbors have to encourage Nepal for the development. Prosperous and stable Nepal will benefit them also. As there is high demand of energy in both the countries, Nepal can trade the hydro-power.

**What Kind of Nepal suits them?**

For both the neighbors, prosperous and stable Nepal is in interest. They have to support Nepal to be

prosperous and stable. Chaotic and anarchic Nepal will have spill over effect on both the sides. Being a neighbor of two economic powers, it is both the challenge as well as opportunity.

**What does development consists of?**

Development consists of the transformation of people, society, and the environment. Nothing will remain the same as development takes place. Development can be good or bad. So, it is essential for the people of Nepal to decide the purpose of development of this transformation. The purpose of development would be to create an equitable enjoyable, peaceful

society for all Nepali within a sustainable environment. Nepali society is still following the old Rana political style of robust talk, bombast, intrigue and pursuit of individual self-interest. The interest of the nation, of all Nepali, is thrust into the background for most part. We are reluctant to decentralize authority and responsibility; all too much is centralized at the national level where ministers, a grossly overstaffed bureaucracy and the parliament wield the power. With foreign assistance, some increases in economic productivity and other improvements have been achieved, but most of the result has been increase in population and increased wealth for an elite few, plus degradation of environment.

**What do you mean by social dimension?**

The substance of the social dimension consists of the way people think and act. For example, customs, tradition, ethnic characters, habitual behavior, social clubs, attitudes and so on comprises the aspects of social dimension. The social dimension - the way people think and act - has a powerful influence on the performance of other dimensions.

**What are the major contributions of foreign aid?**

One of significant accomplishments, with the help of foreign assistance, consists of controlling infectious diseases. An associated failure is that our effort to reduce the population growth have had very limited success. In 1950, Nepal had nearly 10 million people and now the country has 26 million and growth continues. There is no way by which we can provide meaningful, equitable and creative roles, positions and places for this many people as we function within the present structure of society. Nepal receives many millions of dollars each year as assistance for the development. The World Bank, the Asian Development Bank, several countries and various United Nations agencies are the sources.

**How do you see the future of Nepal?**

Although Nepal is in a very difficult period of transformation as it is slowly and gradually moving to adjust with new structures, Nepal has potential to survive as a prosperous country but it needs to bring the development benefiting to all Nepalese. If all Nepali can indeed transform this potential into reality, the world will take notice. ■

*"I don't know what India and China want to do in their relations with Nepal. I would hope that they will recognize the importance of economic development of Nepal for the benefit of Nepalese as well entire region. They need to help Nepal for their own benefits. Nepal's two neighbors have to encourage Nepal for the development. Prosperous and stable Nepal will benefit them also."*

## OLI'S INDIA VISIT

# Neighbor Calling

Deputy prime minister and foreign minister KP Oli is in New Delhi to apprise India about Nepal situation

By SANJAYA DHAKAL

**E**ven as the crucial peace talks is underway in Kathmandu, a senior minister of the current cabinet has left for New Delhi.

Deputy Prime Minister and Foreign Minister Khadga Prasad Sharma Oli left for a weeklong visit to India on November 5 – the day when the crucial fifth round of peace negotiations begun in the positive note with leaders claiming they had reached a breakthrough on the management of Maoist arms.

On November 6, Oli met with Indian Prime Minister Dr. Manmohan Singh. During the meeting, Indian PM assured Oli about his government's commitment to continue its support in the consolidation of democracy and peace in Nepal. He also assured India's help in economic development of the country.

On the same day, Oli also held meeting with the newly appointed Minister for External Affairs Pranab Mukherjee.

The visit by Oli has assumed significance as it coincides with intensive efforts to reach a comprehensive agreement with the Maoists on all political issues including that of arms management. Though Oli has said that he will not discuss about the specific modality of arms management, he said he will indeed inform Indian leaders about the agreement on this issue.

Last week, Indian ambassador to Nepal Shiv Shankar Mukherjee had told journalists that his government feels the issue of arms management is fundamental. He called for "complete

and credible" management of arms in a way as to ensure that people of Nepal do not have to live under the shadow of gun anymore. He is currently in New Delhi along with Nepali DPM Oli.

Earlier, talking to journalists prior to his departure, Oli had clarified that he would apprise Indian leaders about the progress in the peace talks here and also about the mechanics of arms management.



Oli (left) with Indian PM Dr. Singh: Chat between neighbors

Gorkhapat

In an interesting response, Oli told media that he will not hold any discussion "regarding the proposed Extradition Treaty or any other bilateral pacts" during his forthcoming visit to India. Terming his visit as "goodwill visit", Oli said he will rather focus on getting moral support from India towards the ongoing "peace process and socio-economic transformation of Nepal."

His response was interesting because during the first week of October, Home Minister Krishna Sitaula was planning to go to New Delhi to sign the bilateral Extradition Treaty and Mutual Legal Assistance

agreement. However, his visit was cancelled after the Maoists raised objection about the treaty. Following that incident, Indian officials were miffed that the treaty could not be signed then. Recently, India's Minister of State for Home Affairs Shri Prakash Jaiswal was quoted by media as saying that India wants to have a changed extradition treaty with Nepal.

On the eve of his departure to New Delhi, a delegation of Bhutanese refugee leaders had also called on Oli requesting him to involve India in the process of resolution of the impasse. However, Oli said Nepal government continues to hold its previous position. Immediately after returning from New Delhi, Oli plans to fly to Thimpu to hold what is being touted as the 'final meeting' with his Bhutanese counterparts to repatriate the refugees.

this round of negotiation also fails, Nepal could start considering the offers made by western countries including the US about the resettlement of Bhutanese refugees to third countries.

During the current India visit, Oli is also expected to request India's support in areas of trade. "We have big trade imbalance with India. I will talk with Indian leaders for favorable practice to help Nepal in this area," Oli had said. Oli will return to Kathmandu on November 11. Oli is also scheduled to visit Kolkata in West Bengal and Trivendrum in Kerala state during the tour. ■

## POWER SUMMIT

# Increased Interest

There is now an increased interest to exploit the hydro power resources of the country

By A CORRESPONDENT

Two months after a major Power Summit was organized with wide participation of Indian officials and private companies, another summit called "Powering Nepal – Connecting Markets" was held in Kathmandu last week with the participation of Indian as well as American officials and investors.

At the Finance Minister Dr. Ram Sharan Mahat urged for Foreign Direct Investment (FDI) in the hydro power sector of the country. Addressing the seminar, Dr. Mahat said there were three clear benefits to investors if they come to Nepal, "First, they can enjoy the access to market as Nepal is located between world's two big markets, India and China; the second, there is tremendous amount of natural assets including hydro power and diverse climate; and third, our policies are quite encouraging since our tariff slabs are some of the lowest in the region and Nepali currency is fully convertible in current account."

Dr. Mahat said that the government understands that there are still a lot that needs to be done to lure the investors. "We plan to develop around 5000 MW of power in next 10-15 years for which we will need foreign investment," he said.

Likewise, US ambassador to Nepal James Moriarty said harnessing of Nepalese hydro power potential was needed not only for meeting Nepal's own needs but also to address the energy security concerns of this region. Ken Ohashi, country director of World Bank, said he was concerned by tendency to defer decisions among Nepalese officials. He said that with the new change in the country, he hoped that the country will seize the moment and face up the difficulties head on including its relations with India so that the potentials of exporting power can be tapped.

Deputy Prime Minister and Foreign Minister KP Oli also emphasized Nepal

government's willingness to harness power for prosperity.

The seminar was organized by the US Embassy and USAID/Nepal, in association with the Nepal-USA Chamber of Commerce, the American Chamber of Commerce in India, and the International Resources Group.

The seminar brought together US companies and other foreign investors with key officials from relevant government agencies in Nepal and India to highlight the substantial opportunities to invest in Nepal's hydropower sector.

At the end of the summit among the officials and business community of Nepal, India and the United States, a 'champion team' has been formed to lobby for facilitating investment in this sector. The team led by Independent Power Producers Association of Nepal (IPPAN) will recommend to the governments of Nepal and India about the economic, technological, financial, market and political aspects and problems of the sector.

According to IPPAN president Dr. Sandip Shah, the team will focus on increasing investment and expanding market for hydro power. Dr. Shah said representatives of banking sectors of Nepal and India, Nepal Electricity Authority (NEA), Power Trading Company (PTC) of India and Power Grid Corporation of India are included in the team. The Confederation of Indian Industries (CII) will also be represented in the team.

This seminar was held two months after the first ever Power Summit was held jointly by the IPPAN and Power Trading Company (PTC) of India. During that summit, the Indian ambassador to Nepal Shiv Shankar Mukherjee had pledged to fund a 100 to 150 MW project in Nepal. The Indian envoy said that consultations were on to help fund a project that could help in internal consumption of Nepal.

Addressing the summit, president of IPPAN, Dr. Sandip Shah said that

investment of \$100 billion is required to harness 40,000 MW from Nepalese rivers. "This money cannot be raised by the government or the donors as they have other pressing socio-economic priorities. It is the private sector that has to be allowed to invest in this field on commercial basis," he said.

Earlier, speaking before the parliament, the Secretary at the Ministry of Water Resource had said that the government is working to generate 1000 MW of power in next six years.

Secretary Tika Dutta Niraula told the members of Natural Resources Committee at the House of Representatives that the government was engaged in homework to develop three mega projects to generate 1000 MW of electricity in six years.

In response to queries by the MPs regarding the load-shedding and government's plan to overcome the crisis, Niraula said the government is studying to develop 402 MW-strong Arun project in the eastern region; 309 MW-strong Upper Tamakosi in the central region; and 300 MW-strong Upper Karnali in the western region.

He further informed that government was considering developing Tamakosi project by mobilizing domestic resources while it would accept foreign investment in the other two. He said that the government had received attractive proposals on foreign investment on all three projects. "Since the Upper Tamakosi project is relatively an economical one, the government is considering mobilizing investments from domestic organizations such as Employees Provident Fund, Citizen Investment Fund and so on," Niraula said.

Indian companies including the reputed Reliance company is learnt to have shown interest in investing in Upper Karnali and Arun projects. Indian companies have also invested in big hydro projects in neighboring Bhutan.

There are also discussions going on to involve China in the development of 60 MW-strong Upper Trisuli A project and 14 MW-strong Upper Modi projects. Besides, the NEA, on its own resources, has started the construction of 30 MW-strong Chameliya and 14 MW-strong Kulekhani III projects from this year. Secretary Niraula informed that within three four years, additional 300 MW of electricity will be generated.

BOOK

# On Liver Cancer

Renowned specialist on liver, Dr. Santosh Man Shrestha highlights the complications of liver disease in Nepal

By A CORRESPONDENT

At a time when a large number of people in Nepal are suffering from various kinds of Hepatitis diseases, a book has been published to create awareness about these diseases.

Thanks to the awareness generated by this book, many patients can know the prevalence of deadly complications of liver in his or her body. Although he has already retired from government service, Dr. Santosh Man Shrestha, a renowned liver specialist, has been making efforts to generate awareness in Nepalese people.

To disseminate the problems of liver, Dr. Shrestha has already published a number of books and booklets through Liver Foundation Nepal. Although a large number of Nepalese people are still unaware about the disease, Dr. Shrestha's efforts can produce results. Situated in Sitapaila, Liver Foundation Nepal has been providing specialized medical treatment to the patients suffering from liver related disease.

"Patients usually come for treatment at an advanced stage of the disease with large and painful liver," said Dr. Shrestha who has been spending his time to rescue the poor people suffering from the diseases. "Liver Foundation Nepal has produced this booklet with a view to providing additional information to medical students in Nepal and to promote better understanding of the disease as it is seen in this country."

According to Dr. Shrestha, liver cancer was unrecognized in Nepal till 1980. Serological tests

HBSAG, marker of HBV infections and alpha fetoprotein (AFP), a marker of HCC was first introduced in 1980 at Liver Unit, Bir Hospital. These procedures helped to recognize liver cancer in Nepal. Forty cases of liver cancer were diagnosed in three years from 1980-1982. In the last two decades,

about 50-60 new cases of HCC annually were seen at Bir Hospital.

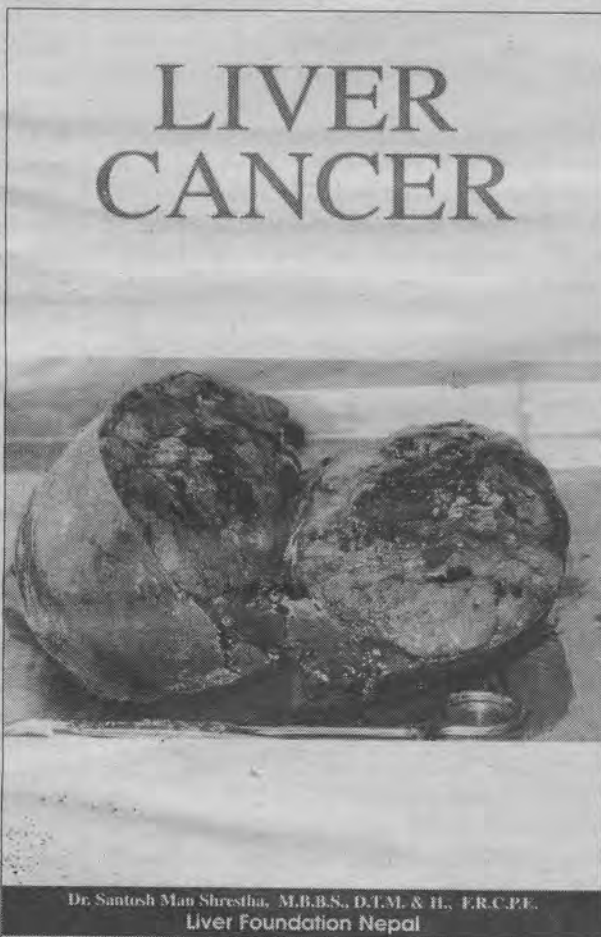
Based on intensive study, the book also highlights other significant aspects of liver cancer and other related problems in Nepal. This book is very helpful for the students acquiring medical degree in Nepal and those who are interested to know about the state of liver cancer in Nepal.

Dr. Shrestha has done tremendous research to bring out the book highlighting the cause, consequences and state of liver cancer in Nepal. During his career as a specialist physician on liver in Bir Hospital, Dr. Shrestha had made a great contribution to establish the specialized unit within the Hospital.

Although it was written targeting the medical students and medical practitioners, the book is also an eye opener for other common people. Written in simple language, the book is also helpful to understand the dangerous consequences of liver related problems and informs about curative as well as preventive method.

The government does not have data about the number of alcoholic persons in Nepal, even though a large number of liver cancer and liver related problems are associated with alcoholic cirrhosis. "There is some epidemiological evidence to suggest the relationship between alcohol consumption and liver cancer," writes Dr. Shrestha. According to Dr. Shrestha, secondary prevention of liver cancer aims at preventing chronic viral hepatitis progressing to cirrhosis. There is now evidence that liver histology improves and there is a reduction in the risk of liver cancer in chronic hepatitis C patients treated with interferon.

From treatment to care and possible ways of infections, Dr. Shrestha discusses all possible ways to cure liver cancer and other liver related problems. As an experienced expert in the area of liver treatment, Dr. Shrestha's book is quite helpful and informative. ■



Dr. Santosh Man Shrestha, M.B.B.S., D.T.M. & H., F.R.C.P.E.  
Liver Foundation Nepal

*Liver Cancer*

*Written by: Dr Santosh Man Shrestha*

*Published by: Liver Foundation Nepal,*

*Sitapaila*

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*Pages: 69*



# OHCHR Concerned Over Maoists' Law Enforcement

The Office of the High Commissioner for Human Rights in Nepal (OHCHR-Nepal) has called on the Maoists to stop their "law enforcement" activities around the country. In a statement issued Wednesday (November 1), the UN rights body said, "The OHCHR-Nepal calls on CPN-Maoist to stop its "law enforcement" activities which have intensified recently especially in the Kathmandu Valley, and which have resulted in serious abuses of human rights."

"OHCHR-Nepal considers these parallel "law enforcement" activities to be illegal, as well as in violation of international human rights standards to which CPN-Maoist has made repeated commitments," the statement further said, reminding that these commitments included the directives issued as a result of the Maoist Central Committee meeting on 2 September, which explicitly stated that party cadres shall not conduct abductions, torture and ill-treatment.

The meeting had decided that those responsible for such actions would be held accountable. The rights watchdog mentioned that in its letter sent to the Maoist leadership on Tuesday, it had confirmed the abductions of 39 individuals in the districts of Bhaktapur, Lalitpur and Kathmandu in October alone.

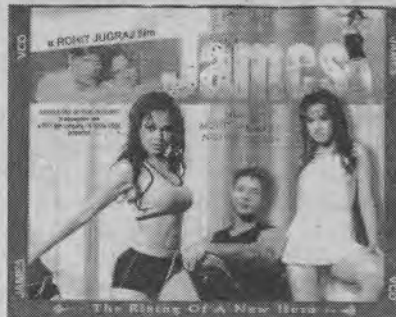
The CPN-Maoist itself publicly declared on 21 October that more than 80 individuals had been taken into captivity, whom they accused of being linked to criminal activities. According to the OHCHR-Nepal, Maoist cadres have held individuals incommunicado in hidden locations – thus increasing their vulnerability to human rights abuses.

In September and October, OHCHR-Nepal made visits to eight places where the CPN-Maoist held individuals in captivity in the Kathmandu Valley. These places included several factory buildings occupied by the rebel party, and the offices of Maoist sister organizations, including the All Nepal Trade Union Federation (ANTUF) and the All Nepal Transport Workers Union (ANTWU). The OHCHR-Nepal said it has received reports of at least seven other locations in Kathmandu Valley used by the Maoists for the interrogation of individuals.

"OHCHR-Nepal has investigated a number of reports of ill-treatment and torture, including severe beatings. OHCHR-Nepal staff have witnessed serious injuries among those held captive by CPN-Maoist, consistent with claims of ill-treatment and torture," the release said. The OHCHR-Nepal also complained that Maoists had at times obstructed the officials from gaining immediate access to those in captivity.

"OHCHR-Nepal calls again on the CPN-Maoist leadership to stop all parallel 'law enforcement' activities, and especially incidents of torture and ill-treatment. State authorities have sole responsibility to arrest and detain criminal suspects, and it is essential for the re-establishment of the rule of law that all parties respect this," the statement quoted Sandra Beidas, the Officer-in-Charge of OHCHR- Nepal, as saying. ■

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- Ice Princess
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- Batman Begins
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- Onsbak (The Thai Warrior) 2

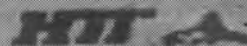
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# The Constituent Assembly And Its Roadmap

By LALIT BAHADUR BASNET

The entire country is mentally prepared for holding election of Constituent Assembly within next year. We were waiting for an interim constitution, its details and the date of its promulgation. But interim constitution drafting committee produced an incomplete document. When we talk about election of constituent assembly, the interim constitution should manage the composition (how many members to be elected); its timing (when to conduct election); the electoral system (how to elect); and the authority (who will conduct). They are the main important matters, which should be considered by the interim constitution.

Reliable sources have said that the government and the Maoists have reached agreement on some political issues. Likewise, the constituent assembly would have 425 seats. The CA election will be of mixed proportionate type. 205 members in the CA will be directly elected from the existing constituencies and the political parties in proportion to the popular votes they garner during CA polls will nominate another 204. On CA polls, the Maoists and the UML had favored proportional system but the NC wanted a direct vote. In the end a compromise was reached with mixed proportionate elections. But general people do not know about the meaning and process of constituent assembly. That's why civic education is needed at the local level.

## What is constituent assembly?

The general term it refers to is a body convened for a specific period of time whose primary purpose is to draft a constitution. The concept of the constituent assembly implied the right of people to determine their own future and decide the nature and type of the polity under which they like to live. It was the perhaps for this reason that during the last two hundred years it was recognized all over the world that the people had an inherent right to govern themselves, through a representative assembly of their own. The concept of CA hold significance in the evolution of the principals of democracy and national self-determination and nations who fought for their independence always demanded a CA in one form or the other. In simple words, it is the elected political body by the people to write new constitution.

## Why a constituent assembly?

Most assemblies are convened following a major constitutional crisis or upheaval such as the defeat of Nazi German in WWII, the end of civil war in Switzerland or the end of minority rule in South Africa. In some places, constituent assemblies are often marked by either an absence of functioning political institutions (such as Germany in 1945) or the inability of existing institutions to arrive at a constitutional solution (the hapless Spanish Parliament following the death of dictator Francisco Franco). In the political vacuum, constitution assembly is held to write new constitution. Politically, it is called a fresh start to choose the polity system.

## Who is involved and how do they work?

The election of the constituent assembly is a very long and complex process. Some process already should have been initiated here such as how delegates are selected; whom they represent and how assembly operates. Generally, the politicians and other opinion leaders are usually involved and tend to dominate the process. Some assemblies of other countries have had significant representation from scholars, constitutional experts, religious leaders, and etc. That's why, this process should be addressed before the election of constituent assembly.

## Selection of delegation (election process)

Generally three types of election process of assemblies can be clearly identified around the world based on how delegates are selected.

**Direct or indirect process-** In Canadian constituent assembly, all delegates were directly elected in 1946. The 1897 Australian assembly, which created the Australian federation, was designed to be fully elected body. There are some constituent assemblies, which are indirectly elected, through a federal parliament and provincial legislature. Such a convention has been held in the United States, (1787), India (1946), Germany (1948) and Australia (1973).

**Both (direct and indirect) -** These type of assemblies are the hybrid, which uses more than one delegate selection procedure. Delegates can be elected directly and indirectly, such as in Australia (1897) and South Africa (1994), or through a combination of direct election and appointment such as Spain (1977).

## Method of Representations

Basis of representation in the constituent assemblies is a big challenge. Will it be based on representation by population, equal regional representation, or some combination of both? Should other basis of representation such as party affiliation, ethnicity or language be considered? Under a representation by population (rep by pop) scheme the country either can be divided into equally sized constituencies with each electing one delegate like Canada or each province can act as one constituency and elect the predetermined numbers of delegates based on that provinces population vis-à-vis other provinces like the lower houses of Spain's assembly. If delegates are to be indirectly elected, provincial legislatures can select a number of delegates based on the population represented by that legislature like in India and Germany. The second basis of representation ignores the population altogether and treats each province or state equally like the United of States, Australia, the Switzerland etc. The rep-by-pop and regional equality approach can also be married, producing yet another type of hybrid like in Spain and South Africa.

## Ratification

There are four basic ratification approaches. First, the assembly itself ratifies its own actions through the holding of a vote like in India and South Africa. The government could ratify the action of the assembly like in Newfoundland, Spain, and Australia. This method can be used with the high degree of variation. For example, the vote can be held on one day across the nation, which was held in Spain or be held independently in each province or state on various dates like in Australia. A 50 plus one vote was enough to ratify actions of the assembly while at other times an extraordinary majority was required. In some countries referendum was held to ratify the action of the constituent assembly.

There are a lot of examples of success and failure of the constituent assembly - From the French constituent assembly of 1789 to the Peru's Alberto Fujimori's Democratic Constitutional Congress of 1992, the world has seen dozens of Constitution Assemblies but not any perfect constitution produced by it. The failure of constituent assembly in Russia, France, Pakistan and its success in India, Italy, Northern Ireland, South Africa and other African countries show different pictures. Some countries have been split because of the constituent assembly. That's why, it is a task for a nation to hold election of constituent assembly. It is not as easy as talking. If not properly managed, the constituent assembly, it will open Pandora's box.

*(The author is a constitutional lawyer. He can be reached at lalit\_gulmi@yahoo.com)*

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