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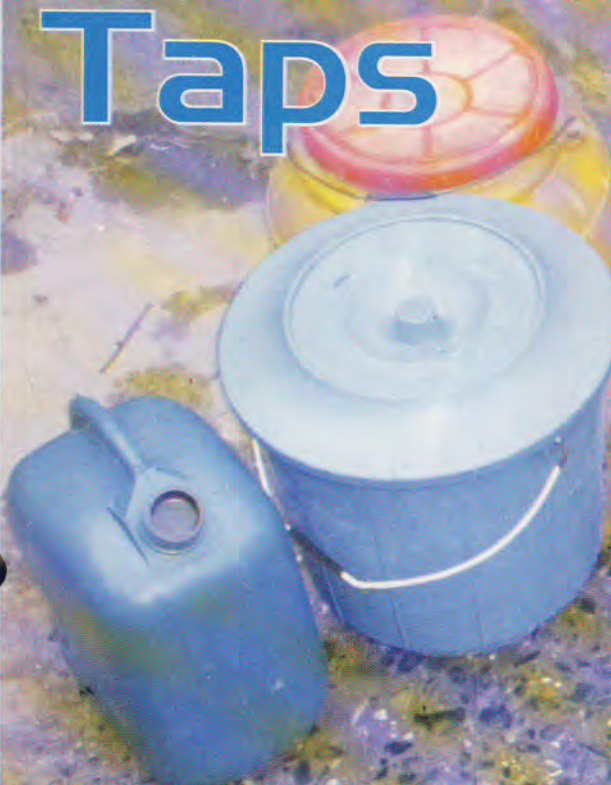
The National Newsmagazine

SPOTLIGHT

Mar 30-April 05, 2007

World Water Day

Empty Taps



Interview :
Madhav Kumar Nepal



Politics : Stable Democracy & Volatile Dictatorship
Gaur Carnage : The Aftermath

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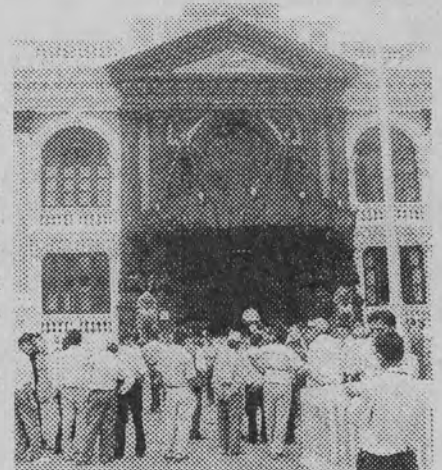


COVER STORY: Empty Taps

While leaders haggle over political issues, people of capital valley once again suffer from acute shortage of drinking water
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POLITICS: Stable Democracy of Volatile Dictatorship?

Past experiences show that Nepal can become stable only under democracy not any kind of dictatorship
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SPOTLIGHT

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Though it is chaotic and disorderly, democracy is the time-tested solution of all the problems that originate from conflicts, disorder and instability of every nature. Nepal's own experiences have shown that only a democracy can accommodate and assimilate people of varied ethnicity and region. Whether it was in the first parliament in 1959 or following the restoration of democracy in 1990, parliamentary democracy has show its capability to accommodate varied ethnicity and region. During the first parliamentary experience in 1959, all castes and ethnic people suffered for common democratic cause under the leadership of B.P. Koirala. Under his unique coordination, persons from various regions and ethnicity came to the single democratic fold. It is interesting to note that persons from Newar community like Ganesh Man Singh to Madheshi Ram Narayan Singh and from Yogendra Man Sherchan (Thakali), to Dewan Singh Rai and Prem Raj Angdangbe (Limbu) were in prison with him together for many years. After that, there was almost 30 years of authoritarian experience of power under Panchayat system in which there was no such political solidarity as was seen in the team of politicians of first parliament. Even in the second phase of parliamentary democracy after 1990, a process of accommodation, integration and consolidation was seen. It was disrupted only after the King's step of October 4, 2002 when there was no opportunities of sharing the power. Even at this interim period, though there is no immediate possibility to hold the elections and when parties are sharing power, there is some process of accommodation and integration guaranteeing the stability to the country. Despite all these characters of democracy, the debate has already been generated against the democratic process. After prime minister Girija Prasad Koirala shifted his earlier stand and sided with populism without realizing the importance of monarchy in national context, the question now is what will be the fate of democracy in case the disorder and anarchy escalates in the country. At this stage, the future scenario between military and democracy would be completely a new thing for Nepal. It is a fact that a state cannot do away the organized army though it might continue without a popular politics. In the past, monarchy in Nepal had played a very important role as a cushion between army and democratic forces. Whenever there appeared a direct conflict between these two, the monarchy stepped in to prevent it. After sidelining monarchy following the promulgation of new interim constitution, there is no such cushion now between them. In this context, we conclude that democracy stabilizes all the problems while dictatorship is always volatile.

Keshab
Keshab Poudel
Managing Editor



No Priority

Apropos the cover story "Priorities In Conflict (SPOTLIGHT March 23), I want to point out that there is no priority in this country at all. This country including its economy has no plan or priority. Had there been any plan, people of Nepal would not have to suffer from these terrible problems. So, when there is no plan at all, it is simply futile to talk about priorities or conflicting priorities.

Ganesh Maharjan
Sitapaila

Who Says What?

The cover story exposed the lack of priority among our key political actors ("Priorities In Conflict SPOTLIGHT March 23). They have only one priority – how to best serve their personal and partisan interests. Other than that, they have no priority. And since every leader has his own interest and corresponding priorities, it is natural to find that the host of priorities will be in conflict with each other.

Laxman Bhandari
Battispatali

New Nepal

In the cover story "Priorities In Conflict (SPOTLIGHT March 23), the author talks about the unclear utterances by the leaders about new Nepal. These days, New Nepal has become a buzzword. Even people from donor agencies and foreign diplomats can be heard talking about new Nepal. But everyone seems to have different pictures of new Nepal. Common people have no idea what this new Nepal would be like – will it be a communist republic, a democratic republic, a ceremonial monarchy, a federal state, a unitary nation etc.

Hikmat Gurung
Kopundole

New Nepal But Old Mindset

Even though all kinds of political leaders are issuing calls for new Nepal "Priorities In Conflict (SPOTLIGHT March 23), nobody can be seen actually explaining it. Besides, there is still old mindset prevailing. While communist leaders are talking about the need to do away with feudal culture or capitalist tradition, they have failed to clearly explain how they want to achieve that. Maoists have even said they want to put ceiling on private property. Is that a new mindset? No, that is old and discarded mindsets that have been proved failure in various countries of the world. To create a democratic, prosperous and peaceful new Nepal, new kind of visionary thinking about the way to achieve economic development and eradicate poverty is required.

Kishore Bista
Manbhawan

Education and Job

Primary issue of Nepalese people is the issue related with bread and butter "Priorities In Conflict (SPOTLIGHT March 23). In the cacophony of political debates, this issue has been cast aside. Creating jobs and providing education and health facilities are

topmost priorities of the people but they are nowhere in the priority list of political parties and leaders who concentrate on interim constitution, interim cabinet, CA elections and etc.

Divakar Singh
New Road

New Dictatorship

The interview with Rabin Nath Sharma (SPOTLIGHT March 23) was quite interesting. Sharma has accused that the eight parties are behaving like new dictator. He has also said that holding referendum is necessary to decide the fate of monarchy. It actually was the most appropriate method to decide about monarchy. But the eight parties settled for deciding the fate through CA majority. Had they decided on referendum and had the people voted out monarchy, even staunchest of monarchists would have thought twice defending monarchy thereafter. Even the King himself would have been satisfied since that would have been clear and direct verdict of the people. But other indirect forms of deciding monarchy's fate could provide space for regressive elements to play long after the monarchy is gone.

Shiva KC
Buddhamagar

Stakes In Nepal

In his interview (SPOTLIGHT March 23), Rabin Nath Sharma has raised many important issues. One is his statement that Nepal's traditional forces are allies of India. He has suggested that monarchy –even in a ceremonial form can guarantee stability in Nepal which, in turn, is in India's interest. However, it was India who played the key role in defeating monarchy in last year's power struggle. He should have explained why it happened.

Jeevan Gautam
Naxal

NEA Unbundling Process Set To Begin Soon

The government is going to introduce a legislation in the parliament 'in a fortnight' kick-starting reforms in energy sector. The legislation is coming as part of the institutional and political commitment to power sector reforms, which, among others, involves unbundling of Nepal Electricity Authority (NEA) and having a regulatory body, too. "Power sector reforms hold. The draft bills are being scrutinized by the Ministry of Law, Justice and Parliamentary Affairs. They will come up with their views in ten days before we push forth," said Tika Dutta Niraula, Secretary at the Water Resource Ministry. "Our agenda now is to have all the laws on power sector reforms ready by June 15," Niraula said. Once enacted, the Electricity Bill 2007 will split the NEA into two separate entities with separate functions, as part of the reforms process "to boost the performance and image of NEA." While one entity will be entrusted with the sole task of looking into power generation, the other will look into tasks like power transmission. Similarly, once passed, the Nepal Electricity Regulatory Commission (NERC) Bill 2007 will culminate in the formation of a regulatory body, which will revitalize the now defunct Electricity Tariff Fixation Commission (ETFC). Niraula said the task was being speeded up following a circular from the Prime Minister's Office, which had explicitly said that "the task of enacting necessary legislation for energy sector reforms be finished by the end of the current fiscal year by July 15." The bid to supersede the governing laws by new Acts goes back to the second half of 2005. The efforts received setback in January 2006 when the erstwhile regressive government failed to push the ordinance lacking 'political commitment.' However, the enforcement of the new law could cause employees unrest, with NEA employees' union flaying unbundling as a ploy to benefit

none else than the existing 'cronies' in the power sector. *The Himalayan Times daily reports*

Gas Companies Stop Its Import

Putting forth their three demands, gas companies have stopped importing cooking gas from Sunday (March 25) – adding to the problems of consumers who are already facing fuel shortage. The LP Gas dealers' association has said that the Nepal Oil Corporation (NOC) was not allowing them to import gas as per demands. They have also demanded increasing transport fare by 21 percent and setting separate purchase prices for separate processing plants. The NOC, on the other hand, says that owing to financial crunch, it cannot allow increase of quota of import. *Kantipur daily reports*

Deuba Breaks His Silence; Appeals For Putting Off CA Polls

Nepali Congress (Democratic) president Sher Bahadur Deuba has suggested postponing the Constituent Assembly (CA) on consensus. Two days after the grisly Gaur killings, Deuba told reporters in the capital on Friday (March 23) that the polls have to be postponed on consensus among eight parties including the Maoists. "Already Ian Martin (UNMIN chief) has said it will be difficult. We should amend the constitution to postpone the elections," Deuba said. "There is no reason to feel ashamed. We also cannot blame each other," he said. *Leading dailies report*

Overseas Workers Decline Slightly

After the number of workers leaving for two largest destinations – Malaysia and Qatar – declined, the total number of workers leaving for overseas has come down by 6 percent in the first eight months of the current fiscal year. According to the Department for Labor and Employment Promotion, the number of workers leaving for Malaysia and

Qatar has declined by 20 and 30 percent respectively. As a result, the total number of overseas job seekers has come down by 6 percent to 115,879. The department's data shows that during the period 48,171 workers left for Malaysia – compared to 60,541 in the same period previous year. Likewise, 27,540 workers went to Qatar during the period – compared with 39,397. Experts have assumed that Terai unrest might have affected the number of youths going overseas from Terai. "In this period, there have been difficulties for youths from Terai to go overseas," said Keshar Bahadur Baniya, director general of the department. In Malaysia, the cumbersome process might have pulled down the number of prospective workers whereas in Qatar, the demand for workers has come down after the completion of Doha Asian Games. However, the numbers of workers going for United Arab Emirates and Saudi Arabia have increased substantially in this period. Those going to Saudi increased by 99 percent to reach 21,632 and those going to UAE increased by 26 percent to reach 13,691. *Kantipur daily reports*

Rights Activists Give Gory Details Of Gaur Killings

Human rights activists have revealed shocking and gory details of how people were murdered in cold blood in course of Gaur attack on Wednesday (March 21). The group of rights activists who made on-field inspection on Thursday has informed that over one dozen persons were murdered in cold blood in a grisly manner. The rights activists have informed that murderers raped five women and cut off their breasts before killing them. Over one dozen persons were chased five to eight kilometers before they were killed. In total, 28 persons have died in the incident. The rights activists have also suspected that organized criminal gang must have been involved in the attack. "Looking at the grisly manner of killing, one cannot

imagine that any political organization can engage in such act," said Padma Ratna Tuladhar, a member of the group. The activists have also informed that those who were killed have been found to have sustained grave wounds in their heads. Bamboo sticks and spears have been used repeatedly to smash their heads, they informed. The group of rights activists who went to Gaur on Thursday include Dr. Mathura Prasad Shrestha, Dr. Arjun Karki, Dr. Gauri Shankar Lal Das, Padma Ratna Tuladhar, Daman Nath Dhungana, Subodh Pyakurel, Gauri Pradhan, Bishnu Pukar Shrestha and Bimal Chandra Sharma. *nepalnews.com reports*

Maoists Obstruct Rana From Entering Sindhupalchowk

The Maoist cadres obstructed Rastriya Prajatantra Party (RPP) president Pashupati SJB Rana from entering his home district of Sindhupalchowk on Wednesday (March 21). He was stopped when he reached the border between Kavre and Sindhupalchowk district in Dhadhkhola at 9 am in the morning. Rana was planning to address a public meeting in Lagarche VDC in Melamchi area. Later, however, Rana went to the district after he talked with the Prime Minister over security and a team of Armed Police Force was deployed for his security. *Leading dailies report*

Changes Proposed In CA-Related Bills To Ensure Women Representation

Activists of women's rights have proposed some changes in the Constituent Assembly Member Election Bill and Political Parties Bill to ensure that women will get at least one-third of representation as promised by the interim constitution. Activists led by Shanti Mallika – a campaign aimed at ensuring women's proportional representation – and the UNIFEM office in Nepal, met with Speaker and MPs on Wednesday (March 21). They handed over their

amendment proposal (in the two bills) to the general secretary of the Parliament Secretariat and members of State Affairs Committee – which has initiated discussions on those bills. According to lawyer Bhimarjun Acharya, the women activists have proposed mainly two changes – one is to ensure there will be one-third women candidacy also in the constituencies that will be added as per the amendment of the interim constitution, and second is to ensure that one-third of candidates who will be named in the closed-list the parties will provide to Election Commission for proportional representation-based election should be women. "And they should list these women in the priority also," he said. On the bill related with political parties, the women activists have demanded changes to ensure one-third women representation in all their organizations. Saru Joshi Shrestha of UNIFEM said that women activists have been demanding 50 percent share in all levels of the state. "But due to given reality, we now want to ensure that the one-third reservation by the interim constitution is lived up to by the leaders who have only given us lip-service in the past," she said. Babita Basnet, president of Sancharika Samuha, said the women will continue their movement to realize their due share in the state affairs. *Compiled from reports*

NEA Cuts Power Outage Hours

The Nepal Electricity Authority (NEA) has decided to reduce power cuts by 16 hours weekly from Wednesday (March 21), owing to "decreasing power demands in the country." The new schedule has provided a relief for the people of Kathmandu valley from power cuts at night. The NEA had been slapping a total of 40 hours of load-shedding weekly, which would now be 24 hours weekly. "we have reduced the hours of power cuts by 16 hours a week, thanks to decreasing demand for power. Also, there have been some positive changes

in the power generation plants at Kulekhani," said Sher Singh Bhat, the chief at System Operation Department of NEA. According to the new schedule, the NEA has dropped its shift of 9.30 pm to 1.30 am and from 1.30 am to 5.30 am in the Kathmandu valley. *The Himalayan Times daily reports*

Prachanda Accuses Royalists Of Stoking Fire

Talking to reporters in Dhangadi on Tuesday, Maoist chairman Prachanda has accused that royalist elements were stoking fire to flare up the strike called by the business community. He claimed that the hotelier Shrestha who was beaten by Maoist cadres was anti-employees and had committed gross crimes against workers. He also went on to apologize for beating him saying it was against party's policy. Prachanda accused that royalist elements were trying to use the incident to attack the Maoists. Meanwhile, Prachanda also said that seven parties were working under pressure from domestic and foreign reactionaries to delay the formation of interim government. *Leading dailies report*

MJF Dismisses Prachanda's Demands To Ban It

The Madhesi Janadhikar Forum (MJF) has dismissed demands made by Maoist chairman Prachanda to ban their organization. "The Maoists should actually be banned," Kishore Kumar Bishwas told Kantipur FM. He also denied that MJF activists had used weapons first in Gaur. "It was the Maoists who used weapons first. Then the public retaliated," he said, adding that MJF regretted the whole incident. Meanwhile, another MJF leader has termed Prachanda's remarks as undemocratic and autocratic. "That is an undemocratic remark. There is no reason to ban the MJF," Sita Nandan Raya, central leader and MJF's talks team coordinator, told Kantipur TV. *Compiled from reports*



Vehicles arrive in Nepal on SAARC Car Rally *Annapurna Post*

THE THREE-DAY PEOPLE'S SAARC held in Kathmandu on the eve of 14th Summit of SAARC in New Delhi ended on Sunday (March 25) by issuing 25-point Kathmandu Declaration. Organized by civil society organizations of the countries in the region, the People's SAARC has decided to hand over their declaration to the SAARC Secretariat so that it will be taken up during the summit meeting. In the declaration, the People's SAARC has urged all the parties concerned to act together to fight against poverty, injustice, imperialism and discrimination of gender, caste, religion, language and ethnicity. "From monarchic or military dictatorship to exercise of dictatorial power in the guise of democracy and to functioning formal democracies, all variations exist in the region," the declaration stated, and reiterated its demand to ensure democracy, human rights, justice, demilitarization, de-nuclearization of states and its machineries. It has urged to make the region visa-free and reduce defense budget by 10 percent. It asked the SAARC to declare 2007-2017 a SAARC Dalit Rights decade.

THE UNITED NATIONS WORLD FOOD PROGRAM in Nepal has received donations of US\$617,000 from the Netherlands and US\$410,000 from Switzerland to support WFP's efforts to provide food supplies to over 108,000 Bhutanese refugees living in seven camps in eastern Nepal. "The combined donation will secure enough food resources to feed all of the refugees for over one month," said a WFP statement. "These donations could not have come at a more critical time as we were facing resource shortfalls that may have required food rationing for the months of April and May, placing the health and safety of the refugees at serious risk," stated Richard Ragan, WFP's Country Representative in Nepal. "Also let me make clear that recent reports that WFP is cutting rations to pressure refugees to consider 3rd country repatriation are completely inaccurate." Ragan said that the WFP in Nepal still needs over US\$7 million for this year, or approximately US\$1 million a month, to provide adequate food to the over 108,000 Bhutanese refugees who are completely dependent upon WFP's humanitarian assistance.

SAYING THAT THE COUNTRY WAS FOCUSING MORE on political transition, a senior World Bank official

has urged the leaders to prepare for economic growth as well. "The historic change in Nepal should be used to bring about economic development," said Ken Ohashi, Country Director of the World Bank, addressing a program organized to launch Access to Financial Services report 2006 prepared by the World Bank, DFID and Nepal Rastra Bank. The program was organized by WB and NRB. Ohashi said the government should pay attention to the areas from where perceptible changes in the lifestyle of the people can be attained. He cautioned against delay in formulating strategies for economic growth and appealed for attracting investment, particularly in infrastructure sector. The report has pointed out the poor access to financial services from formal institutions. It says that only 26 percent of Nepali households have bank accounts, 18 percent have deposits in financial NGOs and cooperatives while 4 percent have access to micro-finance institutions. The rest depend on informal sectors such as friends, families, money lenders etc.

THE UNITED NATIONS HIGH COMMISSIONER for Human Rights, Louise Arbour, has called for probe into killings in Terai. "I am deeply shocked by the news of at least 25 killing in Nepal. Reports received indicate that these deaths, alongside many injuries, occurred during clashes between the Madheshi People's Rights Forum (MPRF) and the Communist Party of Nepal (Maoist) in the Terai," she said in a statement issued from Geneva on Thursday (March 24). She added, "I urge the authorities to take all necessary steps to initiate a full and impartial investigation into the killings and other violent incidents and to hold accountable anyone found to be responsible."

The interim parliament, on Monday, unanimously passed two electoral legislations, which were earlier approved by the State Affairs Committee (SAC). The Bill on Functions, Responsibilities and Authorities of the Election Commission and Bill on Election (Crime and Punishment) were passed today. Both the bills were tabled in the House on Monday afternoon. The two bills have provisions that aim to stem 'excess expenditures' in the election campaigning and has fixed ceilings for the candidates and the parties. It empowers the EC to debar candidates who make excess expenditure. The EC can even take decision to cancel a candidate's candidacy. Other provisions include punishments for booth capturing or rigging. Since the EC had complained that it has not enough time to hold the polls on time, the bills have provision that allow the Commission to obtain necessary logistics without going through the time-consuming process of inviting tenders publicly. Likewise, to provide adequate manpower, the EC can also use teachers of community schools. Till now, the parliament has passed three electoral legislations. Two more legislations – CA Member Election Bill and CA Court Bill – are still under consideration of House committees. "The passage of these bills has opened some more doors. But there are still more doors that remain to be opened," said Chief Election Commissioner Dr. Bhoj Raj Pokharel.

“Nation will face situation like that of 1960 (2017BS) if there is no election.”

Prime Minister Girija Prasad Koirala, expressing commitment to hold CA polls on time, during the meeting with Election Commission.

“Nation will face situation like that of 1950 (2007 BS) if there is no election.”

Madhav Kumar Nepal, general secretary of the UML, addressing a mass meeting in Pancuti.

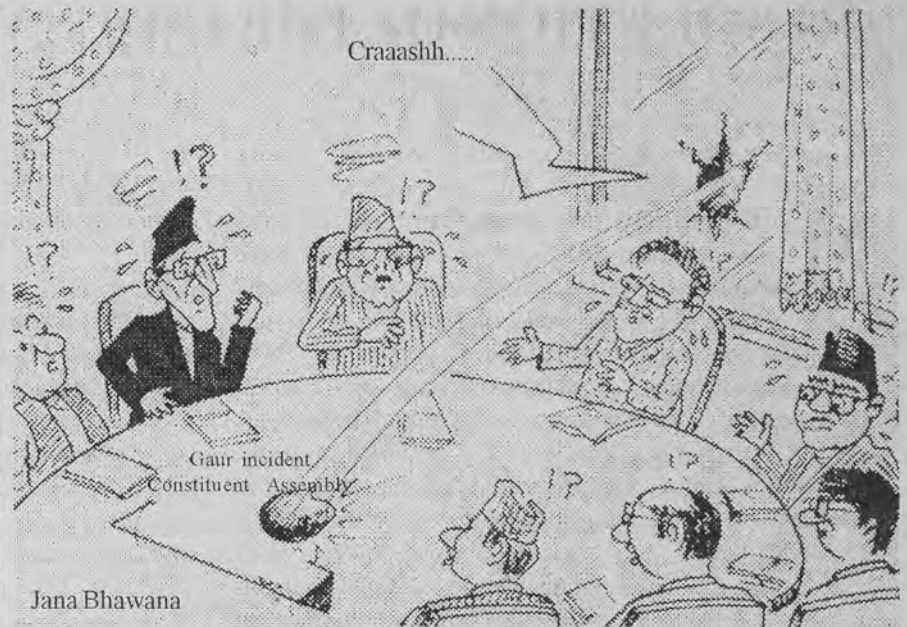
“There is no reason to feel ashamed.”

Sher Bahadur Deuba, president of Nepali Congress (Democratic), saying that it is impossible

“There is a game to make the Prime Minister unsuccessful by the eight parties.”

Dr. Ram Baran Yadav, co-general secretary of Nepali Congress, in Jana Bhawana.

“RPP cannot accept the dictatorship of eight parties.”



Pashupati SJB Rana, president of Rastriya Prajatantra Party (RPP), speaking at a program in Barhabise.

“We will continue agitation if our demands are not fulfilled in the coming days.”

Chandi Raj Dhakal, president of FNCCI, after the business community withdrew agitation following commitments by the eight parties.

“It is possible and feasible to hold

polls in next two and a half months. But it really boils down to the role of key players here.”

Neena Gill, head of the 5-member working group of European Parliament's Delegation for Relations with South Asia, at a press meet.

“Killings in Gaur have shocked the international community as they have shocked Nepal.”

Ian Martin, chief of UNMIN, at a press meet.

TRANSITION

FORMED: Electoral Constituency Delimitation Commission, headed by former Supreme Court judge Arjun Prasad Singh and members Professor Surya Lal Amatya, Dambar Chemjong, Dr. Suniti Shrestha and Dr. Swayambhu Man Amatya as its member secretary.

Four member committee headed by Patan Appellate Court judge Hari Prasad Ghimire with members Ram Sarobar Dube, acting chief of

National Vigilance Center, joint attorney general Tika Bahadur Hamal and Deputy Inspector of Police Niraj Pun.

ELECTED: Chandi Prasad Shrestha, as president of Nepal-JICA Alumni Association.

HONORED: Bhairab Risal, senior journalist, Durga Baral, cartoonist, and Ram Rijan Yadav, a journalist, with Press Freedom Fighter Award.

APPOINTED: Taranath Dahal, executive chairman of National News

Agency. JB Tuhure, as chairman of Sanskritik Sansthan.

LEFT: Neena Gill, head of the European Parliament's delegation for South Asia, after making a brief trip to Nepal.

PROMOTED: Brigadier Generals Toran Jung Bahadur Singh, Pawan Jung Thapa, Gaurav SJB Rana, Anil Jung Thapa, and Ananta Bahadur Thebe, to the post of Major Generals of Nepali Army (NA).

RESOLUTION OF THE INDUS WATER DISPUTE

- By Dr. AB Thapa

Mr. Eugene Black then President of the World Bank was concerned that the continuation of the Indus dispute was bound to have serious repercussions on the economic well-being of both India and Pakistan and also the peace and security in the South Asian Sub-continent. The Indus Dispute was then the flash point in Indo-Pakistan conflict that was going to end up into another war after the first war over the control of Kashmir. In 1952, Mr. Black offered the good offices of the Bank in an attempt to resolve the dispute. The Indus Waters Treaty was the outcome of eight years of discussion and negotiation between the Governments of India and Pakistan, carried out under the auspices of the World Bank that brought to an end the longstanding dispute between these two countries. The conclusion of the Indus Waters Treaty was almost universally hailed as an important event in international relations.

The Indus River

The main Indus river, fed by Himalayan snows and torrential monsoon rains, brings into the plains as much water as the Nile at Aswan. Next to the Indus, in terms of water supply, rank the three tributaries, the Kabul on the west and the Jhelum and the Chenab on the east. These three tributaries and the Sutlej, including the Beas which falls into the former are the large rivers.

Existing Use of Water

The Indus is the river of the north-west Indian Sub-continent. Irrigation had been practiced in the Indus basin from very early period; but until about the middle of the nineteenth century, the basin was largely an arid, fringed with narrow strip of cultivation along the foot-hills and six even narrower strips along the valleys of the rivers. The development in a period of about one hundred years preceding the partition of the Indian sub-continent in 1947 had converted the Indus basin into an intensively cultivated area, with 26 million acres irrigated by a large network of canals, some of which carry more water than the Thames River in flood or the average flow in the Potomac River near Washington D.C. This was by far the largest irrigated area on any one river system in the world. The United States of America had at that time only about 23 million irrigated acres.

The Dispute

With the partition of India (and of the Indus basin) in 1947 the dispute became an issue between East Punjab and West Punjab. In April 1948, it was referred to the Governments

of India and Pakistan and was thereafter an Indo-Pakistan affair.

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

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

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

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

Role of the World Bank

Mr. Eugene Black (then President of the World Bank) was concerned that the continuation of the Indus dispute, and the imminent possibility of its escalation, was bound to have serious repercussions on the economic well-being of both countries, in which the Bank had an active institutional interest. Accordingly, in 1952, Mr. Black offered the good offices of the Bank in an attempt to resolve the dispute. The offer was accepted by both the countries.

In 1952 the World Bank entered the picture as a good officer. After two years in early 1954, the Bank put forward a proposal embodying the main principles for a settlement; the negotiation virtually broke down. They were resumed by the end of the year under the direct guidance of the Bank management.

Sir William Hiff, former Vice-President of the World Bank

has written that the Indus Waters Treaty was the outcome of eight years of discussion and negotiation between Governments of India and Pakistan, carried on under the auspices of the World Bank. It brought to an end the longstanding dispute between India and Pakistan about the use, for irrigation and hydropower, of the waters of the Indus system of rivers.

The Indus Treaty

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

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

Each of the Parties agrees that it will not invoke this Treaty, anything contained therein, or anything arising out of the execution thereof, in support of any of its own rights or claims whatsoever or in disputing any of the rights or claims whatsoever of the other Party, other than those rights or claims which are expressly recognized or waived in this Treaty.
2. *Nothing in this Treaty shall be construed by the Parties as in any way establishing any general principle of law or any precedent.*
3. *The rights and obligations of each Party under this Treaty shall remain unaffected by any provisions contained in, or by anything arising out of this execution of, any agreement establishing the Indus Basin Development Fund.*

The Ganges Issue

India needed a greater part of the Ganges flow in the dry seasons for flushing the silts into the sea from the port area

in Calcutta. India must have considered that it is allowed to take up a scheme to divert the flow because of her sovereignty right over the domain. However, the Ganges is a navigable river. The diversion would have violated the International Barcelona Convention on the regime of navigable waterways. This convention was ratified by British Empire that included India also in 1922. India to free herself to undertake the Ganges diversion scheme, denounced the Barcelona Convention to take effect from 26 March, 1957. Soon after that India commenced the Ganges diversion scheme at Farakka in 1960s.

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

Precedent or General Principle of Law

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

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

Why a Treaty is Necessary?

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

(Dr. Thapa writes on water resources)

GAUR BLOODSHED

Ominous Trend

Despite Maoists joining the mainstream, the politics of violence continues to grip the country

By SANJAYADHAKAL

Beginning from Nepalgunj riots late last year to the Siraha killings and various clashes in Hetauda, Bhairahawa and Birgunj, the trouble was brewing quite rapidly. The Gaur carnage was only a culmination of worsening rivalry between the Maoists and the regional organization called Madhesi Janadhikar Forum (MJF).

The incident of Gaur on March 21 shook the whole nation and caused the international community to become really nervous.

In the single biggest incident of fatal violence since the restoration of peace, 28 persons including five women were killed in most barbaric manner in Gaur city of Rautahat.

Subsequent reports by human rights activists and women activists quoting eyewitness accounts have brought to the fore heart-twisting narratives of the brutal murder.

The incident had occurred at a time when the country was heading towards the Constituent Assembly (CA) and when formation of interim government – a basic precondition to hold the polls – was being negotiated.

Even as Maoists have described the incident as 'new Doramba,' they could not give plausible replies to charges made by independent right activists that their arrogance of power was also a reason for the carnage. Senior Maoist leader Dr. Baburam Bhattarai said that the incident was a calculated conspiracy against his party. "This is another Doramba. It is the conspiracy of regressive forces to push the Maoists back to jungle," he said (Kantipur, March 22).

By Doramba, the Maoists were referring to the killings of 19 Maoist

cadres by then Royal Nepalese Army in Dormaba of Ramechhap in August 17, 2003 when the Maoists were then in talks with the King-installed government led by Surya Bahadur Thapa. On August 27, the Maoists broke off the talks and resumed violent insurgency.

What Happened In Gaur?

On March 21, the Gaur incident occurred when activists of Madhesi Mukti Morcha affiliated with the Maoists



Prachanda and other leaders pay last tributes to those killed in Gaur: Grisly aftermath *Kantipur*

and Madhesi Janadhikar Forum (MJF) clashed with each other. Both the Maoists and the MJF had scheduled their mass meeting at the same venue – Rice Mills Ground for that day.

The incident occurred after 1 pm at the Rice Mills ground. The MJF and Morcha had taken out separate rallies in Gaur city. After their rally entered the ground, the MJF activists vandalized the podium erected by Morcha, according to media reports. Later when Morcha activists entered the ground, they also vandalized the MJF's podium. Both podiums were some 100 meters apart. Reports say that after the Morcha activists started vandalizing the MJF podium, fierce clash occurred and bullets were also fired in what seems like a

targeted and planned attack. Over 40 persons have been injured in the incident. Most of the dead and injured belong to Morcha.

The leaders of MJF claim that people retaliated against Maoist excesses. "The Maoists are to blame for the whole incident. They attacked MJF program first after which the people retaliated," said Kishore Kumar Bishwas, vice president of MJF.

Twelve bodies were found at the major clash site at the Rice Mills ground in Gaur while fifteen more bodies were discovered in Hajmaniya and Mudhbaliya VDCs - five kilometers away from Gaur city in Rautahat district.

One of the primary reasons for the incident was the choice of same venue by two rival parties. The MJF had planned to hold the meeting in the area a week ago while the Maoists later decided to hold their meeting in the

same area. Maoist lawmaker Prabhu Shah and MJF chairman Upendra Yadav were to address their respective mass meetings.

Furious Uproar

Following the bloodshed, the Maoists have become furious. Their PLA combatants walked out en masse from all the cantonment sites to protest the killing.

Prachanda has demanded that MJF be banned and its leaders arrested. He accused MJF action aimed at sabotaging peace process and Constituent Assembly polls. He said the MJF was a front of reactionaries. "Contra was created to derail peace process in Nicaragua. This (MJF) is also a similar design by imperialists," he said (Kantipur daily).

In a separate statement, Prachanda accused that armed Indian Hindu extremists who had come from across the border were involved in the Gaur bloodshed. Prachanda has also accused that the attack was a result of conspiracy hatched by royalist reactionaries; Indian Hindu extremists and expansionists; and anti-peace regressive elements. "There is no doubt that behind this Rautahat massacre is conspiracy and master plan by Indian Hindu extremists, foreign and royalist regressive forces who don't want peace, democracy and progress and who want to derail eight party understanding, and Constituent Assembly elections," Prachanda has stated.

"Seal the border. Form joint investigation team of eight parties. Declare all those killed as martyrs," Maoist spokesperson Krishna Bahadur Mahara said in the interim parliament.

The Maoists also sponsored a resolution in the interim parliament - which was unanimously passed - condemning the Gaur bloodshed and demanding that the government punish the perpetrators. The resolution demands that a separate political committee formed to probe the incident. The Maoists had rejected the earlier committee headed by an Appellate court judge formed by the government.

The resolution also directs the government to confiscate weapons distributed in the past to anti-Maoist groups. The Maoists have accused that such weapons were used to effect the Gaur bloodshed. The resolution also asks the government to become serious about groups that were hurting the sovereignty and integrity of the country.

Consequently, local administrations in some Terai districts have decided to prohibit Madhesi Janadhikar Forum

(MJF) from holding any program fearing Gaur-like clashes. Police have arrested Binod Raut, Bablu Raut, Ramjanam Das, Baidnath Raut, Lal Bahadur Paswan and Dharmendra Mahato from Gaur municipality on suspicions of their involvement in the heinous incident.

As Madhav Kumar Nepal, general secretary of the UML who also represents Rautahat district said after he visited Gaur, "This is a blot on human history," the Gaur incident is going to have a long-term implications on the security as well as peace process. Already there are signs that the culture of violence is being picked up by fringe elements even though Maoists have joined the mainstream. If that culture and trend is not stemmed right away, the country will be heading towards a disaster. ■

Gory Details Of Gaur

Human rights activists have revealed shocking and gory details of how people were murdered in cold blood in course of Gaur attack. The group of rights activists who made on-field inspection last week informed that over one dozen persons were murdered in cold blood in a grisly manner. The rights activists have informed that murderers raped five women and cut off their breasts before killing them. Over one dozen persons were chased five to eight kilometers before they were killed. In total, 28 persons have died in the incident. The rights activists have also suspected that organized criminal gang must have been involved in the attack. "Looking at the grisly manner of killing, one cannot imagine that any political organization can engage in such act," said Padma Ratna Tuladhar, a member of the group. Furthermore, following the field investigations by the women rights activists in Gaur, they have reached conclusion that the carnage was effected by criminals who even used rape as a weapon. The nine activists of Shanti Mallika including Sharada Pokharel,

Shobha Gautam, Kalyani Shah, among others, had conducted field investigations for three days in the Gaur area. The activists said the tragic incident occurred due to communal and revenge feeling spread by the Madhesi Janadhikar Forum (MJF) and arrogance by the Maoists. The activists informed that three women who were trying to cross the Bagmati river in Pataiya of Hajmaniya village were attacked by criminals who raped and killed them. "They were chased, raped and killed in most barbaric manner. Their bloods were spilled in the local village temple also," said Sharada Pokharel. "The incident showed that women were subjected to worse treatment just because they were women. The dignity of women was violated," said Pokharel. The activists also said that most of those who were killed were killed in an inhuman and barbaric manner - by thrashing with bamboo sticks, extreme torture and rape. Of the 28 who died in the incident, 12 were killed five kilometers away from Gaur in the field of Hajmaniya village where they were stoned and beaten with sticks.

Chronology of Clashes

January 18: Maoists open fire in a public rally organized by MJF in Lahan killing MJF worker Ramesh Mahato.

February 21: In Bhairawa, 15 injured after Maoists-MJF clash

February 22: Maoists clashed with JTMM in Gaur

March 5: MJF workers detain 18 Maoists including its MP in Nawalparasi

March 9: Maoists-MJF clash in Nepalgunj

March 10: JTMM (Jwala Singh)-Maoists clash in Inaruwa.

March 16: Maoists-MJF clashes in Birgunj and Kalaiya

March 21: Carnage in Gaur

WORLD WATER DAY

Empty Taps

At a time when Nepal celebrates World Water Day, Kathmandu valley continues to suffer from severe crisis of drinking water. Along with the cost of drinking water, depleting water level in the valley is causing a great concern as drinking water is gradually becoming a scarce commodity. While the country's political leadership is busy holding debates and discussions on politics all the time, nobody seems bothered about water issues

By KESHAB POUDEL

Seventy-five-years old Janaki Karki, a resident of Imadol, Lalitpur, had never imagined that one day she will have to pay money to buy drinking water. It is believed in Nepali culture that offering drinking water to thirsty people is a virtue. There was a time when water was abundant nearby her house. From wells to stone spouts, water was everywhere.

In the past, many people even spent money to build water spouts and wells so that people can drink water. They did so in a philanthropic manner. As water level has now depleted, it is beyond imagination that anybody will do so. Thanks to depleting water level, most of the people now extract ground water from below 75 feet. In most of the cases, the water has so many minerals, it needs heavy treatment before it becomes drinkable.

"Our family has to pay about Rs.400.00 (US\$ 5) a month to buy drinking water. For other use, we have to pay Rs.1200.00 (US\$ 20) a month. I didn't imagine that such situation will come," said Karki.

From a middle class family like Karki to poor ones, one has to pay the price for drinking water. Though Nepal Water Supply Corporation (NWSC) also has tanker service and community distribution system, the supply of 20 liters of water per family is not enough for drinking and other usages.

As population pressure continues to soar while water supply remains

stagnant, valley people have no option in future other than to be prepared to pay higher prices for drinking water.

Looking at the growing demands of water, private entrepreneurs have already invested huge money in water tankers, which are now supplying huge volume of water in the valley. Even there are a numbers of groups producing mineral water to supply in the market.

According to experts, ground water is being extracted at twice the sustainable rate and causing the drop of ground water levels at rate of 2.5 meters per year. "Depleted ground water levels can lead to subsistence, the sinking of soil causing property damage. A reduced level of groundwater can lead to Arsenic contamination which will force more people onto the current system making less water available for your home," wrote Prakash Amatya and George Fowler in their article published in ENPHO magazine in 2005.

In the last two decades, the population of Kathmandu Valley increased by many folds. Imadol village development committee – on the eastern outskirts of valley – alone has witnessed dramatic transformations - from just about hundred houses two decades ago to about 3000 houses and population from merely 2,500 to 30,000 thousands.

These kinds of changes are not only taking place in Imadol but all areas in Kathmandu valley. The situation is worse inside the ring road where the

population density is much higher. According to the Ministry of Population and Health, the population of valley is projected to be 1.5 million including the floating population. However, the progress in supply of drinking water is very low.

"We have to wake up at the mid-night every alternative day so that water can be pumped," said Jamuna Shrestha of Baneswor. Shrestha and Karki are vividly and accurately narrating what is undoubtedly one of the most pressing problems every household in the valley is facing.

Although the government has been trapped into single project option stressing on Melamchi project to maintain the water supply in the valley its implementation continues to delay due to several technical, political and financial reasons.

According to an estimate of NWSC, the valley now demands more than 146 Million Liters Per day. According to Corporation, it has the capacity to supply just between 73 to 98 MLD. The people of valley have to manage remaining water through various other alternatives.

The government expected that by 2016, the valley's population will reach 2.1 million and the demand of water will rise to 268 MLD per day. Even if Melamchi is completed on schedule, there will be huge short fall of water and they need to divert the water from Larke and Yangri.

Although Nepal is known as a country of abundant fresh water, large number of population in capital Kathmandu has to pay high price and many people have to use even dirty water.

As soon as monsoon begins, taps in the valley also sees sufficient running water. Prepared by WaterAid Nepal, the Urban Program Operation Framework (2005-2010), states that on an average 78 percent urban population have access to water supply. This does not ensure adequate and safe supply. For example, water distribution is contaminated and most part of Kathmandu receives only half an hour supply on alternative days.

According to the framework, the city supply also has been contaminated by various types of bacterial coliform resulting in frequent outbreak of water borne diseases. As the distributing network is getting older, the possibility of water pollution is higher.

Rain Water Harvesting

As the water supply continues to decline, people are looking at different alternatives. In most of the areas, communities have begun the renovation of stone spouts and adopted new technology of rain water harvesting.

According to experts, rain water harvesting can be the best way to maintain water supply in the valley. Rain water harvesting can provide complimentary sources of water for household needs. As it is safe to drink except in areas with high air pollution, Kathmandu has immense possibility to exploit it.

Kathmandu receives annual average rainfall of 1610 mm. During the four months period from June to September, the rainfall is highest. According to experts, the system can be built on all types of building.

Despite immense possibility to harvest the rain water, it is yet to be tapped by the people. Thanks to the efforts of NGOs, people are gradually moving to harvest the rain water for household use. Any sized roof can be used to collect water.

Water As The Priority

Although Nepal has been making plans to increase the access to water and sanitation in remote areas, the country is



Drinking water: Precious commodity

still struggling to address the sanitation and drinking water supply demands in urban areas like capital Kathmandu.

As 2015 deadline set by Millennium Development Goals is coming closer, Nepal seems to be in no position to meet the goals about providing access to drinking water and sanitation to all of its population.

"One in three people do not have access to drinking water. Similarly, every two in three do not have access to sanitation in Nepal," said Umesh Pandey, director of Nepal Water For Health (NEWAH).

"The access to safe drinking water is very low in the valley. Large number of poor people don't have access to piped drinking water," said Lazana Manandhar, executive director of Lumanti, an NGO working in sanitation and water sector.

"Without sanitation and water, there can be no sustainable development in health, education, and livelihoods, locking people into a cycle of poverty and disease," said Sanjaya Adhikary, country representative of Water Aid Nepal.

The report prepared by WaterAid reveals that 17 percent or 218,322 households in 5 municipalities are unconnected to piped water supply.

According to the report, to reach the sanitation target, an additional 14,000 households need to be served per month between 2000 and 2015, and an additional 11,300 households need to be served per month to reach the drinking

water target. The total financial requirement to meet these targets is US\$ 1,087 million while the resource availability for 2000 to 2015 is US\$ 755 million resulting in an annual resource gap of US\$ 23 million.

Published by United Nations Development Program (UNDP) and National Planning Commission, Millennium Development Goals Needs Assessment for Nepal states that the total cost of attaining the MDG target on water supply and sanitation for 2005-2015 amounts to Rs 137,398.2 million at 2004/05 constant prices.

According to Human Development Report 2006, Nepal falls in the category of countries with sanitation coverage less than 40 percent. Inequality in water provision relates not just to access and expenditure but also to price. Price rise steeply as water passes through intermediaries i.e. trucks, vendors, tankers. In Kathmandu, the municipal water utility reaches about three quarters of the population but half of the poor depend upon public taps.

As population pressure increase, the demands of water will also increase. Melamchi has shown that is a very difficult and long process to bring the water in valley from outside. The time has come now to start using alternative sources like harvesting rain water, which is cheap and safe. Till now it is an agenda of non-governmental organizations only, the time has come for the government to develop a long term planning to use this alternative. Otherwise, water is going to be scarce and expensive community to the people. ■

Stable Democracy Or Volatile Dictatorship?

With the upsurge in violence and chaos in the country, there appear no signs for immediate elections in the country. At a time when Nepal is trying to adjust with the new system, a debate is raging how to stabilize Nepal - either through democracy or dictatorship. Although one of the leading newspapers of democratic India termed democracy as volatile and dictatorship as stable for Nepal, Nepal's own experiences have shown just the opposite - as it was stable during the period of democracy and volatile in the period of dictatorship. Stable democracy will be right prescription to bring the country back to track.

By KESHAB POUDEL

"... If events in that landlocked nation (Nepal) should spin out of control, New Delhi could well be left scratching its head and wondering whether in case of countries in its immediate neighborhood, stable dictatorship or volatile democracies are more in its interest." (Times of India, 14 March).

Although Nepal has several experiences of volatile situation during the period of dictatorship whether it was during Panchayat or recently after October 4, 2002 or with the formation of seven party government after April, 2006, Times of India, a leading paper of one of the world's largest democracies, however, prescribed opposite views.

M.R. Josse, a renowned Nepalese journalist, who is well known for his commentary on international affairs, writes in his article, "Finally, one may consider a somewhat new Indian dimension to the Nepalese Maoist issue as reflected in a Times of India editorial (14 March) entitled "Virtual Republic." Josse argue that the editorial of the Indian establishment newspaper often reflects what is on South Block's mind.

Whatever the intention of the editorial, the paper suggested a very wrong alternative to the people of India

about Nepal. "Unfortunately, this opinion has come not as a correct diagnosis and treatment of Nepal's problems. But this can be taken as a reflection of utter frustrations of the elites and opinion builders of India about their own democratic experiments till now," said a political analyst. "In fact, democracy is the time tested solution of all these problems originating from conflicts, disorders and instability of all these natures."

Democratic India

Though democratic experiment in India, in terms of two prominent scholars Francis Fukuyama or even Fareed Zakaria, is an illiberal and slow in its delivery, had there been no democracy in India, there would have been nothing to preserve its integrity as a nation.

"Despite being desperately poor, India has had functioning democracy since 1947. Whenever someone wants to prove that you do need to develop economically to become democratic they use as their one example - India. Much of this praise is warranted. India is genuinely free and free-wheeling society. In recent decades, Indian has become something quite different from

the picture in the hearts of its admirers. Not that it is less democratic: in important ways it has become more democratic. But it has become less tolerant, less secular, less law-abiding, less liberal. And these two trends - democratization and illiberalism- are directly related," writes Zakaria in his book *The Future of Freedom*. "India's semi liberal democracy has survived because of, not despite, its strong regions and varied languages, cultures, and even castes. The point is logical, even tautological, decentralized government helps produce limited government."

Fukuyama has his own views on democracy. "There is no doubt that contemporary democracies face any number of serious problems, from drugs, homelessness, and crime to environmental damage and the frivolity of consumerism. But, these problems are not obviously insoluble on the basis of liberal principles, nor so serious that they would necessarily lead to the collapse of society as a whole, as communism collapsed in the 1980s," said Fukuyama in his book *The End of History and the Last Man*.

Stable Democracy

The experiences of different countries have shown that it is the democracy which is stable and smooth compared with dictatorships. Though tyrant and dictatorship guarantees short term stability; democracy, which is often volatile in nature, is a system guaranteeing a long-run stability accommodating conflicting interests and groups.

One of the basic characters of democracy is that it accommodates all aspirations of religious, ethnic and other groups through the periodical elections. India is the best example of how democracy accommodates various linguistic, ethnic, religious and regional groups. For example, India's present leaders of power structures show an example. India's democracy shows model of inclusiveness in its power structure electing Muslim as a president, minority Sikh as a prime minister and Dalit as a chief justice.

"We can guarantee the stability only through democracy. There are no

alternatives to democracy. We have already seen how unstable and unpredictable absolute power in one or other forms can be," said RPP-Nepal president Rabindra Nath Sharma.

One cannot see these kinds of accommodations of various groups in stable dictatorship. Even in many other South Asian countries which passed through various modes of dictatorship which brought temporary stability and ended in volatile situation. Even for the integration of nation, democracy is the best solution.

Several countries in the world including the dissolved Soviet Union or former Yugoslavia or Czechoslovakia, they were disintegrated as they were under the tyrannical communist regime. So far as democratic countries are concerned, democratic values and ideals bind the country together even in difficult times.

Nepal's Experiments

In the last six decades, Nepal has experimented with various models of democratic system. From liberal democratic system to tyranny of the King and from parliamentary democracy to newer form of tyranny of eight political parties.

As a country of various geographical regions and numbers of ethnic and linguistic groups, tyranny in any form, cannot accommodate their conflicting interests. It is possible only in democracy.

"Nepali people should take the responsibility of restoring democracy as well as safeguarding the nation. If we talk of only one responsibility we will be following the wrong track by being one-sided. Therefore, we need to understand that the national unity can be built on the foundation of democracy only," said Nepali Congress leader BP Koirala in his statement issued on December 16, 1976.

Nepal's six decades of experiments helps to draw the conclusion that period of normal parliamentary process was able to accommodate conflicting interests and opinions through the electoral process.

The first phase of Nepal's experiment on parliamentary democracy began in

1959 when country held the first elections for parliament. After the

elections, a first elected government was formed under the leadership of Nepali Congress leader B.P. Koirala in 30 June 1959. However, this experiment did not last for long and King Mahendra dismissed the elected government led by B.P. Koirala on December 4, 1960 dissolving both Houses of Parliament and suspending the constitution.

Whether in the elections for first parliament in 1959 or past three parliamentary elections following the restoration of democracy in 1990 - which were keenly observed by international teams of vigilance from different countries and organizations - showed how they could accommodate the conflicting interests.

"During the first parliament in 1959, all the persons belonging to different castes and ethnic groups suffered for common democratic cause. Under the leadership of B.P. Koirala, persons like Ganeshman Singh, a Newar, Ram Narayan Singh, a Madhesi, Yogendra Man Sherchan, a Thakali, Premraj Angdumbe, a Limbu and Dewan Singh Rai - who were in prison with B.P. Koirala for many years together - made great contributions," said the analyst.

According to the Elections Commission, the first general elections were held in February 19, 1959 and Elections in two constituencies were held two months later. Out of 42,46,468 voters of estimated 8.4 million population, Nepali Congress secured 45 percent votes winning 74 seats out of 109.

"Only a democratic ideal could accommodate and assimilate persons of such varied ethnicity and regions," said an analyst. "There was no such emotional integration or political solidarity as was seen in the team of



Legislative-parliament: Interim arrangement

politicians of first parliament. Even the main opposition leader joined the majority party to fight for the restoration of the parliamentary democracy. That experience of the formative period of democratic phase of Nepal now serves a lesson to keep in mind."

Second Phase of Tyranny

After the dissolution of elected parliament and dismissal of elected government, the second round of authoritarian came into existence under the leadership of the King. There was almost 30 years of authoritarian exercise of power under Panchayat system but when it failed all of its prominent leaders scattered to different alliances.

Although frequent elections were held for various units of Panchayat from grass root level to central level, it failed to accommodate all conflicting interests for a quite a long time.

Panchayat system evolved individualistic approach and competition among various individuals for the sake of power. Though Panchayat system established some stability, it was at most a volatile situation that survived through various compromises with unseen forces

with ulterior motives.

Unlike the government accountable to the people, authoritarian Panchayat system harped slogans of nationalism of all kinds but it survived with a series of compromises with unseen powers.

Second Phase of Parliamentary Democracy

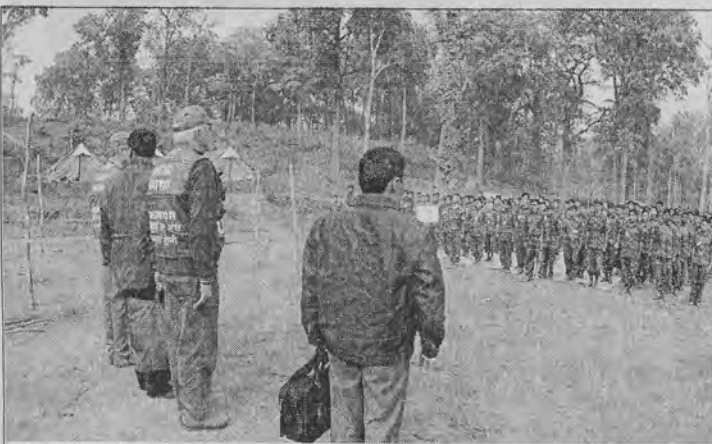
As the Panchayat system crumbled following mass uprising in 1990, the second phase of parliamentary democracy started in 1991 following the elections for parliament. In the second phase of practice of parliamentary democracy, there began a process of accommodation, integration and consolidation.

Nepali Congress emerged as the

all previous elections and thus they were able to form the government most of the time. In all three parliamentary elections held in 1991, 1994 and 1999, Nepali Congress emerged as the largest party and CPN-UML secured second largest number of votes.



PM Koirala & political leaders: Representating public voice?



Maoists in cantonments: End of one phase of violence?

biggest political party not because of any wise and charismatic leader but because of commonalities of interests of persons representing constituencies of heterogeneous ethnic and regional elements.

“The second elections of 1991 had drawn criticisms about the quality of fairness but still it was much better than violent and rigged atmosphere of elections in the neighboring state of India and in which Bihar is the worst example.”

“Although Nepal has a long border with Indian state of Bihar, those kinds of deterioration was not seen at all in any constituency in Nepal,” said the analyst.

In the parliament too, Nepal had two closely competitive political parties which were able to form the governments turn by turn. The centrist Nepali Congress had secured highest votes in

Sadbhavana Party, a regional party, secured 4.10 percent votes winning 6 seats in the parliament. In the following elections in 1994, Nepali Congress secured 33.38 percent votes winning 83 seats and CPN-UML secured 30.85 percent votes winning 88 seats. Rastriya Prajatantra Party came up with 17.93 votes winning 20 seats and Nepal Sadbhavana Party secured 3.49 percent votes winning 3 seats.

In 1999 elections, Nepali Congress secured 36.14 percent of votes taking 111 out of 205 seats. Similarly, CPN-UML won 30.74 percent votes with 71 seats. RPP’s two factions secured 14 percent votes. Interestingly, breakaway group of CPN-UML the CPN-ML secured 6.38 percent votes.

Once considered as an extremist party like India’s Naxalites with the same kind of brutal and violent records, the UML became the second largest party and there

According to the Elections Commission, Nepali Congress secured 37.75 percent votes in 1991 election winning 110 seats out of 205 followed by CPN-UML with 27.98 percent votes winning 69 seats.

was a drastic change in its character and rapidly it emerged as the left of center party.

The Third Phase: King’s Authoritarianism

The third phase of authoritarianism began following the dismissal of elected government led by King Gyanendra on October 4, 2002 and its culmination was the action of February 1, 2005 when the King took control of all state power leading the council of ministers.

When all possibilities of sharing power was stopped during this period, many political parties were fragmented into the pieces and there began the politics on the basis of caste, ethnicity and regionalism.

Following King Gyanendra’s pronouncement of April 24, 2006 reviving the dissolved House of Representatives, the situation has not changed much. From the King’s to eight political parties’, absolute government was imposed upon people. The new Interim Constitution 2007 - which was promulgated on January 15, 2007 - stipulates that the eight parties are superior and others are inferior in terms of sharing power.

“This government has mixed up characters having combination of heterogeneous views and ideologies. Some have commitment for pluralism and democracy pluralism and many have communist authoritarianism as their guiding ideology. As fully democratic constitution has been abrogated by compromised document of interim constitution which is not able to fulfill

any particular political goal, the freedom at present in Nepal is not a guaranteed one but at the mercy of eight political parties' alliance. Most undemocratic article of this constitution is not to allow any other political party except eight in the government," said the analyst.

Role of Monarchy

Monarchy in Nepal has played very important role as a cushion between army and democratic forces. Whenever there appeared a direct conflict between these two, the monarchy stepped in to prevent it. After sidelining monarchy following the promulgation of new interim constitution, there is no such cushion now between them.

Debate has started on monarchy ultimately after prime minister Koirala shifted his stand and sided with populism without realizing the role of monarchy. Of course, certain individuals have played certain roles, but one cannot ignore the importance of institution as such.

"The utility of this institution is not dependent upon the person and character with the crown but it is a mysticism of this institution that the people are assured and believe that the monarchy is there to act according to its role. Having some experiences with the constitutional monarchy the people in Nepal at the grass root believe that it is neither absolute nor tyrannical," said the analyst.

Soon after sidelining the monarchy, people have started to debate possibility of military intervention. This debate should not come when new Army Chief has already reiterated his full support and cooperation to new democratic government. Whether one likes it or not, this debate is there.

Following the sidelining of the monarchy, the future scenario at the moment between civil and military authority is completely a new thing in Nepal. "A state can not do away the organized army though it can continue without popular politics. Of course, its prices are very high and dangerous in the long run," said the analyst.

The debate on volatile democracy and



PM Koirala meeting with Norwegian minister Solheim: International concern *File photo*

stable dictatorship has come at a time when monarchy was completely sidelined.

Interim Period

Eight Party's Absolutism

When the possibility of holding the elections has become uncertain, political parties, slowly and gradually, are facing problems of fragmentation on pieces on the basis of ethnicity and regionalism.

"As Nepal is in a critical stage of interim period having no compulsions to go to the constituencies and remain accountable to the electorates, various fractions and groups have again jumped into the political field to try their capacities and, thus, fish into the troubled water," said the analyst.

Even at this interim period as the power is shared on the party basis, all the political parties have maintained their integration except some smallest units - but that also is in the process of reuniting again.

"Had the leaders of political parties been determined and committed to their own following masses, instead of seen and unseen patrons, with their ulterior designs and strategies, the most unfortunate dirty games of such invisible forces would not have disturbed the real political process," said the analyst.

As there are no immediate chances for sharing power by holding the elections,

various ethnic groups and regional groups are coming up creating the situation more volatile - as such, under the posture of democratic absolutism Nepalese democracy seems to be volatile. If there is no possibility of sharing power through holding elections, these kinds of situations are inevitable.

Interestingly, the transition of interim period was quiet and peaceful till there was parliament with legitimate mandate of people. Following the promulgation of new interim constitution framed by eight political parties and interim legislative-parliament with nominated members from eight parties, the new phase of unrest began in the country.

Nepal's own experiences have shown that dictatorship is more volatile with unpredictable results while democracy leads to stability as well as predictability. The prescription for Nepal's volatile situation would be the parliamentary democracy accountable to the people. Till the government is unaccountable to the people through the periodical elections, it will be known as absolute government whether it is the government of eight parties formed after April, 2006 or King Gyanendra after October 2, 2004. Both the governments failed to bring stability in the country accommodating all conflicting interests. ■

“It Will Be A Great Mistake To Postpone The Elections”

-Madhav Kumar Nepal

If we cannot hold the elections in coming June, there is going to be a disaster in future. The unity of eight political parties will break and the country will witness a series of political crises. The country may not be able to hold the elections in future and will fall into a vicious cycle of uncertainty.

Amid growing doubts over the holding of Constituent Assembly on stipulated time thanks to spreading uncertainty and unrest, political leaders are still confident that they can hold credible polls. An old-hand of Nepali politics, general secretary of CPN-UML, MADHAV KUMAR NEPAL spoke to KESHAB POUDEL on various aspects of current political debates in the country at his residence at Koteshwore. Excerpts of the hour-long talks:

Since you also represent from Rautahat district, how do you see the recent carnage in Gaur?

So far as the incident of Gaur is concerned, it was one of the most brutal acts in the human history where people were murdered by using cruelest of methods. It is a condemnable act in human history. I cannot imagine that any man is capable of committing such barbaric act. There might be some sort of political clashes in some places but one cannot imagine seeing this level of cruel and inhuman act like we saw in Gaur.

How do you see the role of district administration during the whole Gaur episode?

It was the complete failure of district administration. The administration completely failed to avert the incident. The incident was the result of failure of Home Ministry's administration. The government is inefficient and it failed to guarantee the law and order. What is the use of such government in the country? What can you expect from such government?

Maoist leaders are blaming regressive forces, sympathizers of Palace and Hindu fundamentalists from across the border for the Gaur incident. What do you say?

I don't want to make comment without investigation is complete. Since the government has already set up high level committee, we have to wait for the report before making accusations. After findings of investigation are made public, we need to punish those who are found guilty. What I can say is that Gaur's incident is a barbaric act by criminals. Even my own house and our party office were attacked in Gaur and statue of leaders like B.P. Koirala were destroyed but our home ministry was unable to prevent them. If the government cannot contain the activities of criminals, what is the use of state? The government must punish those who violate the law. We have to learn a lesson from the incident.

There have been frequent clashes between workers of Madhesi Janadhikar Forum and Maoists in different parts of Terai. And in many places there were casualties. Don't you think this needs to stop now?

Unlike previous clashes, Gaur's incident was not just a political clash between MJF and Maoists. It was one-sided attack where people were chased and murdered. When I visited the incident site and met with people, I found that people were killed with cold blood. After this incident, it shows that there is a need to change the relations between MJF and Maoists to prevent future incidents. If somebody wants to pursue their political views, they must follow the political rule and pursue the political route.

What are your impressions about the ongoing political situation in the country?

The political situation is very uncertain. There are differences of opinions regarding the way out for political solutions.

What options your party has?

The CPN-UML believes that holding the elections for the Constituent Assembly is the only way out to settle the present political crisis. I have repeatedly said this for quite a long time. Since the restoration of previous parliament, our party has been stressing the need to announce the date for the elections. It is unfortunate to say that other political forces have not paid heed to our suggestions. Even two months after the promulgation of interim constitution, we have not been able to form the interim government and announce the date for the elections.

Why are you stressing on holding the elections in June?

If we cannot hold the elections in coming June, there is going to be a disaster in future. The unity of eight political parties will break and the country will witness a series of political crises. The country may not be able to hold the elections in future and will fall into a vicious cycle of uncertainty. It will be a great mistake to postpone the elections. We can still hold the elections in June. The time has not run out. We need to cut short the duration of interim period. This is the reason I have been stressing to hold the elections on time since July, 2006.

If this is the case, why your views are being ignored by the leaders of other political parties?

That is a very sad thing. Despite my frequent suggestions, nobody has taken them seriously. Had we announced the date for elections on September, the country's situation would not have come to such a worse phase and many other reactionary and regressive forces would not have gotten the opportunity to fish in the troubled waters.

As one of the top leaders of eight political

parties, don't you see any responsibility on your part for the present situation?

I don't have any answer to such question as I have been raising a lone voice among eight party leaders stressing the need to announce the date for elections.

What is the reason behind the present situation, then?

From the very beginning, a group of political leaders have been making efforts to prove that the elections cannot be held in June, 2007. This group doesn't want the elections. Due to their own intention, steps were taken one after another to delay the elections. One of the reasons might be their conclusion that the election results will not come to their favor in case they hold the elections in June. Everybody has been nursing his/her own interests; nobody is bothered about the country's interest. Some see CPN-UML's growing popularity as a threat and others want to delay the elections to further weaken CPN-Maoists. Sooner the country attains political stability, better it will be for its people and their future. Even investors need political stability as a pre-requisite for making investments to develop economy. Longer the interim period continues, more the people and the country has to suffer.

At a time when country's law and order situation is deteriorating with continued violence intimidations and extortions by Maoists as well as worsening situation in terai, how can the elections be free, fair and without intimidation?

Of course, the law and order situation is getting worse and there is no presence of administration in the country but we have to manage it. If government handles issues of law and order and Maoists ask their cadres to be disciplined, the scenario will change. The administration must take stern actions against those who try to affect the elections by disrupting the public meeting of others.

Former prime minister and leader of Nepali Congress Sher Bahadur Deuba has said that the elections is impossible in June, what do you say?

I don't know on what ground Sher Bahadurji was speaking as he has to forward his arguments. Finally, all political leaders need to endorse it. So far as my opinion is concerned, I firmly believe that we can hold the elections on schedule in June. Even a leader of European Union Parliament delegation said the elections can be held in three months time. If we work by concentrating our whole efforts on elections, nothing can prevent us from holding the elections.

As you have been stressing to hold the elections in June, when will you pass the bills pending in the parliament?

Of course, the bills need to pass before holding the elections. We can do it overnight. If leaders of eight political parties decide, the parliament will



make the law within a day. If you could present most sensitive citizenship bill in parliament without giving us adequate time to discuss, what harm is there to present bills related to Election Commission. What are the reasons behind the game when you used all force and expedited process to pass citizenship bill from parliament and now you are dilly dallying the process to enact bills related to elections. The government has to take responsibility for all this.

How do you see the role of other parties?

I don't want to blame any body. I don't want to create misunderstanding. If we cannot hold the elections, some body has to take responsibility.

Do you mean it is alright to hold abnormal elections in abnormal time as said by prime minister Girija Prasad Koirala?

I don't know what prime minister said but I am confident that we can still hold the free and fair elections with the presence of international observers from European Union. Time has not run out.

Still, the eight party leaders have failed to develop consensus for the appointment of vice chancellors for country's four universities. How do you look at it?

It is very unfortunate to see country's four universities without vice chancellors. Minister of Sports and Education Mangal Siddhi Manandhar had proposed the names for selection committee to prime minister just a few months after the formation of the government but the names were not accepted. It shows that there is no rule of law and everybody wants to politicize the universities by appointing political persons. If there is a provision in new law to appoint the vice chancellors under the recommendation of the selection committee, what is preventing (the PM) from proceeding with the appointment process? There is a provision in our law that vice chancellors should be appointed under the recommendation of selection committee.

How do you guarantee that the names proposed by the Minister affiliated with CPN-UML are not your party sympathizers?

I have told you that there is a law to constitute the selection committee to recommend the names for vice chancellors. Our intention is clear, we want vice chancellors in universities to run the administration smoothly. I have not seen any concern from anybody. This is most anti-national view.

What are the reasons behind the game when you used all force and expedited process to pass citizenship bill from parliament and now you are dilly dallying the process to enact bills related to elections

BUSINESSMEN AGITATION

Short Relief

The business community warns it will re-launch agitation if eight parties do not fulfill their commitments

By A CORRESPONDENT

This time the business community got what it wanted through its agitation. After huge participation and wide solidarity for its agitation, the eight parties were compelled to issue a joint statement stating they were ready to ensure atmosphere conducive for conducting normal business activities.

The business community halted their indefinite strike on March 21 after the top leaders of eight parties expressed written commitment to ensure conducive environment for conducting business activities. The business community decided to halt their strike for the time being. They have warned to continue their agitation if the commitment is not put into practice. They have also decided to form talks team to hold talks with Maoists and the government.

"We now hope that there will be conducive environment for the business activities as both the Prime Minister and Maoist chairman have also given us assurances," said Surendra Bir Malakar, president of Nepal Chamber of Commerce (NCC).

The eight party commitment followed their separate meetings with the Prime Minister and Prachanda – both of whom urged them to withdraw strike.

In his interaction with agitated businessmen, Prachanda said his party was trying to come in the competitive politics and he was saddened by such incidents which are not in accordance with the official party policy. "We have felt that there is a big communication gap between us and the business community," he said assuring the community of all cooperation in future.

The businessmen had launched indefinite strike closing down private

sector after the Maoists abducted two businessmen from the capital, tortured them and demanded extortions. Hotelier Hari Shrestha and printing press entrepreneur Suresh Malla were abducted by Maoist supporters. Later, the Maoist-affiliated All Nepal Trade Union Federation (ANTUF) informed that it had suspended two of its members – Deepak Rai and Mukunda Neupane – for their involvement in the incident of beating of Shrestha.

Meanwhile, on March 21 itself, the Maoists also held a massive demonstrations in the capital city. Thousands of workers affiliated with Maoists' trade unions took to the streets demanding action against "black-listed and exploitative businessmen." The pro-Maoist workers also locked up hotels and forced staffs out for some hours.

The indefinite strike of business enterprises and private sector called by the business community led by FNCCI, Confederation of Nepalese Industries (CNI) and Nepal Chamber of Commerce (NCC) had affected normal life across the country on March 20 and 21. Shops, department stores, banks and industries remained closed down. The business community even received support from other parties including the UML.

For the time being, business community has withdrawn agitation. But events of last week show that the community – which rarely takes to streets – was forced to come out amid mounting pressures from the Maoists' activities like labor unrest, extortion, intimidation and even abduction. At a time when Maoists are poised to join the government, the agitation was a blot on their credentials. ■

OHCHR Insists On Full Probe

Referring to the recent exhumation of bones thought to be that of Maina Sunuwar, who was killed in army custody, the OHCHR-Nepal has insisted that there be full probe.

"While the exhumation is a positive development, it is essential that police complete a thorough investigation, with full cooperation from the NA," said a press release by the Office.

"A team from OHCHR-Nepal on Friday (March 23) monitored the exhumation of the remains thought to be those of Maina Sunuwar, the 15-year-old girl who was allegedly tortured and died in the custody of the (Royal) Nepalese Army (NA) in February 2004. The team was accompanied by an international forensic expert, who assisted forensic pathologists from the Department of Forensic Medicine at the Teaching Hospital in the exhumation after an official request was received."

The remains were exhumed from the grounds of the NA's Birendra Peace Operations Training Centre in Panchkhal, Kavre District, where military personnel are trained before being deployed on UN peacekeeping missions. "The exhumation marks a crucial step in the criminal investigation launched by police into the girl's death, which has been stalled for many months due to the NA challenging the jurisdiction of civilian authorities over the case as well as the reluctance of authorities to proceed with an investigation." As part of a court martial, the NA in September 2005 found three military personnel guilty of failing to dispose of the body properly. "However, details regarding the court martial and the NA's court of inquiry investigation that preceded it have never been made public. The NA has also failed to provide court of inquiry and court martial documentation to OHCHR despite repeated requests," the release said. ■

Is the election of the Constituent Assembly possible?

- Govinda Raj Joshi

The question whether the election of the constituent assembly will be held on time is rising even when the provision has been made in the directive principle of the interim constitution 2007 that the election will be held by mid June. Though the time is running out, no symptom of the election process can be seen. Top leaders of some political parties are now trying to blame the prime minister that the responsibility falls on him if the election does not take place on time. Who is responsible for not holding the election is not the primary question today. But why leaders of eight political parties did not give priority to implement the roadmap of seven political parties, which was mandated by the People's Revolution II?

The roadmap of seven political parties was clear - restoration of the dissolved House of Representatives, holding peace talks and settlement with the Maoists, forming interim government and holding the election of the constituent assembly. So only after the elections of the constituent assembly can all other major political and social problems facing the country be solved and give the country a way for safe-landing. The constituent assembly being the real representative of the people has the right to decide what kind of political system the country needs, how other social and ethnic problems faced by the country can be solved and so on. When the Peoples Movement II was successful, the King not only declared the House of Representative restored but also committed to abide by the roadmap of the seven political parties. Then GP Koirala was appointed prime minister as a consensus candidate of all political parties. When the new government was formed, the seven party stopped working according to the roadmap. They themselves declared the parliament supreme and started to work in the name of the consensus of seven political parties. The conspiracy started from the day of the announcement of the restoration of the parliament. G. P. Koirala, being very honest and simple, could not understand all these conspiracies and fell into a grand design. After the House of Representatives was restored, the government forgot the mandate of the movement and started to work off-track putting the country in ad hoc phase in the name of consensus of political parties. In the beginning every thing was done in the name of the consensus of seven political parties and later on it was done in the name of consensus of eight political parties. Thus, even after the restoration of House of Representatives and formation of the government, the country started to be run

unconstitutionally with the decision of the parliament in the name of the consensus of eight political parties. The movement was launched to usher in a permanent democratic political system. But after the 14-point resolution passed by the parliament in May, the country entered into the interim phase. I was surprised why the government formed under the leadership of seasoned politician GP Koirala started to work to make the country volatile and preferred to work in an interim manner. He was convinced to dismantle all permanent systems and compelled the country to enter into interim phase. Amid these conspiratorial moves, the elected House of parliament was dissolved and an ad hoc body, which we call interim legislative parliament, was established. Again the constitution of 1990 was replaced by the new interim constitution 2007. The parliament was declared supreme and other organs of the state were made subservient to the parliament. The system of check and balance was completely destroyed. Some power centers might have advised (the PM) to do so. But who advised him is a matter of question even today. It has been said that the parliament is supreme now. According to the interim constitution 2007, all the functions of the government and parliament will be carried out in consensus of the eight supreme leaders. Clearly, this does not mean that the parliament is supreme. We started to make ad hoc decisions from the parliament having no constitutional and legal base. Thus we completely ignored the supremacy of the people, supremacy of the parliament and supremacy of the government. After GP Koirala was appointed prime minister, he did not get good advice. It is because of the fact that the Prime Minister's Office was not made functional. His private secretariat is not up to date. All orthodox people gathered there. Even the responsibility in the congress party was given to the same category of people. They did not work for the sake of party, people and democracy. The incident that recently occurred when agitating businessmen were denied access to prime minister in Baluwater is one example of its inefficiency. Congress, the ruling party, has become functionless and the country is running in such a situation.

Secondly, Maoists did not understand the real political situation of the country. They feel that their political ideology is the best one. They think that all other seven political parties having faced with no alternative to restore democracy in Nepal had surrendered before them. This is not the fact. They have

to understand that Nepali Congress and Maoists have totally different ideology. Their speech in the parliament does not represent the reality of the country. They have to understand that when they had committed to participate in the competitive politics and left the armed revolution, then only they could enter into understanding with the seven party alliance. After the restoration of the parliament, they did not help create the environment for the election of the constituent assembly, arms management and permanent peace. The arms show in Rautahat and many other parts of the country proves that they have not submitted all their arms in the cantonment. As the date of the constituent assembly is nearing, threats to the people are also increasing. So in this situation, how can the election of the constituent assembly be held in free and peaceful manner. At this juncture, the agitation in terai and ethnic community's unrest are going ahead, the government doesn't seem serious about the problem. In spite of having dialogue with the agitating people, if the government chooses to cross their movements that will be a disaster for the country.

It seems that no political party has given priority to the election. We didn't pay our attention to create the environment for the election. A lot of time was spent on arms management and peace agreement. The election should have been held way back in September/October. Why it was delayed cannot be understood? Are not all eight political parties responsible for that? Even now captured properties have not been returned. People displaced by the 12-years-long conflict have not been able to return to their homes. Thus, there is no environment of election of the constituent assembly. When no candidate can go to the people and no voter can fearlessly cast his/her vote for the party whom he/she prefers, how can we say that the election of the constituent assembly can be held in proper time. So the leaders of eight political parties are just waiting and watching to see who will bell the cat so that one can shift the responsibility of not holding the election of constitutional assembly to others.

(The writer is a member of parliament and a member of Central Working Committee of Nepali Congress. He can be reached at grjoshi15@hotmail.com, grjoshi15@gmail.com. This article recently appeared in nepalnews.com)



Adverse Signals Will Be Sent If CA Polls Put Off: Gill

Neena Gill, head of the 5-member working group of European Parliament's Delegation for Relations with South Asia, has said that delaying elections will send adverse signals "internally and externally" that the country is not able to hold the polls.

Addressing a press meet on Friday (March 23), Gill said that CA polls can still be held by mid-June if all parties demonstrate their will to do so. "There is a huge amount of goodwill and support (from international community to Nepal). It is possible and feasible to hold polls in next two and a half months. But it really boils down to the role of key players here," she said. Gill said European Parliament and EU are ready to send substantial Election

Observation Mission.

Gill said the Maoists must walk the talk and show clear commitments to democratic norms so that the interim government can be formed soon and date for elections fixed. "Without interim government, there will be no solid basis to go ahead with election," she said.

"Our impression is that there is not sufficient amount of self-discipline among followers of some parties. We are disappointed to note that extortion, abductions and violence continues," she said. Referring to recent agitation by business community, she said, "You cannot have a situation where business and industries are held to ransom for no particular reason."

Gill whose delegation recently

toured Bhutan, said the Bhutanese authorities told them they were ready to reopen talks with Nepal. "The time is particularly right given the American offer of resettlement. We cannot continue with the situation indefinitely," she said, adding that even after resettlement in third countries, the refugees will continue to retain the right to return to Bhutan. She, however, added that it was not realistic to imagine that all 100,000 refugees will be able to return to Bhutan.

During their stay in Nepal, the delegation met with Prime Minister GP Koirala, deputy Prime Minister KP Oli, Law Minister Narendra Nemwang, Speaker Subas Nemwang, Chief Election Commissioner Dr. Bhoj Raj Pokharel, UNMIN chief Ian Martin, chief of OHCHR-Nepal Lena Sundh and US ambassador James Moriarty, among others.

MAOISTS JOINING GOVT BEFORE ABANDONING VIOLENCE WILL BE 'DANGEROUS': MORIARTY

American ambassador James F. Moriarty has said that it would be dangerous if the Maoists join the interim government without abandoning violence. "If the government decides to allow Maoists into interim government without concessions, that will be fairly dangerous (for Nepal)," Moriarty said in an interview with Disha Nirdesh in Nepal Television on Monday evening. He added the Maoists would then start pushing for 'absolute power.' He advised the government to use the 'last big carrot' (of including Maoists in the government) intelligently. Moriarty said that the Maoists are threatening the peace process by not keeping with their commitments. He said that peace process cannot succeed unless the Maoists implement their

commitments. "Judging by their actions, I believe they are not serious (to implement their commitments)," he said referring to last week's agitation by businessmen against extortion, abduction and intimidation by the Maoists. On the peace process, he gave high marks 'for good set of agreements' but 'poor marks' for implementation. He said the recent episode of Maoist combatants walking out of cantonments were one indication of Maoists trying to show the people of Nepal that they can come out anytime they like. When asked if he felt singled out by the Maoists for making harsh remarks, Moriarty said that perhaps was because he is more outspoken. "I do think strongly that most ambassadors here are very worried with continued Maoist

violence," he said, adding, "I represent the US and so my words are perhaps given more importance." Saying that his government was 'concerned' with the situation in Nepal at present, Moriarty also appealed for peaceful resolution of all problems raised by Madhesi and Janajati communities. "None of the marginalized community should resort to violence," he said. On the issue of Constituent Assembly elections, he refused to comment on whether holding it by June is possible. He, however, said that the CA elections should be held since the interim legislature cannot continue indefinitely. Moriarty informed that his terms in Nepal would end by the end of June this year. He said he wants to shake hands with Prachanda before leaving Nepal but added that he would be able to do so only if Prachanda actually abandons violence for good. (Courtesy: nepalnews.com reports) ■

Gaur Incident Has Shocked Int'l Community: Martin

Ian Martin, chief of UNMIN, has said that the killings in Gaur have shocked the international community as they have shocked Nepal. "This confrontation could and should have been avoided. I hope the perpetrators will be identified and brought to justice. I also hope that these terrible events will cause leaders of all groups to cease putting the lives of their followers at risk, and that all Nepalese, especially in the Terai, will pause and commit themselves to pursuing their goals by exclusively peaceful means. Even legitimate claims are discredited by the use of violence, and provocative acts risk unleashing greater conflict," he said at a press meet on Thursday (March 24).

Meanwhile, Martin said at the press meet that the Fifth Committee of the General Assembly is due to adopt the resolution giving UNMIN its budget. "This will be an amount of \$88,822,000, as recommended by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). This is only a little less than the \$91,523,300 requested by the Secretary-General. The staffing of UNMIN will eventually grow to a little under 700 international personnel in all categories, including 186 arms monitors and 258 UN Volunteers, and a little under 400 national staff."

He said that the presence of UNMIN has one objective: to support Nepal in achieving the context for a credible Constituent Assembly election. "Arms management is one aspect of creating that climate, and I want to clarify some aspects of the debate since we made public the results of the first stage of registration. First, I regret that agreement has not yet been reached between the Government and the CPN(Maoist) regarding arrangements for the personal security of Maoist leaders. UNMIN has registered 96 weapons retained by the Maoists outside the cantonments pending this agreement."

As regards the second stage of registration, Martin said, he has made clear to the Maoist leadership that UNMIN believes that there are substantial numbers of minors in the cantonments as well as persons who were recruited after 25 May 2006, and has asked for their cooperation regarding their discharge, as the agreement requires.

On the issue of CA elections, he said, "A credible election requires not only the management of arms and armies, and the right laws and technical preparations: it requires a climate in which all political parties can campaign freely in all places, and all voters can vote free of any intimidation or fear of reprisal."

He also expressed dismay at abductions and beatings of businessmen and others, in Kathmandu and elsewhere. "I have expressed concern to the Maoist leadership that the Young Communist League must be a peaceful political organization and must not engage in purported law enforcement." ■

Book List

- Fateful Interview, Madhav Kumar Rimal,Rs. 400.00
- Beyond The frontiers Women's stories from Nepal Padmavati Singh/2006.....Rs 200.00
- Bonded Labour Kamaiya in Nepal. Padma Raj Lamichhane/2005.....Rs. 350.00
- Dhoopee "The Juniper" A Long Poem. Toya Gurung/ 2006.....Rs. 185.00
- Distribution of goods and Services in Nepal's Conflict Ananda P. Shrestha \Hari Uprety\2006.....Rs. 200.00
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- Nepal Struggle for Existence -Jagdish Sharma\2006 Rs.999.00
- Nepal Postage Stamps Catalogue 2005, Chandra Kumar Stapit \Deepak Manandhar \2005 Rs. 150.00
- Nepal 's conflict and its impact on Public Ananda P. Shrestha \Hari Uprety \2006.....Rs 150.00
- 15. Peaks and Pinnacles Mountainering in Nepal Harka Gudung\2004.....Rs. 500.00
- The Sakyas, Ajaya Kranti Shakya \2006Rs. 350.00
- Simple Convictions My Struggle for Peace and Democracy Girija Prasad Koirala\2006.....Rs. 250.00
- 18 Uncertainty on a Himalayan Scale, Thompson \Warburation \ Hatley \2007..... Rs. 250.00

“Federalism Is Sometimes Necessary To Accommodate Differences”

-MP Singh

Professor **M.P. SINGH**, vice chancellor of West Bengal National University of Judicial Science, is a well known constitutional expert of India. He worked as a professor of Delhi University, visiting professor at Heidelberg University in Germany and Hong Kong University. Professor Singh came to Nepal recently at a program on constitution making, organized by Constitutional Advisory Support Unit/ United Nations Development Program. Singh Spoke to **KESHAB POUDEL** on various issues related with constitution making. Excerpts:

How do you define federal structure of the government?

Actually, there are no fixed criteria for deciding and defining what is federalism. The word federal comes from the Latin expression Fedus which means an agreement between two or more parties to function in accordance with what they agreed upon. Then that arrangement may be called as federal which may not meet any particular criteria set by any definition of federalism. The example of federation may be as many as the federations in the world are. Each of them are different from each other in respect with the other. However, a classical definition which was given by Professor K.C. Vier is that it is a division of power between the center and states in a manner that they are independent of each other and coordinate with each other in their specified sphere. There he counted USA, Australia and Switzerland. There are other examples like Canada, India, South Africa and former Soviet Union which he said are quasi-federal constitutions.

As our interim constitution has already been amended announcing to make Nepal as a federal state, how do you see the possibility of a federal system in a small country like Nepal with diverse ethnic, linguistic groups?

Federation may be ideal for this kind of situation that people would like to be different in respect of their differences but they would like to be united or common in respect of their commonalities. Nepal having been a nation for long time and an independent country, people know of their nationality and people know that they belong to Nepal. But at the same time they might have a feeling that their mother tongue is different from people of another area or their ethnicity is different from another area. So far as their differences are concerned, with respect to regulations of their differences, they may have one arrangement while with respect to common things they would like to have this nation as a strong nation and they would like to be protected from outside and they would be represented in outer world as one country. Now in all these matters, they agree that there would be one country.

Nepal is a country where all ethnic groups are in minorities. How would federalism accommodate all of them?

Best example is India where nobody is in majority and everybody is in minority. Yet we have a functional federal arrangement. The federalism in India is not from today but you can go historically up to Mughal period or before that. One may say that India is too big and the division is necessary. India is much more diverse than Nepal. Rather one may say that further divisions are made to accommodate this diversity.

In Nepal people are saying federation is right to self determination and separatism. Is federation a separation of state?

That is a misunderstanding. If federation means right to self determination, then why nowhere in the world there is a federation which allows its parts or its members to secede. Even if it is mentioned somewhere in the constitution it never works. So even in USA some states thought they could secede from union but they are not allowed

to break away and so the right of self determination does not mean that you can separate from nation. It is self determination on certain matters only which are agreed upon between different units or states.

Many people in Nepal see federalism is panacea for all the problems. How do you look at it?

I don't think so. Generally federalism is not considered to be panacea for all the problems of the country. Federal governments require much more arrangement and somewhere they lead to weak government as total power of the government is divided into a central government and various regions. Therefore, the government at either level cannot act as effectively as a unitary government can. It is somehow creating a kind of weak government. At the same time, it may be sometime necessary to accommodate differences which exist among the people and certain issues.

We are in the constitution making process through the CA. How difficult is it to formulate the constitution through CA for federalism?

Federation and federalism cannot succeed without democracy. There is no example of successful federation in the world where there is no democracy. You cannot achieve a federation by merely writing in constitution. Secondly, democracy is dependent upon human rights. Therefore the protection of human rights is also the part of federalism. Democracy is essential for federalism.

Having just six decades of experiences of democratization and making institutions, how do you see the possibility of bringing democracy through the new constitution?

Democracy is also a process of learning and experimentation. Just by giving right to vote to all the people, people don't suddenly become democrats. However, in course of time when they are exercising this power, they slowly start realizing that they can make a difference and they can change a government and they can make the government to rethink. Moreover, if they have to work for more than one government, they have to vote for the government which is closer to them. Then, they start participating more actively. The lessons of democracy is close to them and if, during the last sixty years, the democracy has not grown much in this country, one reason could be that people have thought that the government is too far away. If the government comes closer to them, they may get educated much faster by taking much more interest and by knowing they can make a difference in the functioning of the state.

How did you find the two days of discussions in Nepal about constitution making?

I got the impression that there is a general consensus among different political groups to have some sort of federal arrangement in Nepal. They may not be having a very clear idea as to what federation and federalism is. But they feel that the existing arrangements of one central government operating from Kathmandu alone is no more suitable to them. So it is a question of working out the details. I got the idea the kind of enthusiasm the people are showing in matter of creating a New Nepal. It may not be an easy process and it may take much longer than people might be expecting. I am sure that people of Nepal will come to some kind of arrangement that would be functional. ■



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