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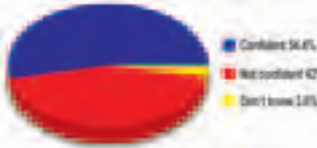
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Times

Weekly Internet Poll # 311

Q. How confident are you about the UN as an effective facilitator for arms management?

Total votes: 3,110



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KIRAN PANDAY

Militia in our midst

Potential spoilers in the peace process have been ignored

SUMAN PRADHAN

A UN team is due here next month to assess needs in a future monitoring mission, but the world body and the seven party government have so far overlooked an important source of Maoist strength: its militia.

Up to now, the government, the Maoists and the UN have agreed to cantoning and confining the Maoist ‘People’s Liberation Army’ into fixed camps and the Nepal Army in its barracks. The political use of weapons by Maoist militias in the countryside has not been addressed.

We asked a top official if the government raised the issue of the Maoist militia during the UN-backed negotiations this month. “No we didn’t,” the official, who didn’t want to be identified,

replied. “But we can raise it in future negotiations.”

The fact that government leaders are unwilling to put their names to those concerns underscores the sensitivity of the subject. One government leader fears that the Maoists will dig in and become difficult to manage if the issue is raised now.

Maoist leaders, on the other hand, argue that no one should suspect the role of their militia. “They serve as a policing force and are disciplined party cadres,” Maoist leader Deb Gurung told us, “the government police is providing security in certain areas, and our militia is carrying out security patrols in rural areas.”

But the worries continue because the Maoist ‘Peoples’ Militia’ with its 100,000 or so young cadres, who support both

the PLA and local party committees in various tasks ranging from enforcement to providing logistics, are seen by experienced conflict analysts as potential spoilers in the peace process.

Add to that the risks posed to the Maoists by army-backed village vigilantes, border-area Hindu fundamentalists, traditionally armed tarai farmers and ‘splitist’ tendencies within the Maoist movement, and the UN’s task does not appear easy. This is especially because it lacks an enforcement mandate.

In the absence of a strategy to manage any of these complicating factors, the peace process contains as many potential points of trouble as routes to resolution.

What is a militia?

Historically, any guerrilla group ultimately needs to transform itself into an organised army if it hopes to win wars in the conventional sense: by seizing and holding on to territory. The Maoist ‘Peoples Liberation Army’ (PLA) also grew out of an irregular band into an organised force.

In an internet article, Maoist leader Hisila Yami (Babu Ram Bhattarai’s wife who goes by the nom de guerre Comrade Parvati) defines the militia in these terms: ‘There are part-time and full-time militias who are in essence future PLA recruits. Thus the function of people’s security is also to expand the local military recruiting base for the PLA...In big raids they participate as a supporting force. They also give basic defensive armed training to the local people.’

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CAMPAIGNING

Campaigning for the constituent assembly elections is well and truly underway. Since the polls will essentially be a referendum on the monarchy, Girija Prasad Koirala is in favour of 'ceremonial monarchy' and Pushpa Kamal Dahal insists the interim constitution abolish it altogether.

What these two astute Brahmin men are gambling on is that they have gauged public opinion rightly. Koirala figures there is still support for some form of monarchy, although not for an absolute one. Dahal hopes that by the time the polls come around in 2007 his party can convince or coerce the electorate to go republican.

Ultimately it is King Gyanendra's unpopularity and his son's notorious reputation that help the republican cause more than anything Dahal says or does. And how the royal family conducts itself in the coming year will determine the way people vote.

If it were only about the monarchy, this would be fairly straightforward. But the military's allegiance to the palace and Koirala's appeasement of the army have complicated things. To be sure, as long as the Maoists are still armed it is logical for the government to use the army as a deterrent to ensure stability, and we understand there is tacit support for this from the international community.

But the appointment of hardline general Rukmangat Katuwal as chief of army staff, delays in pushing army reform, and inadequate changes to the Army Act arouse suspicion that the prime minister is a bit too beholden to the brass.

Future reforms must address the need to open court martials to the public through media, allow appeals to the Supreme Court for all decisions by military courts, civilian jurisdiction for violations of civil law, and oversight by the Auditor General of all military spending.

Reforms in the military are not intended to weaken or demoralise the rank and file, but to make sure that the Nepal Army is a professional, modern, depoliticised force that is finally freed from its feudal straitjacket.

HAPPINESS

By all accounts, Mitralal 'Balak' Adhikari was a renaissance man. A teacher, journalist, political activist and poet. What made this UML cadre take his own life by jumping off the Dharara on Monday? What comes first: hope or happiness?

According to the first 'World Atlas of Happiness' we are the 119th happiest place in the world. And yet, there is an epidemic of suicides sweeping the land. Others are leaving the country, and those who stay have misery writ large on their faces.

But there is contentment on the faces of bank defaulters, soldiers charged with human rights violations and Maoists who have brutal deeds on their conscience.

How do you find happiness in this confusion? Bertrand Russell in *The Conquest of Happiness* unravels the causes of sadness and misery: a melancholic temperament, unnecessarily competitive spirit, boredom and excitement, fatigue, envy, self-loathing, persecution mania, and fear of public opinion. Russell thinks zest, affection, family, work, impersonal interests, and resignation together produce 'The Happy Man'.

Russell's conclusions are strikingly similar to those of ancient Hindu texts and Buddhist philosophy: happiness lies in '...the ability to swim with the stream of life'. You only tire yourself by trying to push the river to the sea, it will reach there anyway because that's its destiny. Go with the flow, say the sages, for that's our destiny too.

Laying ghosts to rest

Peace does not preclude justice

Human rights defenders in Nepal have documented case after case of serious breaches of human rights and humanitarian law. The state and insurgents have encroached on non-derogable rights, and victims and their families are seeking justice.

The task after Jana Andolan II is dealing with impunity, or 'getting away with it'.



GUEST COLUMN
Gopal K Siwakoti

Transitional justice, as part of a major political transformation, helps exorcise legacies of human rights abuse, mass atrocity, and other forms of severe social trauma, such as civil war.

The process could take many forms, such as creating a high-level commission to investigate and establish of as complete a picture as possible of the nature, causes, and extent of rights violations during the conflict

period. For reconciliation and restructuring, victims need an opportunity to relate to the violations they suffered, and should be able to expect reparations and restored human and civil dignity.

Judicial and non-judicial strategies include prosecuting perpetrators, establishing a truth commission or investigation into the past, efforts toward reconciliation, and reparations packages for those most affected by violence or abuse. Abusive state institutions (security services, police, or military) need to be reformed to prevent future violations. New policies of justice must come with support from victims and the public, and consultation with civil society.

Often, government officials grant amnesty to individuals responsible for rights violations, saying their actions were inevitable while 'maintaining law and order'. Amnesty is assumed to help a stable transition from conflict to peace, but often has a boomerang effect

on securing lasting peace and respect for human rights. Countries like South Africa, Peru, and Morocco have undertaken the complex task of restorative justice, showing that it is not necessary to choose between peace and justice. There is no one-size-fits-all solution for unique historical experiences. Effective transitional justice requires a mapping of social, political and economic ground realities, and auditing of popular sentiment. The question is not

whether justice will be pursued, but when and how.

The International Criminal Court is available to provide backup when national courts are unable or unwilling to take legal action against the chief architects of mass atrocities.

Those against international involvement say prosecution by outsiders has a destabilising effect. However, domestic initiatives are sometimes weak, political will and institutional capabilities inadequate. The independence and integrity of domestic prosecutors and judges are questionable when a dictatorial regime has reigned brutally and for so long. International assistance helps through legal expertise and political negotiation to establish a due process of law to indict suspects.

Fair trials are an essential component of transitional justice, but national laws can have principles, like the death penalty, not concordant with international law.

'Forgetting and forgiving' is a real danger. Consider the impunity report prepared by the 1991 Mallik Commission. Successive democratic governments didn't care enough to implement the report's findings, which resulted in the same old perpetrators coming to power 15 years later, and committing even more serious crimes.

Reform in old establishments is essential to generate faith in new ones. It is not possible to find every disappeared person, nor to prosecute every guilty one. Given this, we must aim for understanding not vengeance, reparation not retaliation. ●

Gopal Krishna Siwakoti is president of INHURED International.



HRW

Preventing a derailment

Stick to the constituent assembly agenda to keep things on track

For members of the restored parliament, it's now business as usual. Each is aware that in parliamentary tradition, not a paisa of allocation can be changed unless the government changes. Yet, in ritualistic fashion, the honourable members discuss the budget and refuse to accept that they have outlived their usefulness.



STATE OF THE STATE
C K Lal

Meanwhile, the prime minister has given government secretaries a two-month deadline to come up with a "vision" for the next decade. Perhaps our octogenarian premier fails to recognise that his only brief is to lead the country towards constituent assembly elections.

On the other side of the political aisle, the Maoists want to put the monarchy in suspended animation till the formation of

the constituent assembly.

The 'international community' is under the impression that the worst in Nepal is over: civil liberties have been restored, the army is back in barracks, and the parliament has established its supremacy over the monarchy among other institutions of the state. All that remains to be done now is demobilisation, disarmament and reintegration of rebels to transform the Maoists into UML cadres.

It wasn't the Nepal Army that coerced the Maoists into negotiating a settlement, and the dops know that. They also realise that both sides are capable of scuttling the peace process. But like most of us, they see what they want to see and fail to read the undercurrent of discontent.

The government is unhappy with parliamentarians, MPs aren't satisfied with the executive, the rebels aren't pleased with either of them and the nascent civil society is dissatisfied with the collective behaviour of all the movers and shakers

that have downgraded the agenda of peace and democracy.

On the right side of the centre, the two Congresses are contemplating a merger—unification is a misnomer that hides the difference in their political approaches. Koirala has prophesied that the marriage of convenience will materialise before Dasain. If this development were to lull the NC into complacency, the issue of constituent assembly would be put on hold. The resulting triumph may push the rebels into a corner.

On the UML side, it's not all hunky-dory either. The recently concluded central committee meeting of the UML has decided to form a republican alliance of like-minded parties on the condition that the fate of the monarchy will be subjected to a referendum. What this actually means is that the UML will guarantee the survival of monarchy (it's difficult, though not impossible, to abolish monarchy through a plebiscite) if it is accommodated back (the

party often worked with the palace in the past) into the royalist camp.

The republican slogan seems to be a ruse to delay the constituent assembly elections by harping upon the redundant concept of referendum.

By blathering incessantly about the importance of October Revolution or the inevitability of the next urban uprising, the Maoist leadership has blithely walked into the trap of those who want to maintain the status quo in the country.

And, suddenly it has become fashionable to disparage the Maoists. This may push the comrades to flow through on their threat to launch a peaceful urban uprising. From there it isn't far to the jungle.

A re-adoption of a constituent assembly program by all parties is the only method of stepping back from the edge of yet another abyss. Perhaps the civil society movement that has kicked off again will succeed in bringing the lost agenda back into circulation. ●

LETTERS

CORRUPTED

At a time when NGOs and state agencies involved in an anti-corruption drive in the country are mulling over why corruption has not been a priority of the government, Ratna Sansar Shrestha's idea ('Clean up politics', #310) that the drive should start from cleaning the Augean stable, i.e. political corruption is worth pondering. However, there are some pitfalls we need to worry about.

Definitely, if democracy does not stop corruption, corruption will stop democracy. Democracy is necessary, but is not a sufficient condition to fight corruption. Some of these conditions are in fact mentioned by Mr Shrestha. We should know that if political stability facilitates corruption; instability encourages corruption.

Political corruption should not be confined to the bribery, graft, nepotism and pork barrel politics by political parties. It should be extended to all kinds of corruption leading to what the World Bank calls 'state capture'. Pointing fingers on political parties is tantamount to giving excuses to 238 years of successive exploitation and corruption of Nepali society. Political parties may be called the headquarters of corruption but the den of corruption is somewhere else.

Simply because the medicine is expensive we should not be distracted by competitive politics. It is not political competition *per se* that is responsible for remedying corruption problems, rather it is the quantitative and qualitative aspect of political corruption.

My primary worry is not whether democracy will help solve the problems of corruption. It is trying to solve corruption with equally corrupt instruments. The problem here is not of who is going to audit, it is the question of auditing the auditors, monitoring the monitors and evaluating the evaluators.

**Narayan Manandhar,
Kumaripati**

● 'If democracy does not stop corruption, corruption will stop democracy.' So writes Ratna Sansar Shrestha, an accountant and a lawyer, but not an economist. If Mr Shrestha is right, then, how does one explain that India, Indonesia and South Korea are today's booming economies and thriving democracies *despite* consistently receiving low marks from Transparency International?

To borrow the words of James Surowiecki from a related context, 'In a country where elaborate bureaucracies make it hard to start companies, import or export goods, or simply get a passport, bribes can cut through red tape, serving as what's called 'speed money'. Bribes can also motivate bureaucrats (and politicians) who would otherwise shirk their duties.' Nepali bribers have

long known that 'corruption can be a useful means of bypassing inefficiencies in the short term'.

That said, the long-term solution to reducing corruption is not to dream about apolitical technocrats or incorruptible politicians. It is also not about inserting a line or two against corruption in the new constitution. The solution is in various citizen groups joining hands to be continuously active about demanding more transparent, responsive and accountable public institutions. In Nepal, talking about corruption is like talking about the weather. But the loud-talking civil society members hardly devote their lives to cleaning up our various public institutions.

Pradeep Dhital, Samakhushi

TARAI

Suman Pradhan has rightly assessed the fact that long-running discrimination against Madhesis is fuelling new resentment and violence in the tarai ('Tarai tinderbox', #310). Fortunately, it may not shape into a mass-scale ethnic fight or separate state reality.

People who are trying to instigate an ethnic conflict partly because of the success of the Maoists will soon realise that it is a tough nut to crack as Nepali society has some qualities that have kept the social fabric intact.

Despite the fact that Madhesis have been neglected

our educational system, being merit-based, has been one key means to help Madhesis to overcome discrimination. For example, if you travel to schools and colleges around the tarai you see educated Madhesi students being respected by society, even by hill bahun.

There are many Madhesi who have gone through the same educational system and are now working in top positions in bureaucracy. When social integrity is as strong as it is here, it is difficult to ignite an ethnic war. For instance, Madhesi have earned more than respect not only as teachers in many remote mountain districts but also as doctors and agriculture extension workers. On the other hand, there are many bahun in Madhesi hotbeds, like Rajbiraj, where they are more fluent in Madhesi languages than Nepali. Madhes-based political parties like Sadhbhavana have lost their momentum to mainstream political parties that have articulated their grievances better.

I do agree that there has been discrimination against Madhesis, but it is also true that the rest of Nepal lives and works with them in harmony. The eastern tarai city where I grew up we had respect for our hardworking Madhesi neighbours. However, we shouldn't underestimate Madhesi grievances especially on the discrimination and citizenship issues.

Sameer Ghimire, Sydney

● Suman Pradhan's tarai story and your editorial ('Plains speaking', #310) draw attention to the seriousness of the issue of ethnicity in the tarai that is leading our society to divide psychologically. As long as politics is kept out of it, we have a good chance of resolving this problem. All leaders and intellectuals should forget their vested interests and prevent Nepal from being divided.

We need to protect a united, prosperous, and diverse Nepal with democratic values.

Prakash Pangen, email

BE WISE

Please be wise and don't do what the French did after their revolution. In Spain the monarchy is the guardian of the people and democracy, and it has worked. Nepal is at a perfect moment to give peace, comfort, prosperity and a great future for all Nepali people. Don't waste it with unnecessary threats of violence, hate and vengeance, because those are bad emotions that will prevent you from taking effective and wise action. Nepal is really in my heart. I'm sure you all will rebuild your wonderful country, and all your people can live together in peace, honesty, and mutual respect.

F Luz, Spain



BIBI FUNYAL

● Great picture by Bibi Funyal. Who is the mouse supposed to be: the Nepali people? That means the cat is the Nepal Army and the dog is the Maoists.

Gyan Subba, email

CORRECTION

Due to an editing error, the caption to the picture accompanying the article 'Lebanon return' misidentified Gen Bala Nanda Sharma. The Nepali soldier in the picture is Major Kiran Shrestha, Gen Sharma's ADC.

LETTERS

Nepali Times welcomes feedback. Letters should be brief and may be edited for space. While pseudonyms can be accepted, writers who provide their real names and contact details will be given preference. Email letters should be in text format without attachments with 'letter to the editor' in the subject line.

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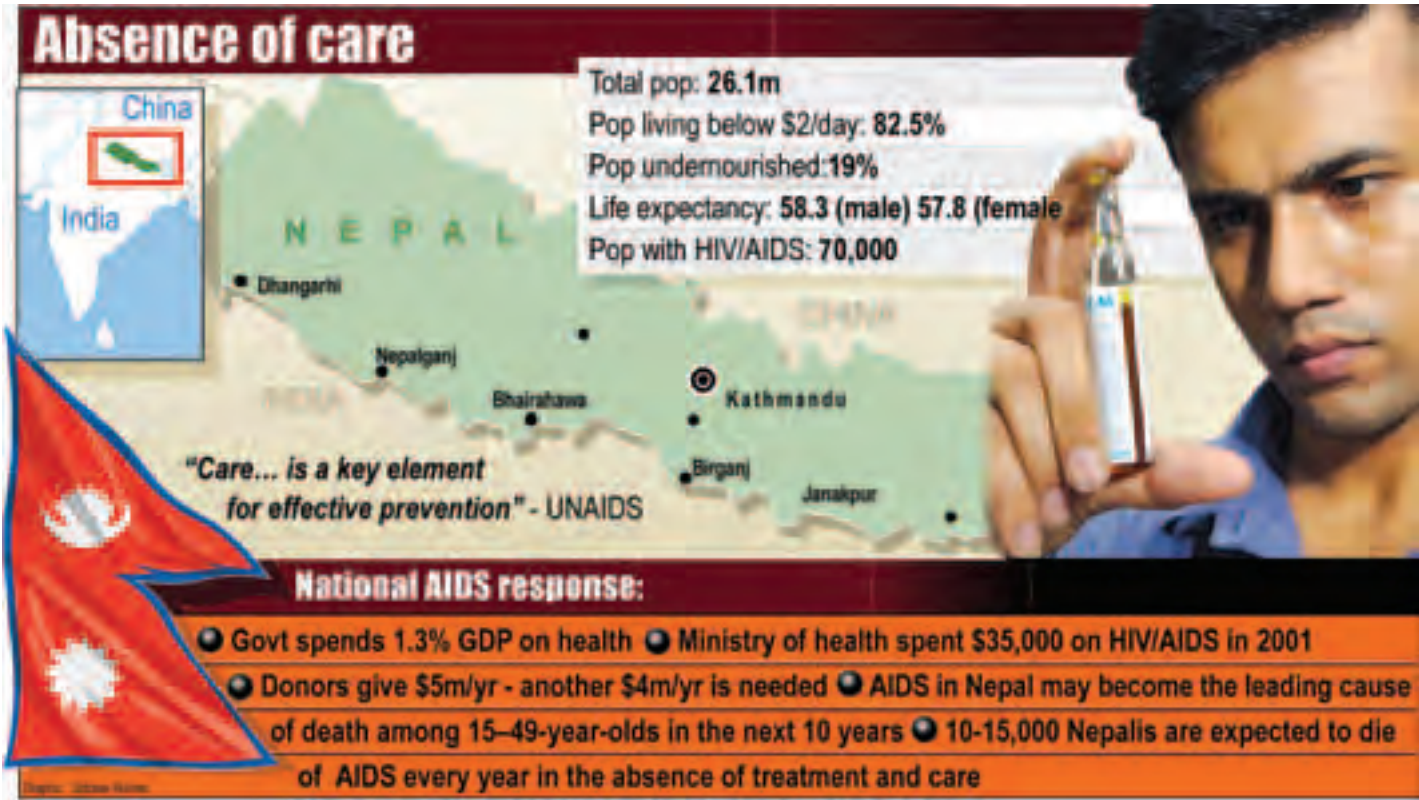


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AIDS alarm



MALLIKA ARYAL

Despite millions of dollars being poured into Nepal to fight AIDS over the past decade, public health experts say the epidemic is spreading into the general population because of failure to address high-risk groups.

At the 16th International AIDS conference in Toronto this week, a World Bank report warned that unless more effective measures are taken to halt the spread of the disease by sex workers, injecting drug users, trafficked women and male migrant workers, Nepal faced a serious threat.

Nepal’s own country report shows that prevention programs have been successful, as the rate of increase in infection has stabilised and the prevalence in certain high-risk groups has gone down due to targeted interventions. But despite all this, these programs are still not reaching enough HIV-infected people.

“We have not been able to halt, if not reverse, the spread of the epidemic in Nepal,” says Mahesh Sharma of UNAIDS,

“this is why the number of infected people has increased.” The study confirms that prevention programs reach only one-third of sex workers, only 8.9 percent of injecting drug users and just 0.4 percent of migrant workers.

There are no accurate figures on the total number of HIV infected people in Nepal, but they are mostly in the 30-39 age group and 22 percent are women. Migrant workers make up 46 percent of those infected, 20 percent are clients of sex workers, and nearly 10 percent are injecting drug users.

Shyam Sundar Mishra, director of National Centre for AIDS and STD Control (NCASC) admits that prevention efforts are concentrated in urban areas. He says, “we need time to take it across the country because HIV/AIDS programs are fairly new.”

However, anti-AIDS activists blame the government’s poor policies and lack of commitment. They say AIDS is a social and development issue. “HIV/AIDS should be included in the national plan and needs to stop being treated as just a health problem,” says Bhoj Raj Pokhrel, of Policy Project, Nepal.

Some blame a lack of money. The total budget for HIV programmes for 2005 was at \$23 million and over half of that came from donors. However, even if more money was available experts say the country just can’t spend it. “We don’t have the institutional and technical capacity to absorb the money,” says Bina Pokhrel at the NCASC.

Her boss Mishra argues that although

we may lack the capacity to spend money for AIDS prevention, the need is great. “The money comes in just when the donor projects are phasing out, we have to implement our programs in six or seven months, which is not enough time to use all the funds,” he adds.

Money has been available from the Global Fund to Fight AIDS, TB and Malaria since 2002, but approval has been stuck because the Ministry of Health was incapable of spending it. The funds, including other grants from DFID and AUSAid, are managed by the local UN office.

While all this is going on in Kathmandu, HIV is spreading to reaching remote parts of Nepal where awareness about prevention is still low. People are dying due to a lack of access to treatment. Infected people in urban areas are waiting for donors and the government to figure out a way to make anti-retroviral treatment affordable and to deliver care and support.

After much lobbying the government started providing free anti-retrovirals in 2004. But the waiting list at NCASC for the drugs is long, and patients have to sometimes wait weeks.

“We have a patient who needs the medicine, but her turn may not come for another two weeks, so she is forced to buy the anti-retrovirals to survive,” says a member of Sneha Samaj, a hospice for women with HIV.

While anti-retrovirals have given infected people longer lives elsewhere, more people are dying not because of AIDS but because of society’s discrimination against them.

As one patient, Sneha Samaj says, “When awareness is low, and stigmatisation is so high most patients would rather give up and die than come out.” ●

Who gets the cure?

“When I do not have enough to eat, what do I do with the anti-retrovirals? Many in the villages don’t have that luxury,” says an HIV patient at Sneha Samaj. She is one of the few Nepalis with HIV whose life has been prolonged by care and support as well as anti-AIDS drugs.

Infected people want the government to give them care services, nutrition programs, rehabilitation, skills training and counselling so that they can learn to live with the disease.

Rajiv Kafle of the group Navakiran Plus disagrees. “Ideally, anti-retroviral treatment would come in a package, but we don’t live in an ideal world.” He is critical of donors and the government who say giving medicines is not enough. “Those pills save lives, give infected people hope and make them stronger so they can work and earn a living,” Kafle adds.

Nepal’s National HIV/AIDS Strategy 2002-2006 doesn’t mention anti-retroviral treatment but after lobbying the government has started treating 500 people countrywide. Among donors, USAID policy is still prevention-oriented, but treatment and care has been included in the overall aim of the Global Fund. DFID has made a commitment to scale up towards universal access to treatment by 2010.

Reducing risk, preventing HIV,

SHAILEE BASNET

The highest proportion of HIV-infected people in Nepal is among injecting drug users: 70 percent of the estimated 20,000 people using needles.

Injecting drug users share needles and are sexually active, spreading the virus in the general population. That is why it is necessary to reduce the risk of HIV transmission among this group. Anti-drug programs are well and good, but they take time, and relapse rates are high.

However, it is possible to reduce the risk of contracting HIV, hepatitis and other diseases by discouraging needle sharing and to switch them to less harmful oral drugs. Needle exchange programs and methadone clinics are the most common options. While realistic, they are controversial for, some say, making drug use safer rather than encouraging getting clean.

There has been a needle exchange program in Kathmandu since 1992, but it hasn’t been very successful. For one, it’s run like an office, closed on weekends, holidays, bandhs. Bijay Pandey, project coordinator at the voluntary group, Youth Vision, says: “IV users do not get facilities all the time, and the program also does not cover a wide area, so it isn’t very effective.”

Instead many addiction specialists recommend pharmacotherapy to reduce risk. Users are encouraged to switch to oral drugs instead of injecting, described by Pandey as “abstinence through substitution”.

Patrick O’Gorman of the Asian Harm Reduction Network (AHRN) says it really works. “Drug users do change, but incrementally,” he says, “It is impractical to expect them to stop taking drugs overnight.” Abstinence is the eventual aim, as patients become less dependent on hard drugs.

A substitution program has been tried in Nepal, but it had a poor conversion rate. Eight years ago, a government

Oral substitutes to injected drugs must be made legal

initiative provided methadone, used internationally as a substitute for heroin and other injecting drugs. But it failed because other essential components such as counselling, social support and social integration were missing, as was proper monitoring and control.

The Netherlands are pioneers in substitution programs, and Dutch doctor Simon Boerboom says that the public

health and other social benefits of a well-run program are considerable. “We must understand that there are some people who cannot do without drugs. Pharmacotherapy helps them as well as society in many ways,” he says, “but very close monitoring, evaluation and control are essential.”

With HIV infection rates skyrocketing among injecting drug users in Nepal, voluntary groups are now lobbying to have pharmacotherapy legalised, and developing a comprehensive package to promote user safety and reduced dependency. The first step would be to have methadone and buprenorphine, widely used substitution drugs, taken off the restricted list in Nepal.

Both are categorised as essential drugs by the WHO, but it is still illegal to import them here for substitution programs. That could change soon. Pratap Kumar Pathak, joint secretary of the Home Ministry says: “We understand that when prevention is not possible harm reduction is the right option.”

Unofficially, the government and UNDP came to an understanding last year to reintroduce substitution drugs. A group of NGOs also signed a letter of solidarity committing to promote users’ right to choose and HIV prevention in injecting drug users, among others. ●

Tracking the disappeared

The International Committee of the Red Cross (ICRC) is revisiting every family that has reported a disappearance since the organisation started working in Nepal in 1998 to confirm a list of names it intends to publish later this year. “At the end of a conflict no one wants to speak about what happened so there’s always a risk that the disappeared will be forgotten,” ICRC Protection Coordinator Thierry Schreyer told us.

The agency has 15 teams in the field gathering information about the disappeared, most of them reported from 2002 to 2005. Schreyer said that the Nepal Red Cross also collects information, and suggested that “it’s also the right time for the CPN-M and the authorities to address the issue.”

“There’s a need for a structure at the state level that is powerful enough to get the information, centralise it, and support the families of the disappeared,” said Schreyer. At a 2003 international conference, the ICRC broached the idea of states providing a Declaration of Absence so that families who lose a member, often the breadwinner, would be eligible for assistance. “If you’re missing, you’re not dead, and you’re not there to support your family,” Schreyer added.

The ICRC in Nepal maintains a continuous dialogue with the state and CPN-M over the fate of the disappeared. “We investigate, provide them with that information, and expect that they will investigate the case and try to find out what happened,” said Schreyer. “We will continue asking about these people till we find out what happened to them.” (Marty Logan)

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Laxmi Bank has opened its second branch inside the Valley in Pulchok. The branch will also serve as the bank’s Retail Financial Services Centre. Priority customers will enjoy separate lounges and a “queue-free” banking experience.

NEW PRODUCTS

DESI CHEWING GUM: Sujal Foods, the makers of Chocofun, Lovebirds and Milkfalls, have launched a new gum, Sujalgum this week. Each pack comes with five sticks and is available in banana, spearmint and lemon flavours and is priced at Rs 5.

DUGAR’S DRINKS: TM Dugar Group has launched three new juices Appy Slim Pack, Frooti Pet Bottle, and Appy Fizz. The Appy Slim is free of artificial colours and available for Rs 16. The new Frooti is available for Rs 75 for 1ltr and Rs 42 for ½ltr bottle. Appy Fizz is priced at Rs 35 for 300ml and Rs 55 for 500ml.



Welfare capitalism

Swaying between crony capitalism and failed radical socialism

Everything is in transition now. Suggestions are flying left and right about interim governments, arms management, constitutions, proportional representation, national restructuring, the scintillating fate of garbage dumps and the like. And as always, the economic agenda is floating around in the ether.



ECONOMIC SENSE
Artha Beed

The Beed begins to despair that things will never change. While PK Dahal, B Bhattarai & Co have started hobnobbing with nationalist industrialists, we have no word yet on their panacea for economic disparity, low growth, and poor performance.

Our activist friends need to realise that the market and economics matter. A country’s economic competitiveness arises from the way it handles its market, demand and supply. In discussions these days related ideas do come up, but usually in different contexts. People miss seeing the larger economic picture when they take a purely ‘social justice’ stand on minimum wage or quotas for women, indigenous communities and the socially or physically challenged. Of course a minimum wage for labour is a good idea. But what is it to be? How high can we pay our workers before we become totally uncompetitive? In a country already beset with high direct and indirect taxes and an inefficient target-based taxation policy, what amounts to a parallel taxation system will only make production even more uncompetitive.

If government is to take care of or subsidise education, health, petroleum, the works, that’s fine, theoretically. But think of the cost to the Nepali public. We see it already in water and electricity. We don’t want a system that makes the general public pay for the inefficiencies of the state. Socialism is flawed, and equality utopian. Markets emerge out of the disparity in human skills and access to capital. We need to manage the market, not start out with a losing proposition.

Capitalism in Nepal does have inherent problems. In a feudal state, the feudal lord is the capitalist who uses power to arbitrage situations and thus profit. With more ownership-managed businesses, Nepali versions of crony capitalism have always been visible. Just consider how airlines compete with the national carrier in failing or promoters of private banks work to change regulations. The past five years have seen professionally managed companies perform better than sahu-owned and managed enterprises, which strongly suggests that private sector reform in Nepal is as important as the reform in political parties.

A capitalist welfare state believes in private enterprise and in the welfare of its citizens. We need to find this middle path where businesses are socially inclusive and socialists get out of

the rhetoric of the state to manage businesses or inefficient services. Take land reforms, for instance. It is important to reform inheritance laws but we can’t confuse that issue with the right to property. Enterprises only perform well where right to property and assets are guaranteed. In the quest to distribute land to the landless, we should not be creating ghettos like the one next to the Kathmandu airport. That’s a sure path to urban nightmares like in Mumbai. Land reform is not about a land ownership ceiling, but about a market-oriented environment where more people can own larger parcels. Introduce tax breaks for people who don’t want have houses or land to buy them. Get better financial facilities in place. Similarly, for any country to grow, only foreign investment can provide the impetus to the kind of growth Nepal saw in the early nineties. Voluntary donations will not attract FDI. And we know that the volunteer has a gun on your head.

We have an opportunity to forge our economic future, just not with rhetoric or myopia. The New Nepal is about thinking big and wide, in tune with successful models in the world. ●

www.arthabeed.com



saving lives



MIN BAJRACHARYA

Let’s stop being polite

In the AIDS world we are frustratingly polite and politically correct. We’re also plagued by NGO-speak and, often, style over substance. I recently spoke out at a meeting about the allocation of resources for treatment and care programs in the national HIV/ AIDS plan. I was met with silence.

Finally an expert from a multilateral agency replied: “I agree with what you have said but...” and went on to say what she thought of the plan, completely ignoring my primary concern. Then an



OPINION
Rajiv Kafle

external development partner eloquently said, “You are right and you are also not right.” He too spoke about the plan in general but did not address my concerns.

We never say “You are wrong, you are talking rubbish.” If we could be honest with each other, to the UN, to governments, to all kinds of technical experts, to everyone living off, for and by AIDS, to multinational AIDS agencies, then finally we will be in a position to identify the best programs, best approaches and best practices. And this would help us fight AIDS more effectively.

I’ve been running a treatment program for the past few years and many people visit our care

centre every month. They include AIDS experts, clinicians, managers, researchers, students, journalists and many more. Yet not a single person has been kind enough to tell me that something I have done or am doing is wrong. I wonder sometimes if I am perfect.

Like with many causes, this often becomes a show or a numbers game. Get an invitation to a conference you’re not interested in, or not directly in your field, and instead of saving yourself the time, you go anyway, to boost attendance at your own next event. I recently received an invitation to attend an AIDS awareness street drama. Now I am HIV-positive, and probably know more about the disease than most. The organisers probably want to make sure that there are enough people to form a circle in the street.

This culture of political correctness we in the AIDS world have developed is dangerous. We don’t explore our mistakes, we “love to share our challenges”. We don’t write about what went terribly wrong, but say “lessons were learned” (whether they were or not). We don’t simply say that we made a horrible mistake, we say “we did our best”. Motivational and positive attitudes are well and good. But there is no substitute for a real, critical eye. ●

Rajiv Kafle is coordinator of Navakiran Plus, a hospice for HIV patients.

Switching camps

Hari Roka, *Kantipur*, 14 August

खानेपान

At a crucial time, when we should be moving towards a democratic republic through a constituent assembly, Lieutenant General Rukmangat Katuwal has been appointed acting Chief of Army Staff. This is the first time in the army's 238-year-old history that a Katuwal Chettri has been appointed to the post that is usually filled by Shah, Rana, Thapa and Basnet clans. His appointment may seem like there is finally some inclusiveness in the army.

Katuwal is perhaps proud of himself that in the history of his ancestors this is the first time someone has reached such a high position. On such an auspicious occasion he will no doubt remember his godfather King Mahendra. Neither will he ever forget the Prime Minister and Defence Minister Girija Prasad Koirala for giving him this opportunity despite people's expectations that Katuwal would be shown the door, if not jailed.

This general has been promoted for extending the tenure of the royal government by using all possible means—murders, kidnappings, teargas, and brutal force—during the April movement. Within a month Katuwal will be promoted from acting to full Chief of Army Staff by the grace of Girija Prasad Koirala. If the Prime Minister isn't around, Speaker of the House, Subhas Nembang will administer the official oath of secrecy to Katuwal in the parliament and declare him COAS. Girija Prasad's leadership of the democratic government will make true the old Nepali adage 'slay the victim and reward the robber'.



Rukmangat's rise is not unnatural along the road that premier Koirala and vice-premier KP Oli are leading the nation. It is easier to learn how to change loyalty reading Diamond Shamsher's book *Seto Baag* than to endure the hardships of creating policies on the basis of social science without the ideological impracticalities of socialist and communist thought. Like in the book, when the same courtiers who were praising Jagat Jung, ran off to the Seto Darbar to show their loyalty to Bir Shamsher as soon as they heard rumours of Jagat Jung's murder, the Pyar Jungs and Rukmangats have started praising Koirala and Oli. Even though these two leaders say they are democratic, feudalism runs in their blood.

Many of the major papers are prioritising the issue of decommissioning the Maoist army. The ambassadors of the US, the UK, the EU, and Japan all agree: 'The Maoist army and the (Royal) Nepal Army are not the same, their levels cannot be the same.' Oli keeps repeating, 'The Maoists can only join the interim government after they give up their weapons.' Everyone knows that had there been no 12-point agreement between the parties and the Maoists, and the students and youth had not shed their blood demanding a republic, that had the Maoist army not backed the movement, both Oli and Koirala would be rotting in Gyanendra's jails. It's worth asking who Oli is answerable to, and why Koirala is tacitly keeping the old structure. This is not an attack against an individual. Atrocities and crimes committed by the army are aplenty. Granted their loyalty has changed and they are now loyal to the UML Congress leadership. But who will guarantee that the king and army will accept it if tomorrow the majority decides to move towards a republic?



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Faith in Maoists



Interview in *Nepal*, 20 August
Amik Sherchan, president of Jana Morcha

Why do you threaten to quit the government?

It's not just a threat. I participated in the government in accordance with the 12- and eight-point agreements, and I'm responsible for protests against efforts to jeopardise these agreements. However, I raise my voice in the streets, not inside parliament.

What about the 25-point code of conduct?

I remind the Maoists about it frequently. But it's not just the Maoists' fault. They need to feed their army. What has the government given them so far? They used to get food in the villages and get money by looting banks, but they no longer do this. My point is, while both sides should be following the code of conduct, I have more faith in the Maoists.

What about the PM's suggestion to give the king (parliamentary) space?

The prime minister is very busy, but he gets swept away by other people's opinions and makes such

bald statements. We're all steered by the eight-point agreement. I still have a lot of confidence in him. I am a Koirala supporter.

Is there a conspiracy to stop the constituent assembly elections?

A very small group is trying to, but they aren't strong enough to halt the people's aspirations. This government was formed by the people and is the result of their sacrifice. Previously the

Maoists demanded a republic, but now they want the elections to resolve all issues.

Are you having an 'affair' with the Maoists?

We have a good relationship. I am very close to them on strategic issues and principles.

Is there a power struggle with Deputy PM KP Oli?

I am not responsible. There is no personal conflict between us. When the PM left for Bangkok he handed over his responsibilities to me. The only thing I did was summon the defence minister to ask about the statement released by the Nepal Army.

I insisted that martyrs be a priority. My ethics disallowed me from attending parliament when Oli presented the government's policies as it was insulting to the sentiments of the Jana Andolan.

Why didn't you wear national dress during the swearing in?

I believe one should enjoy one's personal freedom the way it makes one happy. Besides, daura suruwal was first an ethnic dress and became national only later.

Positioning

Editorial in *Samaya*, 18 August

At a time when law and order and governance are facing challenges, recent statements by Deputy Prime Minister Amik Sherchan may prove to be self-fulfilling prophecies. At a time when even the Maoist leaders have committed themselves to enter the political mainstream, Sherchan has been spouting inflammatory and irresponsible pronouncements like in the next ten months there can be 100,000 people killed every month. It was not the intention of the people's movement to encourage violence, nor is it consonant with the values of democracy. Why is Sherchan speaking in favour of violence? Why is he trying to overturn the decision of the Supreme Court that the campaign to remove the current chairman of the Chinese-assisted BP Memorial Cancer Hospital in Bharatpur was illegal? It looks like he is bent on political interference to put his own candidate for that post, even if it means undermining the activity of the hospital.

What is this government's priority: to destroy national-level educational institutions that are providing service to the people? Shouldn't it be to help those institutions by respecting the law that gives them autonomy? The anarchic activities and anarchic statements by the deputy prime minister doesn't help foster respect for the government nor does it help the country resolve the problems it faces. Democracy needs sacrifice, not being carried away by the power of one's position.

"Politicians are not gods"

Excerpts of Bhushan Dahal's interview with Sher Bahadur Deuba on *Fireside*, Kantipur Television, August 14

Did your visit to India have something to do with being the next candidate for prime minister?

I did not go to India to become prime minister. It is the seven parties who will appoint the prime minister, not India. Will India choose Nepal's prime minister? What kind of question is that? In Nepal, as soon as someone becomes PM, the next day, they start looking for alternatives. When I became the prime minister, they were looking for an alternative the very next day.

But India...

Why bring India up? Let's talk about Nepal. Girija Babu is ill, he has lung problems, that's fine. But still, he can put that thing on his nose... what is it... oxygen... and then call a cabinet meeting. He hasn't said 'my health is bad, I will leave'.



MIN BAJRACHARYA

You've said you don't believe in the king. Do you stand by that?

I won't support the king. In 1950, the Congress had the army, and we had support. We still got the king. In 1952, the king kicked out the Congress. There were riots, and we won the 1959 elections, then got kicked out again a year later. BP was jailed for eight years, then for another three. Girija Babu was under house arrest, I was jailed for over nine months. Monarchy has always given the Congress a hard time. The king is anti-Congress. He doesn't even want to hear the word Congress.

The seven parties, individuals, our foreign friends, the Maoists—is there another fight for democracy looming?

Differences between parties are natural. Which society is problem-free? In my house, we have one TV. My son watches football or cartoons. My wife wants to watch Hindi soap operas, and I want to watch the news. So we end up fighting over who will watch what. If there is a fight between three people over one TV, won't there be bickering among seven parties? Human beings will always have small fights. The only way is to address things democratically.

Politicians don't seem to deliver what the Nepali public wants.

Miracles don't just happen. Democracy will bring politicians on the right track. Don't you understand? Politicians are not gods. Not superhuman beings. People think the parties can cheat them, so that's why they have an opposition party. The public doesn't believe the parties are gods, so why do you want to think otherwise?

Goat or cow?



Jana Aastha, 16 August

आस्था

Guess why the Interim Constitution Drafting Committee is delayed? Well, it's not over some intractable issue like monarchy or parliament, but over whether the national animal should be a cow or a goat. The Congress-aligned members of the committee are for keeping the cow as the national animal, while the Maoists are against it. The UML members argue that since Nepal is now secular, maybe there shouldn't be any national animal at all. Frustrated by the lack of progress some members made fun of the whole debate by saying: "Why not a goat?" Sources say coordinator

Laxman Aryal is also not happy with keeping the cow. There are lots of other sticking points like the Maoists' people's court, age limit for officials, and whether the word 'parliament' should be changed.



Congress unification

विचार Robin Sayami in *Himal Khabarpatrika*, 17-31 August

QUOTE OF THE WEEK

“There is no democracy within the Maoist party, only centralised decision making between Baburam and Prachanda.”

Mani Thapa, Maoist commander who rebelled against the party in *Sanghu* 14 August

Where the Bagmati is still clean

Those who cross the bridge at Thapthali every day will find it hard to believe that along its upper stretches the Bagmati is a clean, clear brook with icy cold water even during the summer.

That is what participants of Dunga Daud have been discovering during a week-long festival aimed at raising awareness about the need to clean up Kathmandu's main river. Corporate houses, media personnel and students took part in raft races from Sundarijal to Gokarna as part of the 6th Bagmati River Festival.

The festival, organised by the Nepal River Conservation Trust will conclude with a Jal Jatra on 20 August. Five hundred students will march from Chobar while a race among kayakers will run from Sundarijal to Tilganga. The students and kayakers will meet at Thapthali Kalmochan where the festival will conclude.

The Himalayan Bank team won the Corporate Dunga Daud on 12 August, while JICA and Kathmandu Guest House came second the third. The Nepal Forum for Photojournalists came first in the media race, with Nepal Sports Journalists Forum in second and Himalmedia third. The Blind and Disabled Team that called itself the BAD Team also took part and won the creativity award.

A Live Aid Concert is being organized on Saturday, 19 August at Jawalakhel Football Ground from 1PM onwards. Bands like 1974 AD, Namaste band, Abhaya & the Steam Injuns, Dev Rana and friends will be performing.

Says Megh Ale of the Nepal River Conservation Trust: "The holy river is still clean up here in Sundarijal, now we need to make the downstream stretch as clean." ●



KIRAN PANDAY



Nonstop adventure



PICS: MIN BAJRACHARYA

Ram Hari Silwal and Endra Rai are all set to start an adventure 'Source to the Sea Expedition' that will take them from a Himalayan glacier to the Ganges delta.

On 21 August, they will begin an epic 50-day journey by setting off on a mountain bike from Pashupati to Sundarijal. From there, they will trek to Melamchi, get on kayaks and float down the Indrawati, Sun Kosi and Sapta Kosi, crossing the Indian border at the Kosi Barrage and then on to the Ganges, through Bangladesh and until they finally reach the Bay of Bengal.

With 20km of mountain biking, three days of trekking and 45 days in kayaks, they will cover a distance of about 1,800km. The adventure duo want to attract Nepali youth, help encourage adventure sports in Nepal, create awareness about Nepal in neighbouring countries, and spread messages around environment and river protection.

Ram Hari and Endra have always been ambitious and idealistic. Ram Hari grew up in Nuwakot and started paddling in the Trisuli when he was a boy. Now 30, he teaches kayaking in Sweden, Norway, England, New Zealand and other countries. "From my experience in Europe, I know

MOUNTAIN TO THE SEA: Everest summitter Endra Rai (inset) and his friend Ram Hari Silwal (in kayak) will set off next week to trek, bike and kayak from the Himalaya to the Bay of Bengal in 50 days.

that adventure tourism is changing," says Ram Hari, "foreigners are now looking into long trips with multiple adventure sports rather than shorter packages of specific sports. The beauty is that it offers not only physical but also mental challenges."

Endra is an Everest summitter who wanted to be an engineer but got side-tracked while job-hunting. "We want to see how can we chain up adventure sequences in this trip," says Endra, "to reach rivers to kayak in you have to hike, and we threw in mountain biking just for fun."

Ram Hari has been producing adventure documentaries for Swedish Television, National Geographic and Adventure One and is filming the trip. Afterwards, he plans to open up a kayaking school along the banks of the Trisuli river so younger Nepalis will catch the adventure bug. Endra, meanwhile, wants to promote multiple adventure tourism after this adventure is over. ●

(Shailee Basnet)

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High hopes for Nepal at this month's South Asian Games in Colombo

Bagging SAG 06

When the 10th South Asian Games open in Colombo on Friday, hopes are high among the 216 athletes, and 30 coaches and officials that make up the Nepali team. The sub-continental sporting extravaganza from 18-28 August will bring over 1,500 athletes from SAARC countries to Sri Lanka.

The Nepali players, many of whom are former South Asian Federation Games (as it was formerly called) gold medallists and others hopeful for a silver or bronze, will compete in 18 of the 20 different sporting events, rowing and hockey being the other two.

Nepal's past performance has been commendable considering the lack of resources and proper training facilities for the athletes. We ranked second in the 8th SAFG held in Kathmandu in 1999, winning 65 medals, including 31 golds. Our performance in the 9th SAFG in Pakistan was slightly poorer with 33 medals and seven golds.

This time, the daily allowance of Rs 450 to each athlete during the training period and \$20 during the games hasn't been raised, but there is plenty to look forward to with everyone from the athletes to the coaches being very positive about Nepal's chances. Some of the events we think Nepali athletes are likely to do well in are:

FOOTBALL

Football is the single most important and eagerly awaited event for Nepali sports fans. All eyes are on the national football team, ranked 164 in the FIFA World Ranking and placed in Group B along with Bangladesh and Afghanistan. Nepal won its first football gold in the 6th SAFG held in 1993. This time with young, energetic players like Pradeep Maharjan, Santosh Saukhala, Anjan KC, Nirajan Khadka, Bisan Gauchan and Jumanu Rai, there is no doubt that Nepal will go a long way.



In the opening match on Monday with old rival Bangladesh, Santosh Saukhala from the Armed Police Force scored an equaliser in a penalty awarded to the team minutes before the whistle blew after injury time, ending the game at one goal each. On Wednesday Saukhala managed to save the day again, scoring a goal against India's one-up ending the game at one all.



KARATE



Martial arts has always been Nepal's speciality and karate is a favourite. Our main competition will come from India, Pakistan and Sri Lanka, who are likely to make the most of their home turf advantage. However, Nepal may still be able to repeat its past performances. Dipak Shrestha, with two golds to his credit, is the one to look out for among the team of 11 men and seven women.

BOXING

Nine male Nepali boxers, all from the Nepal Army or the Armed Police Force, will fight in the ring. We have fairly good boxers, but ultimately it's stamina and talent that takes the gold so we might just have to cross our fingers.

TRACK AND FIELD



ANUP PRAKASH

Nepal's track and field record isn't all that bad. Although India and Sri Lanka have dominated the medal podium in recent times, Baikuntha Manandhar's 2 hours 15 minutes and 3 second marathon record during the 3rd SAFG in Calcutta in 1987 still holds. We definitely have something to look forward from the 14 runners representing Nepal.

TAEKWONDO

Nepal's victory in the 10th SAG largely depends on how we perform in taekwondo. As the sport that has brought Nepali athletes like Deepak Bista and women's fly weight champ Sangina Baidya (pictured above) fame and applause, Nepal is aiming for at least 13 gold medals. Despite a recent minor surgery, Sangina hopes to perform well. Coach Kwan Hyuk Joong is confident the team of eight men and five women will do well and perhaps even set new records.



SHOOTING

In the past Nepal's performance had always been hindered by ageing equipment. But this time, the national team has just received a brand new arsenal of five rifles and six pistols manufactured by Walther (of James Bond fame). With the new weapons, the shooters are more confident. India, however, remains the big challenge with its world-class shooters. The men's and women's teams are both made up of six shooters—three each for pistols and rifles, competing for a total of eight gold medals.

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Patan fundraiser



The Kathmandu Valley Preservation Trust (KVPT), which has been involved in restoring Kathmandu's priceless architectural heritage, has raised \$170,000 from a recent charity lunch in London that was graced by Prince Charles. KVPT will team up with UNESCO to use the money on an ambitious renovation of the Patan Darbar Square complex at Mangal Bajar. Reconstruction is expected to get underway next year after the necessary planning, design and research. KVPT has been involved in over 20 restoration projects, including recent renovation of Manikul Mahavihar, Itum Baha and Kalo Bhariab shrines. Addressing the fundraising event in London, Prince Charles recalled his visit to Nepal in 2001 and lauded the work of KVPT despite political instability in Nepal. "In my visit to Nepal I was

impressed by the work being done to bring back Kathmandu Valley's unique heritage, and I am extremely happy to be of help in supporting the restoration work," Prince Charles said. The exclusive \$800 per plate lunch was attended by 125 luminaries and was hosted by Prince Charles at Clarence House. Attending from Nepal were directors Gautam Rana and Pratima Pande (pictured). Other KVPT members and donors attending were Rajni Malla, Prabhakar SJB Rana and Prithvi Pande. "Overall, it was an extremely useful event fundraising-wise and led to a new network of international donors and an institutional relationship with the Prince's foundation," said Gautam Rana, "but ultimately Nepal's unique heritage will not survive unless there is awareness in the younger generation and domestic patronage for restoration." ●

Little power to the people

MARTY LOGAN

Every 12 months, members of the Kabre district council meet to consider their plan for the year ahead. At three meetings from 2000 to 2002 they approved the draft blueprint unanimously, changing only the sites of two of the 96 projects approved in 2000. "The plan seems to be unanimously agreed upon as an outcome of a nearly perfect planning exercise. However, this is not all true," writes scholar Damodar Adhikari in a new book. What really happens is that the nearly 200 councillors arrive on meeting day one and are handed a proposal totalling more than 150 pages. "Reading such a huge planning document in a very short time is nearly impossible. Most district council members are clueless and every member's personal as well as territorial interests dominate the meeting," Adhikari concludes in *Towards Local Democracy in Nepal: Power and Participation in District Development Planning*. Time constraints and personal interests are only two of countless shortcomings of a system that after 1990's people's movement was designed to replace the Panchayat's charade of local governance with real grassroots democracy, based on the Local Bodies Act (1991) and the current highly-praised Local Self-Governance Act (1999). But reality has failed to match the promise of the LSGA, argues Adhikari. *Towards Local Democracy in*

Nepal was written as a PhD thesis so it's necessary to flip past pages of theory and explanations of methodology before reaching the story of the workings of Kabre's government. Even then, the tale is tarnished by a lack of quotations and anecdotes. (It would have been great to hear citizens who participated in planning meetings at the settlement and ward levels comment on whether the approved plan reflected their concerns, for instance). That lack of 'colour' is disappointing because with terms such as "full" and "inclusive" democracy zipping through the Nepali air, the timing is perfect for this book. The author sets out to situate Kabre in the context of a theory that pits 'rationality power' generated by a participatory planning process against the 'discretionary power' wielded by decision makers. It's David versus Goliath: "A number of day-to-day planning and development related activities in the DDC are carried out based on what is commonly known as Tok Adesh (ad hoc instruction) of political representatives, the DDC president in particular... (these) decisions undermine the participatory spirit of the district plan," writes Adhikari. In fact, he assigns only a small part of the responsibility for local democracy's failures to district level governments. Decentralisation, Adhikari argues, has been short-changed—and at times short-circuited—by a legal framework that's fuzzy on the sharing of powers between levels of government, inadequate fiscal

transfers from the centre, lack of accountability and, especially, the reluctance of elected representatives at all levels to give up any power. Can it be fixed? The task is monumental, but Adhikari offers a number of suggestions, including: educate local officials about decentralisation, local democracy and planning immediately after they're elected; transfer line agencies working locally to DDCs; replace indirect local election to the DDCs with direct election; and establish a local civil service system to 'make the members of the local bureaucracy responsible and accountable to the local government.' ●



Towards Local Democracy in Nepal: Power and Participation in District Development Planning Damodar Adhikari SPRING Centre, Faculty of Spatial Planning, Universitat Dortmund 2006 304pp, plus bibliography and appendices ISBN 3-934525-47-4

A full circle

In the last 14 years, Nepal tried the bilateral approach to deal with the Bhutani refugee issue, slowly moving into a confidence-building mode with Thimphu and then got entangled trying to appease Druk Yul. GP Koirala was general secretary of his party when the refugees started arriving at the Jhapa border in 1991. As a country just emerging from a one-party rule, he said in an interview that Nepal naturally has "sympathy and support" for Bhutan's legitimate democratic struggle. However, democratic governments in Kathmandu never had the courage to support such a movement in a landlocked absolute monarchy next door. Instead, we accepted categorisation of refugees. Nepali leaders spoke privately and officially to counterparts in Delhi for help to end the impasse, but to no avail. With 15 governments in 16 years, Kathmandu's mind was always elsewhere. Koirala is back as prime minister and we may have come a full circle on the Bhutan refugee issue. Foreign Minister KP Oli spoke to his counterpart Khandu Wangchuk in Dhaka at the SAARC Council of Minister's meeting last week and said Nepal wanted to "make a fresh beginning" to resolve the issue "once and for all". Have we run out of options? Why isn't India keen in intervening to defuse a crisis near its strategic Chicken Neck corridor? Should we accept the third-country resettlement program advocated by the UNHCR and some donor countries? First we must set our own priorities. Do we want the refugees to go back to Bhutan with dignity and honour or would we be content to wash our hands off the whole affair and resettle them in third countries? Are we prepared to assimilate tens of thousands of refugees in our own country while a few petitioners go west? The alternative could be a nightmare not only for Nepal and the UNHCR but also for Bhutan and India. If more time is wasted and donors see no end in sight, they could actually withdraw support for the seven camps in eastern Nepal. That will leave 100,000 politically alert refugees little choice but to take up arms. Even UNHCR's Assistant High Commissioner for Operations Judy Cheng Hopkins says she is concerned about the possibility of



SHYAM TEKWANI

Back to square one on Bhutani refugees

growing militarisation and radicalisation of the camps. The formation of the Bhutan Communist Party (Maoist) and the recent trend of the refugees obstructing highways in Jhapa or trying to forcibly enter India at the Mechi Bridge could be indications of things to come. Is our priority to engage South Block to lean on Thimphu at our behest? This would give us leverage against the Druk regime. Or have we already set our minds on the righteousness of the Bhutani cause and will not draw the line anywhere below their legitimate right to return to southern Bhutan? Perhaps the government could call a national conference of Bhutani refugee leaders, representatives from the US, India, Norway, Switzerland, etc, the UNHCR and the political party leaders to brainstorm. In more than five decades, the UNHCR has helped an estimated 50 million refugees restart their lives in different countries, for which it has won the Nobel Peace Prize twice. But the announced relocation of 16 individuals under the UNHCR's special protection policy is an insult not only to the refugees but to Nepal. This can't be "an initiation to give special protection to the most vulnerable people who need special care" as UNHCR's Nepal representative advocates. Such utterances aggravate an already volatile situation and portray an unnecessarily negative image of the agency. A realistic approach could be to pressurise Bhutan to sit for bilateral talks, get genuine Bhutani nationals to go back and sort out the rest between Nepal and those countries willing to accept them. As Bhutan enlarges its diplomatic interactions with the international community, it is in its inherent national interest to resolve this problem, which has been a blot in its image. As more and more donors including the Scandinavians get interested in settling this problem between Nepal and Bhutan, India's long-standing strategic influence over both could diminish. It is in India's national interest to pressure Thimphu to stop playing with the lives of 100,000 Bhutanis and destabilise an already sensitive region. Settling this problem amicably is geopolitically indispensable and a humanitarian necessity. ●

Nischal N Pandey is the former director of the Institute of Foreign Affairs.

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Force and asymmetry

How do you decide whether force is proportionate and necessary on the battlefield?

But civilian deaths as a result of military combat are not enough to say that dispropor-

In the justification of armed conflict, the defending state may use all necessary force to repel an aggressor. When Argentina

Intentional targeting of civilians is prohibited, as is an attack on military targets where there will be 'clearly excessive' harm relative to the value of the military target. There is no criterion, not even a theory, for determining when the use of



However, this does not mean that force becomes 'disproportionate' simply when the costs outweigh the benefits. A woman may use deadly force to avoid being raped, even though the life of the aggressor, one would think, is worth more

International lawyers commonly confuse the concepts of necessity and proportionality, claiming that both apply in wars of self-defense. But this is not as clear as it is in domestic criminal law. I know of no case in the international version of shooting escaping looters where a court has affirmed that the use of force was necessary but not

Journalists on the ground would do well to inquire about the relevant military objectives rather than pass judgment on the basis of the numbers of civilians killed, which may have minimal relevance to legal analysis. ●
(Project Syndicate)

George P. Fletcher is Cardozo Professor of Jurisprudence at Columbia Law School in New York and author of the forthcoming The Grammar of Criminal Law: American, Comparative, and International.

“We’re not worried about the PLA, we’re worried about the militia.”

- Makwanpur shopkeeper

SUMAN PRADHAN

Discussions with the UN on arms monitoring so far have focused on visible institutions: the Maoists and their PLA, the seven-party government and the Nepal Army. Missing from negotiations between the two sides is discussion of the other potential faultlines: Maoist militia, vigilantes and other armed groups.

“The Maoist militias, vigilante groups, and weapons in the tarai citizenry will be the biggest problems in the peace process,” predicts Naresh Bhatta, a Nepali electoral affairs specialist who has served in UN missions at hotspots around the world, including in Cambodia and Afghanistan. “The UN could have a difficult time here, though its presence should bring peace if all sides allow it to work for peace.”

Though arms in the civilian population is still not seen as a big problem here, the open border and easy availability of weapons in India’s lawless areas could rapidly change that in the coming months, especially if groups within the Maoist movement remain dissatisfied with the peace process.

For these reasons, some analysts fear a repeat of post-1979 Cambodia where a UN peace mission was hounded by ruling party intransigence, Khmer Rouge deception and small arms proliferation in the citizenry. Even some of the arms cantoned by the UN Transitional Authority in Cambodia eventually leaked into the general population due to lax UN oversight and local corruption.



J B PUN

FACES OF A MILITIA: Near Thawang in Rolpa these young Maoist militia members posed for a photograph. They carried socket bombs in their knapsacks and did sentry duty.

“The Cambodia mission was problematic because the UN did not rely on local knowledge, focusing instead on international experts who had little understanding of the country and its history,” says Natalie Hicks, a disarmament expert who worked in Cambodia and Vietnam. “If the UN hopes to succeed in Nepal, it must revisit its notion of neutrality and rely on local knowledge, engage the civil society, and boost local capacity to strengthen the peace process. We have seen what the lack of these did in Cambodia.”

In Nepal though, the worry is that

militia activity will most likely remain outside the purview of the recent UN-brokered agreement. The Maoists are in the midst of spirited recruitment drive into their militia. Most of them carry weapons ranging from crude knives and khukuris to pistols. Maoist Chairman Pushpa Kamal Dahal on Sunday indirectly acknowledged this fact when he told a press conference in Jhapa, “Our people’s militias number over 100,000 but all of them do not carry weapons.”

These abundant Maoist arms outside the organised PLA could easily influence the outcome of constituent assembly

elections, analysts say. The pervasive fear in the rural citizenry, even four months after the peace process, is largely due to militia roaming the villages.

A shopkeeper in a village in Makwanpur district said recently, “It’s not the PLA we are worried about. They seem to be very disciplined. It’s the *jholes* (militias) who come and harass us, demand food in the middle of the night, and ask for money.”

Maoist leader Deb Gurung sees it differently. “Why all these worries about our militia? We can talk this over at a political level after the interim government is formed. We are willing to discuss the security roles of the government police and our militia.”

This underscores the Maoists’ mistrust of the police and vigilante groups—a legitimate concern which has to be addressed by the government, the Maoists and the international community, say experts.

“The international community, particularly the UN, must help build trust between the different sides,” says Hicks, “it must be a bottoms-up approach. Listen to the districts and villages. Give the militia incentives to lay down arms.”

Having dealt with militia during peace processes elsewhere, Naresh Bhatta says the UN has experience of what has worked. “Donors can fund a weapons buy-back program aimed at removing arms from the civilian population and the militia,” he says, “this has been tried successfully elsewhere.” ●

“I wasn’t King Gyanendra’s adviser”



Usually a reclusive figure, Sharad Chandra Shaha agreed to speak to *Nepali Times* about governance, development and his role as an information technology adviser to the royal regime.

Nepali Times: We have tried dictatorship and democracy, what model of governance do you think would work best for Nepal?
Sharad Chandra Shaha: I personally think this has to be participatory, all sectors of Nepali life should feel properly represented in the decision-making process. Of course, there will be trade-offs, not everything can be achieved in a given time. As long as all disparate elements in society have their say in policy formulation and some kind of possible control over how they are implemented that should guarantee accountability.

But why hasn’t it worked in Nepal?
That is the million dollar question, you have the ideas of democracy and then you have the reality of present day life dictated by views of articulate people. There are no countervailing means to keep their ambitions in check. One has to be able to go along with whichever group is capable of delivering.

Is Nepal’s problem one of politics or of management?
Both. The politics compounds the management problem which is mostly due to lack of proper personnel in proper places. Instead of professionalising the running of the country you put political sympathisers in key positions and it becomes a total mess.

What was the rationale behind 1 February 2005?
It was a time-bound concept with promises of delivery in areas of greatest concerns to Nepalis and above politics, so it had a chance of success. Of course in hindsight there can be different angles and opinions, but in the beginning it was a genuine effort to listen to all sorts of public opinion and a true desire to incorporate them in policy formulation and implementation.

Where did this start going wrong?
It’s not for me to assign blame, but maybe there weren’t enough effective initiatives to convince our foreign friends and those who listen to them.

But as an adviser to King Gyanendra, couldn’t you have helped correct these mistakes?
I’d like to categorically state that I was not King Gyanendra’s adviser. It was not my place to advise him about foreign policy, or the running of the country for that matter.

Then to what do you attribute the public perception that you were a close adviser to the king?
I have stated in answer to your previous question what I have to say and I’d suggest that people go back and analyse the intention of the sources that said what they did about me. Why not look into the possible motives behind those who say I was his adviser?

So who were the real advisers?
I don’t know who they are and anyway it’s too close to the event to air my opinion or assign blame.

There has been a report of your alleged involvement in the army’s purchase of two Chinese planes. Is this true?
Through your own newspaper, I would like to categorically state that I have never been involved in any aircraft purchase, I have no idea about it and if anybody can prove my involvement in this deal I’m prepared to face any consequences, otherwise I’d like you to clear my name from any association with such a shady deal.

Not even your family members and associates are involved?
No. I don’t even know who is behind the purchase of the aeroplanes. I’d like to request people to find out who spreads these kinds of rumours and for what sinister purpose. That would be a great favour to me from my countrymen.

You also headed the Information Technology Task Force.
I was involved for roughly two-and-half years in promoting Information Technology in Nepal and despite problems we were making slow and steady progress. It has tremendous potential, and if there is proper planning from an elementary level in education, proper policies, removal of red tape, and realising the inherent potential of this country for FDI opportunities there could be a bright future. We have the geographical and natural advantages, low costs, for software development, downstream jobs and call centres all leading to tremendous international employment opportunities.

But the crackdown on the internet in February opened Nepal up to criticism at the World Summit of the Information Society that King Gyanendra and you attended in Tunis last year?
Not that I condoned it, but the curbs weren’t that stringent and it didn’t last for a long period. And for your information, there was no criticism in Tunis. Compared to the practice of other countries in this sector, it pales into insignificance.

"Lata ko desh ma gaando tanderi." (In a land of fools, even a man with a bad goatee can be a hero.) - as translated by UNACOOTs, the United Nation's Assn. of Cartoonists

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3) Don't expect to meet Aishwarya Rai online

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ABOUT TOWN

- EXHIBITIONS**
- ❖ **Harmony** Sculpture Symposium 2006 at NAFA complex till 18 August.
 - ❖ **Infinity** paintings by Ramesh KC, Gaurav Shrestha, Suman Shrestha and Binod Gupta at The Art Shop, Durbar Marg till 20 August. 4267063
 - ❖ **Impressions of Manang** 10-28 September, Nepal Tourism Board

- EVENTS**
- ❖ **How to improve products** five days training with Katharina Bebie Lardell, 21-25 August. 5542608
 - ❖ **Kamlaree** an improvised play directed by Sunil Pokhrel at Gurukul, till 22 August. 4466956
 - ❖ **Father's Day** 23 August
 - ❖ **The Fall of Fujimori** directed by Ellen Perry. 5.30 PM on 25 August at Yala Maya Kendra with the FSA Film Club. 5542544
 - ❖ **Teej** 26 August
 - ❖ **Indrajatra** 6 September
 - ❖ **Changa Chait-2063** Battle in the sky at Club Himalaya on 9,16 and 23 September.
 - ❖ **Alcoholics Anonymous** Problems with alcohol? 9851016079

- MUSIC**
- ❖ **Woodstock** best of rock music at Moksh Live, 8.30 PM, 18 August. 5526212
 - ❖ **Live Performance** by Santosh Bhakta Shrestha at Yala Maya Kendra, Patan Dhoka, 18 August, 6PM. 5553767
 - ❖ **Gajal Night** at Moksh Live with Roshan Gurung and friends. 19 August, 8PM. Rs 200 with complimentary dinner. 5526212
 - ❖ **Heartbreakers** live every Friday at Rum Doodle Bar & Restaurant. 4422613
 - ❖ **Cadenza Collective** live every Wednesday and Saturday 8PM at Upstairs, Lajimpat.
 - ❖ **Live Music** at New Orleans Café. 4700311
 - ❖ **Uncork the good times** with Ciney and Par-e-jat playing along with BBQ every Friday from 7PM at Fusion-the bar at Dwarika's Hotel. 4479448

- DINING**
- ❖ **Kabab and Biryani** at Soaltee Crowne Plaza, 18-20 August.
 - ❖ **Nhuchee's Kitchen** at the Organic Village, Baluwatar for lunch, dinner, and breakfast on weekends. 4414383
 - ❖ **Mezza and Margarita** at Dwarika's Fusion. Every Wednesday at 5.30 PM, Rs 555. 4479448
 - ❖ **Saffron** new Indian restaurant at Hotel Shangri-la, 25 percent discount as a promotional offer. 4412999
 - ❖ **Eden Lounge Bar** Happy hour 3-7PM, buy one get one free cocktails. 6th floor, Kathmandu Mall, Sundhara.
 - ❖ **Monsoon Madness Wine Festival** Enjoy wines from four continents at Kilroy's of Kathmandu. 4250440
 - ❖ **Mango Masti** At all restaurants in Soaltee Crowne Plaza. 4273999
 - ❖ **Traditional Cuisine** at Patan Museum Café. 5526271
 - ❖ **Wet & Wild Summer Splash** Special package of swimming and lunch, or overnight with breakfast and swimming, Godavari Village Resort. 5560675
 - ❖ **Earth Watch Restaurant** Breakfast with the birds, lunch with the butterflies and dinner by the fireplace at Park Village Hotel. 4375280.
 - ❖ **Shaken & Stirred** at Dwarika's Hotel with performances by Ciney and Par-e-jat. 4479448
 - ❖ **Weekend Brunch** at Hyatt Regency, Kathmandu. 4491234
 - ❖ **Special budget lunches** at Rum Doodle Bar and Restaurant. 4422613
 - ❖ **Breakfast** Singma Restaurant, 8.30-11AM daily. 5009092.
 - ❖ **Jatra Wednesday Nights** Free cocktail for women. 4256622



- GETAWAYS**
- ❖ **Shamanism Full Moon Trek to Lake Gosainkunda** Rs 5999, 4-12 August. 4412508
 - ❖ **Tiger Mountain Pokhara Lodge**, relaxation and massages in Pokhara. 4361500
 - ❖ **Conferences and workshops** at Godavari Village Resort. 5560675
 - ❖ **Nature Retreat** at Park Village Resorts & Spa. 4375280
 - ❖ **Escape Kathmandu** at Shivapuri Heights Cottage. 9841371927
 - ❖ **Dwarika's Overnight Package** Night of luxury at Dwarika's Hotel. 4479488
 - ❖ **Escape to Godavari Village Resort**, an overnight stay package with breakfast & swimming. 5560675

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NEPALI WEATHER

by **NGAMINDRA DAHAL**

So far, August has received one-third of the normal precipitation for this month. But if this satellite picture taken on Thursday morning is anything to go by, hope may be on the horizon. The edges of a massive monsoon trough over Orissa is just beginning to graze the eastern tarai. This heavy system and is headed right our way with lots of moisture. We are looking at sustained rain with occassional heavy showers into the weekend. Let's hope it replenishes Kulekhani otherwise we may face power cuts by next month. Kulekhani is less than half-full and needs its water level to rise by 30m if it is to last us through winter. By midweek next week, we should see more of the localised heavy evening showers usual for this time of year.

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KIRAN PANDAY

SCOUT SALUTE: A girl scout guard of honour greets King Gyanendra as he arrives at Patan Darbar Square on Krishnasthmi on Wednesday.



KIRAN PANDAY

PRACHANDA PRATAPI: Comedian Manoj Gajurel brings the house down with his impersonations of King Gyanendra and Puspha Kamal Dahal on the occassion of Gai Jatra on Monday.



KIRAN PANDAY

NAVEL GAZING: Models in fancy clothes sashay down the ramp at the Sunsilk Fashion Week at Hyatt Regency on Sunday.



FIRST GENERATION: Rato Bangala School's rendition of Arthur Miller's A View from the Bridge this week explored the limits of community law among immigrants.



MIN BAJRACHARYA

MEN IN MASKS: Dalit dancers from Gajuri dance with masks and, as a sign of times, wield toy guns on Gai Jatra at Tripureswor on Wednesday.

Cop on the road



KIRAN PANDAY

Laxmi Gurung, is a classic example of what equal opportunities can do. The 39-year-old sub-inspector heads the recently established all-women's traffic post in Thapathali with 25 other policewomen. "During training men and women are not segregated. That's where we learn there are no differences except anatomically. We are equals," explains Gurung. Despite being a woman she is addressed as 'sir' by her juniors. Controlling traffic on the streets can be extremely challenging, especially for women traffic police,

considering the anarchy on the streets in a male-dominated society. Fortunately, for this soft-spoken cop her gender has so far proved to be an asset. "We are trained to develop patience and tolerance. That's the only way to handle a stressful situation," she says. But be warned—if you think you can get away with anything with Laxmi, she is also a taekwondo blackbelt, a champion rifle shooter and an excellent swimmer. Gurung's family comes from Rumjatar, but she was born in Kathmandu. Due to personal

reasons she couldn't continue her education beyond SLC but says she always dreamt of becoming a cop. Four years after Nepal Police started taking in women, Laxmi fulfilled her long cherished dream and joined the force in 1985. "Once you join, you have no personal life. Though we don't earn a lot, money is not everything," she says. Whenever she finds some free time, Laxmi listens to sentimental Nepali and Hindi music, scans the newspapers and magazines and enjoys a good laugh with colleagues. ● Alok Tumbahangphey



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To end the news, the main points once again

Security Beefed Up for Umpteenth Time at TIA

BY AN INSECURE CORRESPONDENT

Responding to a worldwide security alert, the Tribhuban Unintentional Airport has decided to install a pair of mental detectors as an idiot proof measure to prevent passengers from acting smart on planes.

“Some passengers are just too smart for their boots and they are a threat to the safety of fellow-passengers,” said an airline source, “we hope to weed them out by giving them a brain scan just after they go through customs and immigration.”



UNDER MY HAT
Kunda Dixit

The state-of-the-art magnetic resonance mental detectors set off an alarm if cerebral activity of passengers is above the threshold level deemed

safe for airline travel. An automatic readout for each passenger alerts security officials with colour-coded alarms.

For example, green means passenger is an idiot and doesn't even need to be frisked. Blue means the guy is of borderline intelligence and needs to fail a further written IQ test before being allowed to board. Amber alerts airport security of a potential smarty pants who needs to be darted with a tranquiliser gun before boarding. And red is for passengers who are too clever by half and can't be allowed on board under any circumstances.

Tests at other airports have shown that airline security can be considerably enhanced if smart alecks are prevented from even getting into the plane. In Kathmandu, this immediately disqualifies all members of the Nepal Intellectual Society and all recipients of awards and plaques from the American Biographical Institute and the Brain Trust. Nepal's past and present rulers don't need to go through mental detectors and can hop on to the cabin directly.

The new screening process augments TIA's ongoing effort to integrate security with a free chest x-ray by a qualified quack for early detection of tuberculosis and other pulmonary ailments. Frisking is also combined with a free physical to rule out early onset of enlarged liver or hernia.

“It's all part of our campaign to improve Nepal's public health,” said a non-descript senior security source, himself a nut case, “this way we ensure that passengers are hale and hearty before embarkation, but we can't guarantee they will still be ok when they get off at the other end.”

NOC Hits on Great Idea To Keep Fuel Prices Low

FROM OUR OILY ANALYST

Despite world crude prices hitting \$85 a barrel, NOC has decided not to raise fuel prices at the gas station by implementing an ingenious method which is a highly classified state secret.

But if you promise not to tell anyone, we can confidentially divulge that the plan entails allowing distributors to mix water in kerosene, kerosene in diesel and diesel in petrol.

“Some people call this adulteration, but we call it price stabilisation,” said a source at the Nepal Oil Corruption which is losing Rs30 million a day in subsidies.

Govt Mulls Chobar High Dam

BY AN ELECTRIFIED REPORTER

The seven-party government has given the green light for a hydroelectric dam at Chobar Gorge that will solve Nepal's electricity crisis as well as Kathmandu's uncontrollable urbanisation in one swell foop.

The 200m Chobar High Dam will create a massive reservoir submerging Kathmandu, Patan and Bhaktapur and return the Valley to its pristine pre-historic lakeside ambience. Besides generating 8 billion gigawatt hour of power and removing load-shedding till 2075, the project will also reduce demand by removing Kathmandu Metropolis and the Patan Sub-Metropolitan City from the face of the earth.

Under My Hat Goes Underground

YOU BETTER BELIEVE THIS - ED.

After six years of peddling non-stop nonsense the nation's most-insufferable columnist has been forced to stop writing his column from next week in the interest of good taste and public order.

“It was getting to be a national embarrassment,” said a highly-placed government source, “we just couldn't allow it to besmirch the country's image anymore. Nepal's future is now bright.”

The author of the aforementioned column was not available for comment, but his publicist said he was on an indefinite pen-down strike until his main demand that people start taking him more seriously is met.

