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Q. What is the most serious threat to the stability of this coalition government?
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Q. Does the Maoist leadership control its cadre?

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Sharp divide

A rift within the Maoist hierarchy is now out in the open

ANALYSIS by **KUNDA DIXIT**

Ever since the peace process began two years ago, the persistent question has been whether the public disagreement between soft and hardliners in the Maoist party represents a deliberate drama, or a serious rift.

That debate is ongoing. But increasingly, there are indications that after the tumultuous Kharipati cadre convention and the central committee meeting last month, the hardliners have become more vocal and aggressive to the point of embarrassing pragmatists in the leadership with their violent attacks and militant unionism.

The replacement of Minister of Information Krishna Bahadur Mahara by Dinanath Sharma as party spokesman, open disagreement between Tourism Minister Hisila Yami and her party colleagues about disbanding the YCL, and numerous other public displays of disunity indicate serious fissures.

Intra-party contradictions find their voice in increasingly inconsistent statements from Prime Minister Pushpa Kamal Dahal. He is obviously stretched to the limit trying to bridge the two sides, keep the party together and do damage control.

"He is really feeling like a fish out of water," an establishment insider told *Nepali Times*.

Reacting to the attack on Himalmedia, Dahal first appeared conciliatory and almost said sorry. But in Butwal on Thursday he said he saw no reason why there was so much fuss about the attack because "after all no one was killed".

At a time when party moderates are trying to douse

the spreading flames, Maoist union boss Salikram Jammarkattel on Thursday warned: "If anyone is arrested, we will attack every media in the country whatever the party directive is." On Wednesday his union closed down the *Kantipur* printing facility in Biratnagar.

While Dahal's press adviser Om Sharma condemned the attacks on the media through *Gorkhapatra* and party spokesman Sharma denounced it as "highly objectionable", Information Minister Mahara was not as categorical.

Dahal himself admits it is probably true that royalists have "infiltrated" his rank-and-file and one section of the party is trying to prove itself to be more "revolutionary" than the other. But he is kept busy firefighting, juggling internal factions, tackling the NC opposition and dealing with international pressures.

Political difficulty could also build up against the prime ministers' visit to Nordic countries next month unless he takes immediate steps to mend his democratic image. Otherwise the tour may turn into a fiasco.

For the final word on just how serious the rift within the Maoist party is, we asked a senior government leader on Thursday. His reply: "That is the root of all the problems we face today." ■



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ON THE REISSUE OF THE THREE MAIN RULES OF DISCIPLINE AND THE EIGHT POINTS FOR ATTENTION —INSTRUCTION OF THE GENERAL HEADQUARTERS OF THE CHINESE PEOPLE'S LIBERATION ARMY

October 10, 1947

1. Our Army's Three Main Rules of Discipline and Eight Points for Attention¹ have been practised for many years, but their contents vary slightly in army units in different areas. They have now been unified and are hereby reissued. It is expected that you will take this version as the standard one for thorough education and strict enforcement. As to other matters needing attention, the high command of the armed forces in different areas may lay down additional points in accordance with specific conditions and order their enforcement.

2. The Three Main Rules of Discipline are as follows:

- (1) Obey orders in all your actions.
- (2) Don't take a single needle or piece of thread from the masses.
- (3) Turn in everything captured.

3. The Eight Points for Attention are as follows:

- (1) Speak politely.
- (2) Pay fairly for what you buy.
- (3) Return everything you borrow.
- (4) Pay for anything you damage.
- (5) Don't hit or swear at people.
- (6) Don't damage crops.
- (7) Don't take liberties with women.
- (8) Don't ill-treat captives.

From the Selected works of Mao Tse-Tung
Volume IV
Foreign Languages Press Peking, 1961



LETTERS

INFORMATION HIGHWAY

I disagree with CK Lal ('An appropriate time for technology, #430) because it sounds like he is saying everything else in the country has to take a backseat until political problems are solved, or that confiscated property can't be returned until the state is restructured.

For the country to utilise the benefits of technology, and specifically IT, you don't need intense expenditure, you don't need Microsoft or Google. Facilitate the engineers and managers available in the country and those who have come back to Nepal and are willing to work. Each can run his own company from home, employ people and earn money and eventually place Nepal on the global technology map. To make things easy, open up a few tech-parks, develop infrastructure (electricity, internet connectivity, roads, books, modern accessories) and let the investors come and do their work. IT is a

pollution-free, fair and just way of developing society. To add icing to the cake, promote Free/Open Source Softwares from a national policy level, the result is the inculcation of values like freedom, civil liberties and democracy. We need to put science, technology, industry and economics at our top priority. Comparing one technology against another will not get us anywhere. It is not either-or.

Bibek Paudel,
email

• Instead of promising to produce 10,000MW power in 10 years to be able to export it to some uncertain and unknown or even non-existent market, why can't the government install 10 million solar home

electricity systems, improved cooking stoves and help rid indoor air pollution that is killing hundreds of thousands of innocent villagers each year. Nepal needs solar and wind power in each house, 10,000MW hydros can wait.

Krishna Karki,
email

• Yes, a lot of simple things need to be done to improve the lives of the rural people but it does not mean that we should stop work on the information superhighway. In fact, the information highway should be the means to achieve



the very goals that you have highlighted in a much more cost effective and efficient manner.

With IT we will not need to wait another 100 years to get to the point where the developed countries are now. We can have one model school but replicate the teaching in hundreds of schools, which are far apart and have no access to roads. We can provide quality health services to rural people through telemedicine.

Rajendra Khadga, Lazimpat

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.

Email: letters(at)nepalitimes.com
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 GPO Box 7251, Kathmandu, Nepal.

The rule of thumb in assessing the status of press freedom is rather simple: if the name of a reporter appears anywhere except the byline, journalists are probably in trouble. Early this week, Himalmedia, publishers of this newspaper, experienced an embarrassment of abundance in terms of media attention.



STATE OF THE STATE
C K Lal

Our reporters were hogging print headlines, audio-visual media was interviewing editors and publishers had a bevy of high-profile visitors expressing solidarity. Like most media persons, we wish we had been spared the attention because it came after the shock of facing the repeated wraths of Maoist hoodlums.

After the attempted waylaying of the CEO and arson at the distribution office, Himalmedia was subjected to what Maoists call *Bhautik Karbahi*—physical assault. On Sunday afternoon, commandos trained in unarmed combat stormed into the office, bullied staffers, banged furniture and beat anyone that tried to reason with them.

Ostensibly, this show of strength was caused by a story in *Himal Khabarpatrika* that exposed excesses of labour unions affiliated to CPN-Maoist, the leading party of the ruling coalition. Pushpa Kamal Dahal is still the chairperson of this political party in addition to

Dahal in the dock

Meddling with the media was the last straw



being the prime minister of the country.

Like most leaders of radical groups, Dahal is adept at wearing multiple masks. He tailors his responses to suit the expectations of the audience. With industrialists, there is nobody as committed to the cause of free enterprise as the supreme leader of the YCL. But YCL commandos know that their chief approves of their violent antics in private.

Two days after his cadre attacked Himalmedia, the prime minister told the national conference of South Asian Free Media Association (SAFMA) in Dolakha that he was committed to institutionalising the freedom of the press. Salikram Jamarkattel, the Maoist labour

boss and CA member is known to be personally loyal to Dahal and the party's money bag. The Maoists intensified their attacks on media immediately after their chairperson had promised to prosecute them.

It will be stretching credulity a bit too far to believe that Jamarkattel's henchmen pounce upon the media without prior clearance from the party's high command. If the CPN-Maoist has degenerated to such an extent that its command and control structure doesn't work anymore, then that's an even bigger reason to worry about the future of the peace process.

Either Jamarkattel is lying (he admits that his men were involved) or his chairperson isn't

telling the whole truth. In either case, the Maoists need to review their strategy towards the media. They may find it inconvenient to admit now, but there is no denying that it was the oxygen of media coverage that helped the fire of insurgency blow into an inferno. Part of the reason behind media munificence towards the Maoists was pure romanticism. Revolutionaries fascinate scribes of all stripes. But there was also an element of hope that the guns of the Maoists may force mainstream politicians to mend their ways.

Fed up with the follies of Girija Prasad Koirala, frolics of Sher Bahadur Deuba, frivolities of Madhab Nepal and sheer foolhardiness of Gyanendra Shah, a section of the Nepali intelligentsia, which included some influential journalists, sincerely believed that the Maoists might become harbingers of change in an ossified Nepali society. Let's not hesitate to admit it: we were taken for a ride.

The Maoists aren't just an insurgent group now, they are in power. And when a ruling party throttles the press, the onus of proving its innocence lies with the leadership. If indeed Dahal, Mahara and their fellow-travellers are unaware of the fact that their

muslemen have been specifically targeting those individuals and organisations that were at the forefront of democratic struggle, they have clearly lost their moral claim to lead the government.

Finger pointing isn't enough. Dahal needs to prosecute 'infiltrators' bent upon undermining one of the most glorious achievements of the April Uprising—freedom of the press.

Then there is always the last resort of the incompetent: if you can't stand the heat, get out of the kitchen. Dahal has threatened to pull out of government once too often. He needs to keep empty threats on hold and begin reining his own cadres so that he can concentrate on leading the government by example rather than by sermons alone.

The Maoists have been running their campaigns of intimidation for quite some time. Meddling with the media may prove to be the last straw. Dahal needs to prove quickly that he is still as good at damage control as he used to be, mend his ways, weed out toxic cadres and show integrity in what he says. No one is indispensable in the dog-eat-dog world of mainstream politics. •



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Freedom from pressure

Let a truly independent media flourish in 2009

The latest attack on Himalmedia by the Maoist trade union has come as a shock to us journalists who have been in some way or the other looking at the ruling party in a charitable light.

This is the work not of a trade union but of ruffians. Given what they have done, not just at Himalmedia but at other newspapers, magazines, radio and tv stations across the country over the past year, one can now question the true intentions of all Maoist-affiliated outfits.



GUEST COLUMN
Rishi Dhamala

The message, it seems, is clear: the party that won an election and now leads the government seems to believe in control of every organisation in the country by violence, intimidation and threats. Industrial units in different parts of the country have been facing the worst from militant unionism that has closed down factories and put the jobs of tens of thousands at risk. But an attack on the fourth estate is, by its very nature, different. A free press is an essential part of democracy and pluralism. An attack on independent media is an attack on democracy.

To take a tour back in time, what the CPN-Maoist leadership in general and trade union leaders in particular should not forget is precisely the contribution of the free press to maintain the party's image in the past.



MIN RATNA BAJRACHARYA

The CPN-Maoist was given tremendous space and benefit of doubt in both print and electronic media while it was fighting the absolute monarchy in 2005-6. Many journalists paid a heavy price, serving long solitary confinement and torture on behalf of a pro-democracy campaign that ultimately brought the Maoists to power.

The media fought side by side with the Maoists in their struggle for republicanism, despite many journalists being skeptical about the cause at the beginning. It is clear that without the media's support, the Maoist revolution would not have been successful. What the Maoist union has done is wreck the solidarity that its parent party had built

with the media by attacking journalists.

Every action has a reaction, the Maoists more than anyone else should know this. The Maoist leadership by now acknowledges that these acts of barbarism are counter-productive for its own party. We understand that it takes time for an underground guerrilla force to make a full transition to peaceful competitive politics. But it has been nearly three years. There are no more excuses for the party to delay in finding and throwing out the bad apples.

The Maoist leadership has so far been brushing it all aside as "revolutionary zeal", or the act of "royalist infiltrators". These excuses don't wash. The buck has to stop somewhere, and it stops at the top

leadership of the party. If nothing is done, the Maoists will reap the whirlwind and the country will slide into anarchy.

The Nepali media struggled against the Panchayat oligarchy, it defied the military censorship of Gyanendra's neo-Mahendraism. And if totalitarianism raises its head now, it will fight it too.

Granted that the All Nepal Press and Publication Union has protested the employment policy of Himalmedia. But that doesn't give it the right to engage in violence. Granted that the management has been selective in letting go of workers during its downsizing exercise, but that is not enough of an excuse when the right to hire and fire is so critical at a time when the media economy is in such crisis. Job permanency is desirable but that can't be a demand to send an organisation into insolvency and thereby jeopardise the jobs of many others.

The sustained attacks on media have besmirched Nepal's reputation after such a successful and peaceful democratic transition. Let's work to restore our country's image as we work on the constitution drafting process. Let a truly free and responsible press flourish so it protects democracy and delivers prosperity to all Nepalis in 2009. ●

(Rishi Dhamala is a journalist and the convenor of the Reporters' Club. He has threatened to go on hunger strike from Sunday at Singha Darbar unless the government ensures security for media practitioners.)

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Standard Chartered

As part of its social initiative, Standard Chartered bank has started a greenery project in Harihar Bhawan, Lalitpur. The green stretch has been planted with 80 flower-bearing tree saplings.

Expansion

United Finance has recently opened a new branch in Biratnagar. The finance company, run by Golchha organisation, is planning to open three more branches within this year.

New Heights

Everest Bank opened its 29th branch in Kirtipur. The bank also recently launched a service that allows customers to recharge the balance on their mobile phones directly through the bank.

Branching out

The Bank of Kathmandu has opened a new branch in New Baneshwor. This will be the 24th branch for the bank.



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"Corruption and insecurity"

The twin challenges for Nepali business

Volker Kleinn is a retired European executive who worked in senior management positions in companies such as Apollo Computer, Autodesk and PSInet. After retirement, he has worked as



STRICTLY BUSINESS
Ashutosh Tiwari

a business volunteer in Bosnia, Romania, Bulgaria and Nepal. He was in Kathmandu in November as a consultant to Himalmedia and other companies. Below is an extract of a conversation I had with him.

How did you get started on advising private businesses in developing countries?

Volker Kleinn: When I retired in 1999, I registered with the German Senior Expert Services (SES) and with the Swiss Senior Expert Corps (SEC), a branch of Swisscontact. These organisations offer an opportunity for retired professionals to share their experience and expertise with companies and individuals in developing countries on a voluntary basis. The 'veterans' offer their time free of charge, the German or Swiss tax payers contribute to travel expenses and the organisation that is asking for advice is supposed to cover expenses for accommodation and meals. My first assignments were in Bosnia in 1999.

What are some of the 'evergreen' business problems in developing countries?

Because of my experience and background in general management, I normally work with the CEO and his team on

business processes, organisation and strategy. One topic that is always 'recurring' is measurement. It is my conviction that you can only manage what you measure, and measurement is only possible if there are goals and plans in place. Most of the companies that I have worked with in developing countries did not have formal budgets and goals, neither for revenue nor for expenses.

How would you evaluate the dynamism or lack thereof of the Nepali private sector?

Based on my experience over the last six years, I have observed a deficit of entrepreneurial behavior in Nepal. One of the prerequisites of management is initiative and drive. These attributes are underrepresented in the companies I have worked with. Furthermore I have experienced a reluctance of managers to subject themselves to measurements. This leads to a lack of accountability within an organisation.

What have you seen as Nepal's challenges for entrepreneurship and business growth in times ahead?

In all developing countries there are two major obstacles for development, investment and business growth. These are a) corruption and b) insecurity, unreliability and unpredictability of the legal system. These two hurdles make the life of entrepreneurs very difficult in Nepal as well. The result has been a withdrawal of foreign investment from the country. The main challenge of the private sector in Nepal will

be to pressure the government to put an end to corruption and to provide assurance that the legal system will enforce the law.

Businesses are under attack in Nepal. How should Nepali businesses communicate what they do to the public?

The current demographic data suggest that many young people will enter into the 'working' age over the next few years. The public needs to understand that companies can only offer jobs if they are profitable. Profitability is an economic sign of health for a company. A company making losses will go bankrupt sooner or later and destroy jobs. Only in a positive business environment will entrepreneurs invest in order to create jobs.

You've worked in Asia, Europe and America. What differences have you found in these three regions when it comes to doing business?

One of the major differences I have observed is the time horizon. In America, the business is driven with a very short term view, ie to produce results this quarter. Although a lot of European companies are following this trend there is still a somewhat long-term view in European businesses. In Asia, especially in Japan, business people take a long-term view in their expectations of results. In addition, I have noted that the business environment in America is very homogeneous in comparison to Europe and Asia. This is amongst other factors due to which the US is one country with one language and one currency. Europe and Asia are much more diverse and heterogeneous.

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Shame

Editorial in *Naya Patrika*,
24 December

नया पत्रिका

The most frightening part of the attack on Himalmedia on Sunday is that the Maoists were using their militant union as part of an effort to wage a do-or-die battle for power against other parties. Once more, there is a question mark over the Maoists' commitment to free press and freedom of expression. In previous attacks on the press we saw a similar involvement of Maoist unions. Unlike using legal means and methods of non-violent struggle, the use of vandalism and physical attacks are uncivilised. If the Maoists are really interested in the welfare of workers, they are in a position of power to use legitimate means, they needn't resort to extra-legal methods.

The Maoist leadership must immediately investigate this and other criminal activities and bring the culprits to justice. They should not just pay lip service to press freedom but actually do something to stop future attacks. Otherwise, the Maoists will be exposed in every labour dispute of this type and the prime minister will have nothing else to do but to go around saying sorry all the time.

It is shameful that in our new democracy we have to leave editorial spaces blank and hands that are supposed to wield pens must wield black banners and break police cordons to march into Singha Darbar. The nation wants to know: are the Maoists proud of such shameful acts or will they show some responsibility?

They beat us

Janadesh, 23 December

जनादेश

When workers demanded their rights, Himalmedia owners hired goons to beat them up. More than a dozen workers were injured during the attacks.

The media house has been unlawfully firing Maoist-aligned workers from their jobs or transferring them to remote areas. The government has already warned Himalmedia against such activities but the company is persisting with its political vendetta.

Himalmedia supported the monarchy throughout the war and continued its support up to the CA elections. The media house has been exploiting its own workers for the reason that they hold different political views. It publishes misleading and biased coverage of nationalist and pro-people issues. The paper has been known to be silent about the supporters of imperialism and expansionism in Nepal. Its role against press freedom has shocked media houses in Nepal.

Press bashing

Editorial in *Gorkhapatra*,
23 December

गोरखपात्र

Himalmedia, which has been under series of attacks in the past, has once again been targeted. On

Sunday, the media house, its staff and journalists were attacked. Property was vandalised and journalists were beaten up. The attack on Himalmedia is an attack on press freedom and democracy. These attacks have not only made fun of the rights of the press but also the constitution. Vandalism of this kind proves that rule of law doesn't exist in the country.

This incident has made it clear that Nepali media is helpless. Sadly, this time around, it is not the state suppressing the



KIRAN PANDAY

media but the citizens. Psychological torture, threats and assault on journalists, attack on a media house, and vandalism of cars and arson of newspapers are some of the examples of these condemnable acts. The press has the right to criticise wrongdoings prevalent in society. And just because the news you want is not disseminated, written or published doesn't mean that a media house should be attacked.

If one doesn't agree with what a publication is saying, there are other constructive ways to disagree. The media may have its weaknesses. But if journalism is to flourish, the rights of the press need to be guaranteed and an attack, like the one in Himalmedia, cannot be justified.

It is embarrassing that the assailants are linked to CPN-M, which is leading the present government. The party may not be directly involved, but if members of the party or that of

followed through and that the media is able to play a more constructive role again.

Predictable

Achyut Wagle in *Kantipur*,
24 December

कवानिपुर

The Maoist attack on media was not unexpected. None of the Maoist's policies, strategies, or activities belies a respect for freedom. You can't expect people who came to the top by using violence against those who held differing views, to esteem intellectual thought.

Although the biggest strength of a people's republic is the awareness and capacity for analytical criticism it encourages in the public, it becomes an obstacle for an autocratic power.

Since the Maoists haven't budged an inch away from their goal of proletariat totalitarianism, it was obvious that they would make the media its first victim. As long as the press keeps the public's eyes open, the Maoists are aware that their road to a totalitarian regime is not going to be easy.

Mainstream media should realise that they pampered this undemocratic force into power. A democratic society rests on the foundation of a professional, sincere and truly united press, not in the opportunistic and superficial unity amongst journalists.

VACANCY ANNOUNCEMENT

Adviser Inclusive Democracy

DanidaHUGOU

The **Danida Human Rights and Good Governance Advisory Unit (DanidaHUGOU)** invites applications from qualified Nepali citizens for the position of **Inclusive Democracy Adviser**. The position is approved for a 5-year period (2009-2013), but the initial contract will be for 2 years.

Duties and Responsibilities

The main task of the Inclusive Democracy Adviser is to support programme implementation and provide technical assistance to state and non-state partners within the area of inclusive democracy. The Adviser, who will work in a small team of national and international advisers, will also monitor progress of ongoing partnerships and prepare periodic progress reports.

The Adviser will be guided by DanidaHUGOU's Programme Coordinator and will be based at DanidaHUGOU in Kathmandu, but is expected to undertake regular field monitoring visits.

Required Qualifications and Experiences

Advanced university degree (Master's Degree or equivalent) in social science, preferably in a related field, and at least six (6) years of relevant working experience, possibly from the academia, civil society, and/or donor agencies of which at least three (3) years should have involved aspects related to good governance, particularly in the field of democracy-building. Experience in providing technical assistance and/or managing projects, preferably of a capacity development nature, including the application of Logical Framework Approach and/or other project tools, would be a significant asset.

The successful applicant must have advanced analytical skills, excellent communication skills (spoken, written and presentational), extensive report writing skills and experience, good inter-personal skills and good computer skills (word processing, spreadsheet, e-mail and internet).

Expected starting date: 1 February 2009. Closing date for applications: 5 January 2009

If you are interested and qualified, you should submit an application, including the following: (i) a letter in which you describe your motivation for applying for the position; (ii) updated curriculum vitae; (iii) names and contact details of three references; and (iv) a recent passport size photograph. Your application should be sent to **DanidaHUGOU, Panipokhari, Lazimpat, P.O. Box 6332, c/o Embassy of Denmark, Kathmandu, Nepal** in an envelope that is clearly marked with the position you are applying for. Only written applications will be considered and telephone contacts will not be entertained. Short listed candidates will be contacted for a written test and interview. Detailed job description for the position can be obtained from DanidaHUGOU's office or by forwarding a message to the following e-mail address: hugou@hugou.org.np.

DanidaHUGOU is an equal opportunities employer and encourages as such in particular women, Dalits, Janajatis, Madhesis and members of other disadvantaged groups to apply.

Jammarspeak

Maoist union leader Salikram Jammarkat in an interview with Rabindra Mishra of the BBC Nepali Service, 21 December

Rabindra Mishra: Your organisation has been accused of physically attacking Himalmedia, whose turn is it next?

Shalikram Jammarkat: Himalmedia has been misinforming people. They had brought in outsiders who attacked our representatives when the talks were still going on. No one from our organisation attacked Himalmedia.



So journalists like Kunda Dixit, Kiran Nepal, Ashutosh Tiwari, Dambar Krishna Shrestha attacked your representatives? That is correct.

Those who attacked you were the ones who were injured...

No one was injured, they are just making it up.

But we have seen pictures of people with injuries. If they had beat your people, they should have been injured, no? Some seven, eight of our friends are also injured.

Oh, so even they are injured.

Yes, seven, eight of them.

But your group has a track record of intimidation and violence whereas Himalmedia has no such record.

No one speaks about the labourers who have been sacked by Himalmedia. Only Maoists are supposed to take up the cause. Why are we only blamed for the closure of industries and actions taken against the management of other companies? Why aren't other unions blamed?

Could it be because you are the only ones who beat up people?

No, we haven't done any such thing. The workers of Nepal understand what happened and will expose this plot.

(In an interview with Avenues TV on Tuesday evening, Jammarkat said his group had indeed attacked Himalmedia and he threatened to do it again.)

The boundaries of federalism

DEWAN RAI

As the Constituent Assembly gets down to figuring out what the new structure of the Nepali state should be, political parties and academics on Saturday debated the various models of federalism through a video-conference between Nepal and the United States.

While ethnic-based federal units were seen by some as the only way to address the identity of marginalised communities, there were also fears that given Nepal's complex ethnic, racial, linguistic and caste mosaic this would lead to fragmentation and conflict.

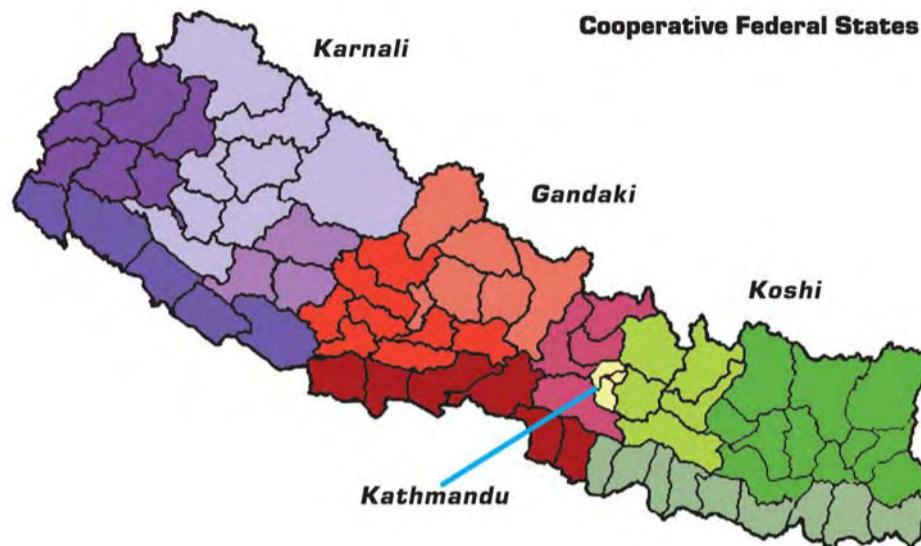
As a compromise, University of New Mexico professor Alok Bohara has put forward the alternative model of 'cooperative federalism'. Bohara outlined his proposal through video-conferencing on Saturday and his paper was commented on by a panel of six speakers. The session was moderated by retired UN assistant secretary general, Kul Chandra Gautam.

Bohara's paper proposes four cooperative federal states, 13 regions and 4,000 village/urban centres. Each federal state is allowed to have three to five ethnic enclaves known as regions which are along the line of the Maoists proposed ethnic structure. The Maoists have proposed 11 provinces/states and three sub-provinces/states which are majorly based on ethnicity and language.

Bohara proposes a structure with a four tier system: centre, state, region and village. The regions will send their representatives to form the state legislative assembly, whereas the governor can be elected directly.

Under a state umbrella, a group of ethnic enclaves uses their comparative advantages and form a cooperative to harness their complementary resources—tourism, mining, hydropower cash crop potential, agriculture, industries—for collective benefit.

A 'cooperative federalism' seeks the middle path between ethnic and territorial federalism



The cooperative federal system can involve all of its member regions, who can band together to cope with natural disasters like famine, flooding and food shortages. An economically viable federated state rather than smaller ethnic regions are better suited to coordinate and cooperate to deal with these common problems.

He said the states are carefully created considering economic viability and natural resources and are named after river basins: Kosi, Gandaki, Bagmati and Kosi. But Bohara believes territorial federalism alone cannot address the ethnic, cultural and regional voices being raised.

However, the NC and UML have not proposed any alternative models. NC central committee member Gobinda Raj Joshi has prepared a concept paper, but he has been left out of his party's state restructuring committee under the chairmanship of Gopalman Shrestha. Similarly, Madhab Kumar Nepal of the

UML heads the restructuring committee.

Janajati activist Balkrishna Mabuhang of the UML, felt Bohara had overlooked the political background on why Nepal decided to go for federalism. "We cannot imagine any federalism without addressing the socio-political issue of ethnicity," he said.

Economist Shankar Sharma agreed that federal units should be economically viable, but pointed out that the ground reality of identity politics in Nepal at present needed to be addressed.

MJF leader Ratneshworl Kayastha said the state should be structured on the basis of geographical viability. He argues the 1,000 km long lowland strip is administratively viable due to transportation. He believed the diverse identities of Madhesi and Pahadi culture should be taken into account.

The UML's Shanker Pokhrel pointed out the four bases of identity (ethnicity, language, culture and geography) and how

federal units should reflect these. "We cannot imagine a state without any one of these components which have made our identity," he said.

He said the basis of structuring state should be economic viability, historical identity, administrative convenience and resources. He opposed the idea of four-tier system, and instead favoured a three tier system—centre, state/province and local government.

NC leader Minendra Rijal put forward the NC's bases for federalism: population, economic viability, geography, ethnicity, history and administrative viability. He asked if Bohara had overlooked how far identity politics had gone in Nepal. "You haven't taken into account that the demand for a federal structure has come up as a way to address regional and ethnic grievances," he said.

Maoists spokesperson Dinanath Sharam said unless ethnicity is addressed, the issues of identity would not be resolved. He claimed the Maoist proposal for federal states is not final. "Our proposal is not totally based on ethnicity but on inclusion and proportional representation," he said, adding, "but we are open for discussion."

However, Sharma reiterated that the Maoists are ready to give states the right to self determination. He also stressed that the constitution should have mentioned the provision on economy and resources. He said: "We should not import the model of federalism, ours should be one of its kind."

Advocate Chandra Kanta Gyawali, however, says the government should form a high level state restructuring commission first to study the model of federal structure. He told *Nepali Times* "Ethnicity is important, but more important is to guarantee their representation and participation in policy making. Just creating states is not enough." ●

A presidential system for stability

There were totalitarian presidential systems in Latin America until 15 years ago. There were autocratic presidents in Pakistan and Maldives, but democratic movements forced them to step down. There is a feeling that presidential systems are not appropriate to developing countries because they tend to be autocratic. But it

parliamentary system. Some hold the view that the PM should be elected directly through election, but no one has proposed a concrete plan so far.

Nepal practiced a parliamentary system for two decades in which we have identified its weaknesses. Therefore, instead of the Indian, Canadian or British models it is now timely and wise for us to adopt the improved presidential model in the US, France, Switzerland and South Africa.

In a presidential system, the executive power lies in the president. The president may form the council of ministers from outside parliament or from among members of parliament. Members resign from parliament once they are nominated for the cabinet. No matter how the government is formed, the president remains the head of state and the government. The president is accountable to all strategic and institutional changes, be it negative or positive. But the president, unlike the prime minister, cannot be removed through a one-third majority of parliament tabling a no

confidence motion. Therefore, the president and its team can serve their term fully.

The presidential system has four major advantages:

- The president can appoint competent and honest persons from among the citizens in the council of ministers or constitutional bodies.
- These appointees need not worry about populist short-term

- Fourth, the presidential system puts an end to the political game of making and failing the government time and again.

The frequent changes of government, which had happened even in the West and which we have witnessed in our own country gives rise to political intrigue and economic corruption. One can argue that

all the problems which have existed for ages by professional politicians alone. It is through institutional development that we can get rid of corrupt bureaucracy, immoral and anarchist political cadres and make the citizen responsible to the country. In a country where the institutions do not follow the rule of law, the people who have knowledge, skill, experience and honesty can institutionalise development.

Under the presidential system, people will elect their president through periodical elections and the team comprising of experts will make policies and implement them. The government can win the trust of the people only through economic growth and long-term service. Therefore, the constitutional provision of a president can ensure the freedom of people, human rights and other rights of livelihood in a country like ours. ●

Four reasons why an executive presidency may be better for Nepal

measures and do long-term planning since they don't have to worry about being elected.

- They can introduce long-term policies and programs. Third, thus appointed ministers and appointees in constitutional bodies need not be involved in party groupism and serve a particular group within the party. They are free to focus on national agendas and their timely implementation.

due to ethnic, lingual and regional diversity and diverse political ideologies the political power-sharing would get complicated. But under a two tier system, the provision should be that the appointment in constitutional bodies should be discussed in the legislative and there must be a provision of powerful role of the opposition.

It is not possible to resolve

COMMENT
Hari Roka

is not just presidentship per se, but other political aspects of the political structure and the development of democratic institutions that are the factors. These issues must be discussed in detail in the CA.

Nepali politicians and people are accustomed to the Indian and British Westminster system which is often considered the only democratic model. The NC and some parliamentary parties advocate for the continuity of the

Hari Roka is a Maoist-nominated member of the Constituent Assembly.



Journalists, rights activists and civil society members unite in a protest rally, organised by Federation of Nepali Journalists, for press freedom and security at Baneswor on Monday.

MIN RATNA BAJRACHARYA



The FNJ protest rally was charged by police at Maitighar Mandala and FNJ secretary Ramji Dahal was injured and was hospitalised.

Press attack



KIRAN PANDAY

UNMIN
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KIRAN PANDAY

A sit in protest was staged in front of the south gate of Singha Darbar on Tuesday to condemn the attacks on the press.

This attack is an act of anarchy. I have directed the Home Ministry and the Ministry of Information and Communications to take action against the responsible without any hesitation. A proposal regarding this will also be discussed with the council of ministers.

-Prime Minister Pushpa Kamal Dahal

This incident is part of a planned conspiracy to weaken the basic institutions of democracy. We take it as a serious violation of human rights and an attack on press freedom. This incident illustrates that the Maoist totalitarian ideology still remains strong.

-Nepali Congress

If such an attack can occur during broad daylight on a Kathmandu based publishing house like Himalmedia, we can only imagine what happens in other districts. Is this not a blatant attack on press freedom? We see reflections of totalitarianism in the name of communism.

-Madhab Kumar Nepal, CPN-UML

The attackers have already been identified. The Maoists should take action against their party members.

-Ian Martin, UNMIN

This attack on the fourth estate is shocking and makes us question the future of the country.

-Rastriya Prajatantra Party

Himalmedia hired goons to attack our members. Six of our friends were injured.

-Salikram Jammarkattel, Maoist union boss

This attack was not only on Himalmedia but a deliberate and planned assault on press freedom. It is unfortunate that the people involved in this incident are affiliated to the ruling party.

-Federation of Nepali Journalists

We urge the government to take particular care to safeguard press freedom. After the recent wave of attacks on the media, the Maoist party took no steps to punish those responsible. The government must guarantee the right of every voice to be heard by punishing violators and by not allowing its supporters to act with the impunity.

-Reporters Without Borders/Reporters sans frontiers

We call upon the political leadership in Nepal, including the Prime Minister and the Minister for Information and Communications, to promptly denounce this act of vandalism and take personal responsibility for ensuring that the guilty are appropriately sanctioned. We call on all political parties in Nepal and the wider civil society, to apply existing rules on the recognition of journalists' trade unions. Any amendments to these rules should come from a broad process of consultation, rather than be forced upon one or the other side by mob action.

-IFJ Asia-Pacific

The perpetrators of this assault must be held accountable. There is no justification for the use of violence and intimidation by any party or organisation in an attempt to control the media or threaten freedom of the press in Nepal. The culture of impunity that has protected some criminals from prosecution for violent, illegal actions should end.

-U.S. Embassy

The use of violence against journalists and the threat to renew such attacks if the media does not "mend its' ways" is particularly worrying. This aggression represents completely unacceptable behaviour within the framework of a normal and democratic political life. Press freedom is one of the most important components of democracy and these renewed attempts to subjugate the independent media signals a very disturbing trend that must be stopped.

-The European Union

The attack is the latest in a series of assaults against the media in Nepal. OHCHR-Nepal encourages the Nepal Police, which investigated Sunday's incident, to complete its investigation as swiftly as possible so charges can be laid. It also urges State authorities to take all steps necessary to ensure that the media has a secure environment in which to do its work.

-OHCHR-Nepal

This is an act against the principles of the Universal Declaration of Human Rights and the constitution of Nepal which secures the right to information and press freedom.

-Nepal Bar Association

UML General-Secretary Jhalnath Khanal visits Himalmedia office on Wednesday to express solidarity.



MIN RATNA BAJRACHARYA

Himal Khabarpatrika editor Kanak Mani Dixit briefs a delegation of well-wishers at the Himalmedia office on Tuesday.



MIN RATNA BAJRACHARYA

Human rights activist Subodh Pathak with FNCCI chair Kush Kumar Joshi observe the vandalised office premises.



MIN RATNA BAJRACHARYA

CK



at Himal

down the terrified staff inside and were beating them mercilessly. "You dare write against the workers?" they shouted. Besides Tiwari, *Himal Khabarpatrika's* Executive Editor Kiran Nepal, Managing Editor Indra Shrestha, *WAVE's* Editor Shitu Rajbhandari, marketing managers Sambhu Guragain and Subash Kumar Das and Bindira Shakya and Karma Lama from the finance department were also inside.

Somehow, everyone managed to escape from the room. But more blows waited outside in the corridor. They threatened people not to make any phone calls. The last issue of *Himal Khabarpatrika* had a report on the rise of anarchy unleashed by militant unions on industries. They were searching for Rameswor Bohara who had written that investigative piece. He managed to flee to the roof and escaped serious injury.

Tiwari was being dragged to his room. Surendra Sharma and Bir Bahadur Tamang of the administration department were injured trying to protect him. Meanwhile others proceeded to vandalise the office.

Right then, I saw a familiar

face: Ramesh Babu Pant, the chairman of the Maoist affiliated All-Nepal Hotel and Restaurant Labour Union. His picture and quotes had been featured in a previous issue of *Himal*. He was obviously leading the attack because he was shouting: "Follow the directives from above, don't damage more than instructed."

Just then Kunda Dixit *Nepali Times'* editor and co-publisher of Himalmedia, came out of his room and three attackers immediately pounced on him. As blows rained on him, he said: "Is this your democracy? Is this the new Nepal you are trying to build?" This was dangerous, and I tried to get Kunda Dai out of there.

I told the attackers, "Please don't use force, let's discuss this." They asked me who I was. Thinking that I would be more safe, I said I was a reporter. But as soon as I said that, they started raining blows on my face. I had collapsed on the floor as blood started spurting out of my lower lip. Kunda Dai tried to rescue me, but they hit him again from behind. It lasted 15 minutes and then they all left.

Another group of 25-30 attackers were guarding the gate on the street outside. The whole offensive looked like a military operation. By the time the police arrived 20 minutes later, they were all gone.

Later that evening, I heard Maoist union leader Salikram Jammarkattel lie in parliament and say that it was his people who had been attacked by us. He repeated that on the *BBC Nepali Service* later that evening. But the very next day on Avenues TV he said it was indeed his group that attacked us and he threatened to do it again.

At Patan Hospital, they discharged me, but my wounds still hurt. It is clear that these Maoists are different than the revolutionaries I walked with in the mountains five years ago. These are no longer idealistic young men who want to build a New Nepal and treat journalists with respect.

I was never afraid during the war. Now I fear the Maoists, and I fear for my country. •

Dambar Krishna Shrestha is Special Correspondent of Himal Khabarpatrika

Naya Nepal



MIN RATNA BAJRACHARYA

Who were we trying to fool by thinking that we could take the jungle out of the monkeys? The incident has left a huge dent in our optimism. Many are rethinking their plans for the future—if this is what it going to be like, what is the point of it all?

Of course, this is not the first time something like this has happened. It is true, many have suffered much more serious attacks in the past decade. Many Nepalis gave up hope long ago. Yet, some have also tried to console themselves by saying things like this happen during a political transition. But what are we transitioning to?

We know where we came from, but where are we headed? Does being in the process of transition mean that the rule of law doesn't apply and rules of the jungle do? As the glass panes shattered and chairs started flying, colleagues came to each others' rescue. They showed courage in shielding those who were being hit and were badly injured themselves. Welcome to Naya Nepal.

The little faith I had in our elected leaders has now evaporated as they tried to first lie, then justify these and other attacks. The confidence with which they lie and say that it was us who beat them up makes is astounding. Even more distressing, they are getting away with it.

I want to fight back for the physical and mental harm caused to the people I know and myself but this time I have no hope. All I have is resentment for being stifled from speaking my mind and moving freely, for the diminishing pride of calling myself a journalist and the fear that has replaced it.

The slogan of Naya Nepal now sounds more and more like a joke. I much prefer to be back to my old boring routine where the days were uneventful, but at least I had some hope and optimism about the future. •

Shitu Rajbhandari is the editor of WAVE magazine.

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Out of the dark

War veteran starts cricket club for the blind



STRIKE: Vice president of CABN, Jemadar Bikram Bahadur Rana, who was also blinded in an ambush during the war, bats as he practices with friends.

cricket club as well. On the cricket field, the scorer is deaf and the umpire is physically challenged, but Pawan is already thinking ahead. He wants to form the world's first wheelchair cricket club and has started preparations.

Blind cricket is played in only 30 countries across the world and Nepal is one of the ten to be registered under the World Blind Cricket Association and will be participating in the 2010 world cup. The same field is used for blind cricket during the world cup and besides the ball, and the bowling tactic, all the equipment used is the same.

Pawan, who is completely blind, says, "How we play the sport may be different. But we are capable within our own abilities."

While dreams are plenty, funds are low. "There is hesitation from potential investors because they haven't heard about blind cricket," says Sugam Bhattacharai. Pawan, Sugam and Bikram used their own pocket money to buy prizes for the first matches.

prizes for the first matches. But once people learn that they are cricketers, the players gain the acceptance and esteem that they are proud of. Some have received scholarships from the Pakistani government. Most players have come to believe in the big bold letters at the CABN office: "Blindness is a gift." ●

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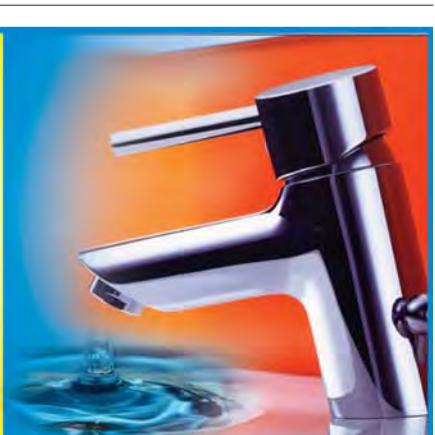
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Gus Van Sant's *Milk* might be one of the most highly anticipated films of the year, not least because of the question of how the often unconventional director (*Elephant*, *Last Days*) would handle the life of a hero of the American Gay Rights movement, Harvey Milk, who was elected to public office in



CRITICAL CINEMA
A Angelo D'Silva

the late 'seventies and assassinated shortly after at the height of his career. The result is a work that curtails the inaccessibility of the art-house for a more conventional, yet satisfying and effective, biopic that celebrates a man and seeks to revitalise a movement.

The framing device is a spookily prophetic self-recorded address Milk dictates to a tape recorder to be played in the event of his assassination. The address, rambling biography mixed with political manifesto, loosely bookends each chapter in Milk's life following his political awakening relatively late in life. By diminishing a detailed treatment of character development, *Milk* hits its somewhat dense plot points, yet without sacrificing authenticity. The start of the film has Sean Penn as Harvey Milk on the eve of his fortieth birthday, still in his corporate avatar, impulsively picking up a young stranger (James Franco). There is banter that displays Milk's charm and self-deprecating wit, a scene of delicious but modest love-making, and in mere minutes of screentime, Milk has left his job and is heading to the exploding

gay scene in San Francisco's Castro with his newfound lover. It's a risky arrangement and though it is cogent and disciplined with smart editing and good storytelling, it stifles a dramatic arc from emerging. Intoxicated with the burgeoning sense of community and his early successes of organising, Milk embarks on a series of attempts to run for office for the San Francisco's powerful Board of Supervisors. It's only halfway into the movie, that Milk, brimming with confidence at his appointment, begins his historic battle for gay rights, opposing the tide of anti-gay legislation illustrated with archival footage of Anita Bryant speaking. It's that staccato of events, a certain frenetic historic record, that propels the movie onward.

Despite the inherent limitation of characterisation, Gus Van Sant draws out powerful, substantial performances from his almost too-crowded cast, and is well served by a script that refuses to deflate any of Milk's supporting characters. James Franco impresses as Milk's first partner in the film, as does his delirious and unstable replacement, Jack Lira played by Diego Luna, and his political team, particularly Emile Hirsch's wonderful turn as Milk's protégé. Sean Penn's performance in the lead has already elicited Oscar chatter (and the subsequent backlash). It's an awesome transformation; Penn seems to channel Milk from every fibre of his person. But the real alchemy is the strangely lyrical antagonism—the empathy, the strangulated friendship, and the simmering

The Man and the Movement

Gus Van Sant's *Milk* proves that the past is the present, and the future too.

anger—between Milk and his rival and eventual assassin, Dan White, played by Josh Brolin. It is the space in the film where Van Sant lowers his self-imposed barriers and returns to the affective and moody exploration of the psyche that marks his more experimental work.

In some ways, *Milk* is an instructional manual for old-school 1970s political action of the American New Left: organising across lines of class and race, vigorous rabble-rousing protest, exploiting the press, and the specifically Queer strategies of

visibility. But it is also a close study of the dimension of personality in the world of realpolitik, where Milk's indefatigable cheer, his winning charisma and his willingness to use his influence earns him allies in the backrooms of power. Sometimes clearly by design and sometimes perhaps by accident, *Milk* manages slanted criticism of the topical politics of the present. But the glaring concurrence is the film's Prop. 6, an amendment on the ballot aiming to block gay teachers and their supporters

from teaching in schools in California and this year's recent Prop. 8, which succeeded in repealing that same state's same-sex marriage laws. It seems to highlight an underlying contention of how, with a movement's work unfinished, history folds endlessly upon itself. ●

Milk
Director: Gus Van Sant
Cast: Sean Penn, James Franco, Josh Brolin, Diego Luna, Emile Hirsch
2008. R 128 mins.

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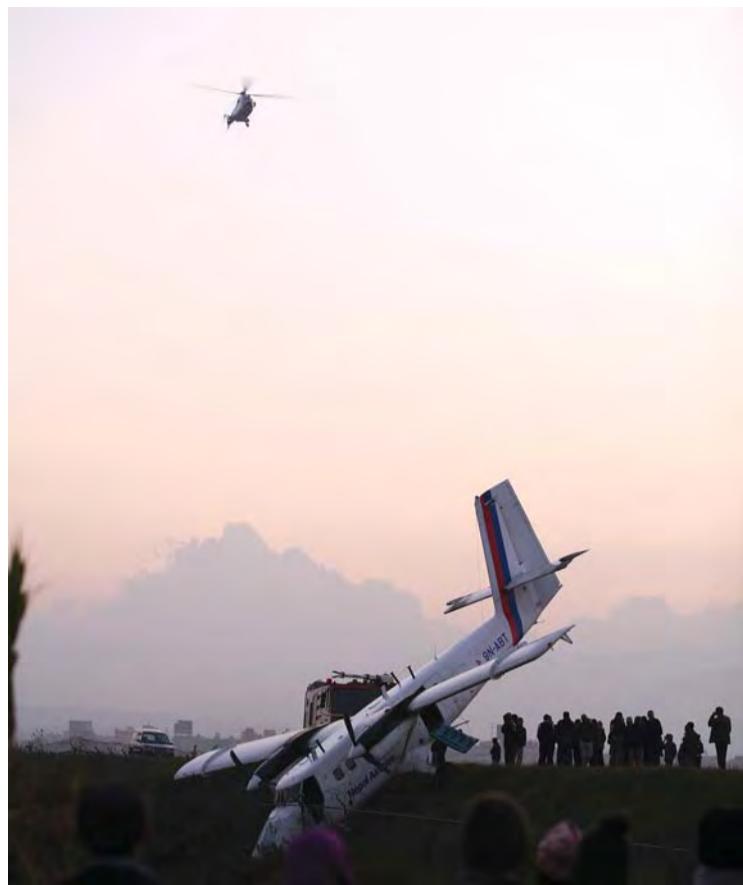
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KIRAN PANDAY

CRASH LAND: This Nepal Airlines Twin Otter crashed during a training flight on Wednesday injuring two, while a helicopter bringing back Prime Minister Pushpa Kamal Dahal from Butwal prepares to land.



MIN RATNA BAJRACHARYA

NO GETTING AWAY: Editor of *Nepali Times* Kunda Dixit files a complaint with SP Kedar Man Singh Bhandari at the Metropolitan Police Range in Jawalakhel on Thursday against Sunday's attack on Himalmedia, one of the first times in Nepali legal history that a criminal case has been lodged by the media.



KIRAN PANDAY

CREATIVE TOUCH: Artist Bidhata KC with an installation art which is part of an exhibition, 'Symbolic Embodiment' at Yala Maya Kendra on Tuesday. The show goes on till 29 December.

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Sarkar ko sabari

The good news is that from next month there will be no more load shedding. The bad news is: there will be no more electricity. The government is very logical: if there is no load, there can't be any shedding. And it looks like rents are shooting up in the Gaurighat neighbourhood because there are no nocturnal powercuts since the vice-prez lives there. Similar situation in Har-de-har Bhavan area of Pulchok where ministers reside. The powerful seem to have all the power.



It's been two weeks since Pukada promised there would be no more power cuts after unceremoniously inaugurating the Middle Marsyangdi Project. But it seems no one had the heart to tell the prime minister that the much-delayed German-built 70 megawatts plant isn't generating a single watt of electricity for at least another six months. It just had to be inaugurated in 2008 for some bureaucratic reason, but the third turbine hasn't even been installed, and even if the plant was generating power the transmission lines haven't been completed yet.



It was probably after he realised this that Comrade Ferocious has given up on trying to generate 10,000 megawatts from hydro and is scooting off to Scandinavia next month to look at wind energy. Why doesn't he just google 'windmill'?



Unless it was an elaborate planted leak, the Ass deems it unlikely that kingji is going to share any inside information anymore with the Indian ambassador, who in turn is not going to tell Pukada anything in confidence henceforth.



When Prime Minister Lotus Flower summoned media to Baluwatar for a tetetet recently, he really got into the swing of things and started confiding a bit more than he should have. He said that Excellency Sood told him that KingG had told him (Sood) that many of his (KingG's) ex-royalist supporters were defecting en masse to the Maoists. (It turns out that was just an aside because the real reason for the meeting was to organise details about the latest visit to India by Nepal's last king in Feb which comes just after Nepal's first president makes his own first visit to India.)



Anyway, the reason Pukada was leaking out this sensitive bit of information in an on-record meeting with hardened hacks was to prove the point he was making that the Maoist cadre base now has all kinds of undesirable elements and he is not totally in control of them. When a delegation of civil society stalwarts came to see him on Monday morning to get him to twist the tails of baddie goons who were trying to close down Model Hospital, Pukada repeated: "Our party has been infiltrated by all kinds of ex-royalist radicals." Nuf said.



What's with these garlands anyway? From where did we import the tradition of making politicos wear 21 kilogram garlands when they inaugurate something? Let me guess: Darbhanga? At the rate organisers are competing with each other to bestow even weightier wreaths on various ministers, they are going to contract spinal injuries. Someone should tell them they look like complete asses wearing those things around their necks.



Speaking of which the ass-licking is getting a bit too far. When

Prachanda choppered off to Jiri the other day to attend Imtiaz' South Asian media do, the local police chief discretely asked Baluwatar what the prime minister would like as a present. So just as the Fierce One was about to board the

helicopter for the ride home, Jiri's finest presented him with a couple of blood pheasants. Hey, aren't those birds supposed to be protected species?



It's really getting difficult to differentiate between the Humans and the Pigs these days. The prime minister rides around on Gyanu's 9N-RAJ, he is presented kalij by local officials, and after

he flies back the road to Maharajganj is cleared of all traffic. When the irate driver of a taxi bearing this donkey was stuck at Chabahil, he asked a traffic police why there was such a monstrous traffic jam. The policeman's reply didn't bear a hint of irony when he replied: "Sarkar ko sabari."

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