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Nepal Army, Inc.

The Nepal Army got a new acting Commander in Chief on Thursday and, with him, a real hope that the military will finally get a much-needed rebranding.

While public opinion polls show that the Army has consistently been the most trusted institution in the country, its image has been tarnished of late because of involvement in construction contracts that should be the job of civilians.

Whether Lt Gen Purna Chandra Thapa (pictured) will be able to repurpose the army as a professional national security agency rather than a commercial company will define his success, and ultimate legacy.

After the Maoist war, the Army's image was tarnished by accusations that it was more interested in bagging government contracts than defending the country. For its part, generals say privately that the government hands over projects, like the Tarai Fast Track or Ranipokhari reconstruction, when they get to be political hot potatoes.

Lt Gen Thapa is said to be disenchanted with the military getting into business, and is expected to revert the Army back to its professional role of gathering intelligence, defending the country and its nature reserves, and saving people from natural disasters.

Thapa was not pleased with the way the Army Officers Club at its HQ in Kathmandu had been turned into a public banquet hall for weddings. Thapa lobbied strongly to allow only officers to rent it.

As new Chief he is also expected to review the Army's decision to rent out the new nine-storey building that replaced the earthquake-damaged Tri Chandra Military Hospital to a commercial company.

The hospital was built by Britain in 1925 in memory of the 20,000 Nepalis who were killed in Europe in World War I. The Army brought down the 85-year-old neo-classical structure, saying it would build a new hospital there, but instead rented it out as a shopping complex.

"The army is not a business," says security expert Dhruba Kumar, "and it is a tragedy our Army had become more interested in trade and commerce."

During the insurgency, when civilian contractors were not able to operate in the war zone, the Army began to build roads. But this practice continued in peace-time.

The Army has been running gas stations, is involved in housing under the pretext of building 'veteran homes', and had been lobbying to develop hydropower projects.

Politicians have goaded the generals to be involved since anti-corruption agencies cannot investigate the military. The Office of the Auditor General regularly puts up red flags about Army projects, but these are never followed up.

MP Dipak Prakash Bhatta, who has done a PhD on the Nepal Army, says: "If the military wants to be professional it should stay away from government contracts."

Lt Gen Thapa will receive his badge from President Bidya Devi Bhandari next month, and has his work cut out: sidelining vested interest groups in government, arms merchants and generals, who have together discredited the Nepal Army.

Rameshwor Bohara



NEPAL TIMES
buzz

NEPAL'S
BIG CATS
PAGE 8-9



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THE LETTER AND SPIRIT

The Constitution of Nepal was passed in 2015 after two Constituent Assemblies, as a part of the peace process and through a period of great social polarisation. This was followed by the Indian Blockade, and in 2017 through three tiers of elections.

This Constitution is meant to chart Nepal's path to the future, but much depends on how sagaciously it is implemented amidst Nepal's ever-present socio-political turmoil. It is essential to study the Constitution, to make changes where required, but to proceed to implement the letter as well as the spirit.

The challenges to the implementation of the new Constitution start with many of the framers themselves not taking ownership of the text. Senior-most negotiators from the political parties claim they were forced to adopt provisions in it due to 'pressure'. That is unconvincing, they have a duty to take unequivocal ownership, and thereafter to do what is necessary through amendments, appropriate laws, and so on.

Talking of laws, the Constitution requires the adoption of hundreds of laws, and that is where the spirit of the document must carry through. Instead, not only has the political turbulence of the past couple of months delayed the drafting, much of the responsibility on the drafting has been handed to the top-level bureaucracy where there is great resistance to innovations in the Constitution.

The fundamental freedoms enunciated in the Constitution are very broad, and the laws are needed to make them justiciable. Missing the deadline will set a poor precedent and weaken the public's trust in the Constitution and its 'handlers'. Several laws have been adopted (such as in education, local government) which experts say go against the tenets of federal devolution of powers.

The sense of arrogance within the ruling coalition, with its near-two-thirds majority, and the disarray within the Nepali Congress following its rout last year, too, is leading to a standoff in Parliament. This is unfortunate because a minimum level of goodwill is required between the political forces if the Constitution is to be implemented through laws that uphold the spirit of representative democracy, inclusion and equity enshrined in the Constitution.

No doubt, there are weak points and contradictions in the Constitution. Many new advances are not fully understood

by stakeholders. There must be a sense of excitement and ownership around the Constitution. Any attempt to undermine it will not only invite socio-political chaos but will be accompanied by mass psychological distress, leading to the economy not being able to rise to the potential of Nepal's landscape and demography.

It is imperative that all forces outside of the political parties gather their forces to protect, advance and (as required) amend the Constitution. Nepal's civil society has so far been concentrated in Kathmandu Valley, but civil action now needs to well up from all seven provinces. Nepal now has federal, provincial and local governments, and this has to be reflected in social activism.

Civil society has an important role in nurturing the new Constitution and promoting its implementation. President Bidya Devi Bhandari's role is definitely

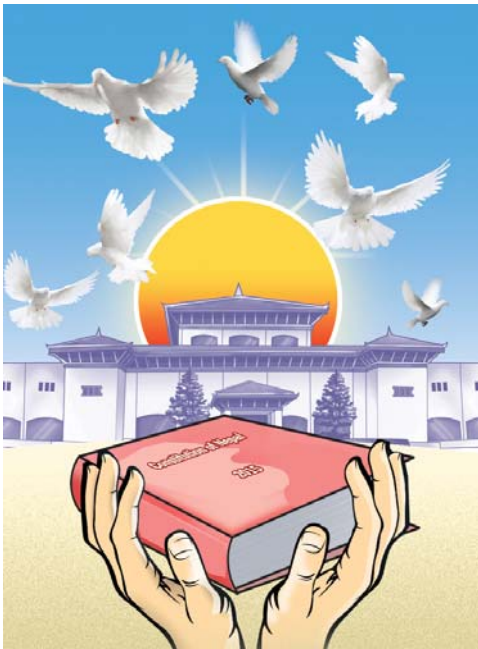
'constitutional', but by that very token one of her principal tasks must be to use good offices and goodwill to goad the government in the sagacious implementation of the laws of the land.

In the meantime, recalling its well-meaning and sometimes prejudiced involvement in the Constitution-writing phase, it would help if the international community maintained a positive spirit to support implementation.

No Constitution is complete by itself, besides the laws, there is a need for a corpus of court judgements and commentaries which will accumulate over time. The American Constitution was assisted in its implementation by what are known as the Federalist Papers, while the detailed deliberations in India's Constituent Assembly, as chaperoned by BR Ambedkar, have served in understanding the spirit beyond the letter of the Indian Constitution.

In the case of the Nepal Constitution, there seems to have been a lapse in not archiving the debates. Better late than never, we need to start building a corpus which will help in understanding and implementing the new Constitution.

We hope the Conference on the Constitution of Nepal, 2015 (see page 14-15) which brings together constitutional experts from Nepal, South Asia and beyond, being held in Kathmandu over the weekend, will help in building commentary on the Constitution.



BHANU BHATTARAI

No Constitution is complete by itself, besides the laws, there is a need for a corpus of court judgements and commentaries which will accumulate over time. Nepal has to make up for a lack of such archiving to understand and implement the Constitution.

10 YEARS AGO THIS WEEK

Three years after the Constitution was promulgated, we look back at the issue of *Nepali Times* ten years ago this week which contained a package of reportage on urban decay, lawlessness, the unacceptable rise in crime. The editorial in the #412 edition of 8-14 August 2008 week said:

'At the root of all these problems is the prolonged lack of legitimate government and the unnecessarily lengthy post-election powerplay. This is a classic example of what happens when elected leaders lack accountability and are obsessed about retaining power at all cost. Police posts removed during the insurgency need to be restored. VDC secretaries need to be in the villages. School teachers must be liberated from extortion. A stopgap political setup will have to be devised at village, district and municipality levels till the next local elections are held. Development can't happen in the present vacuum.'

Nepalis are experts at coping. They have shown great forbearance and tolerance of their leaders as they try to reach a power-sharing deal. Let's not let it reach breaking point again.'



ONLINE PACKAGES



NEPAL TURNS TO SOLAR

Nepali Times Studio features Tim Gocher, Director of the Dolma Impact Fund. Gocher came to Nepal on a trek, got stuck because of a landslide, married to a Nepali and is now investing in a unique project to generate and store solar power to meet peak demand. Watch Gocher in conversation with Sikuma Rai.



CONSERVING BIG CATS

Nepal made a commitment to double the number of its tigers to 250 by 2022. While the population of big cats seems to be on the rise, are we exceeding the carrying capacity of protected areas? Habitat destruction and new infrastructure are also disturbing the ecosystem. Watch a short video by WWF of tiger conservation in Bardia National Park, where there has been a sharp rise in tiger numbers. *Story: Page 8-9.*



HIGHLAND TUNES

Songs of Tibetan communities in the mountains of Nepal rarely find their way into the mainstream. Ethnomusicologist Mason Brown has collected and studied dozens of songs from Nubri of Gorkha. Listen to them in this online audio package, for a flavour of remote highland communities that gives us a glimpse of their unique worldview. *Story page: 7.*

MAKING IT WORSE

Let's not forget that most people who develop schizophrenia in this country tend to go to faith healers who make it worse ('All in the family', Prakriti Kandel, #921). **Amrita Shakya**

A GENTLEMAN

Charismatic, optimistic, wise gentleman ('Kul Chandra Gautam's long journey home', Kunda Dixit, #921). Great interview. **Himali Upadhyaya**

HEALTHY NEPALI FOOD

One of the many reasons I choose to live in Nepal: proper healthy food ('Nepalis binge on junk foods the West rejected...', Duksangh Sherpa, #921). Resist American cultural imperialism! **Alex Ferguson**

Cap for Caption Contest



The winning blurb for the photo of the first paperless cabinet meeting held earlier this month is: 'Anybody find the Foodmandu menus yet?' by Marty Logan @martydlogan. Congratulations.

WHAT'S TRENDING

Nepalis binge on junk foods the West rejected...

by Duksangh Sherpa

The line between good and bad food is blurred because of misleading advertising and promotion, influencing Nepalis subconsciously with claims that fast food and junk foods are healthy. Visit nepalitimes.com to read this widely shared report and watch video of changing eating habits of Nepalis.

Most reached and shared on Facebook

Re-measuring Mt Everest

Geologists say the April 2015 quake may have shrunk the world's highest mountain by about 3 centimetres. New Zealand is working with Nepal to find out if Mt Everest really got smaller, and if so, by how much.

Most popular on Twitter



Nepal turns to solar and batteries to meet peak demand

by Kunda Dixit

Nepal will face a dry season power deficit for 10 more years. Till then grid-scale solar and battery offer a cheap, fast, clean way to meet peak demand. It will also reduce Nepal's dependence on imported coal-fired electricity from India. Most popular story of the week online: how the Dolma Impact Fund is turning to the sun.

Most visited online page

Most commented

QUOTE TWEETS

Nepali Times @nepalitimes
Peak load demand of electricity is met by hydropower reservoirs or fossil fuel-generated power, but there is pressure to adopt solar or other renewable energy sources. This is precisely what Dolma Himalayan Climate Fund (DHCF) is trying to do. @kundadixit

Bishal Silwal @silwanen
This is exciting! It would also be better to plan the disposal of the enormous amount of batteries collected over the years.

Nepali Times @nepalitimes
Junk food industry equates packaged foods with modernity, affluence & a trendy lifestyle. What it is really all about is putting them in non-biodegradable single-use plastic into our landfill sites & robbing our people of their health, writes Aruna Uprety.

bharat koirala @lampuchhre
I am horrified by the quantity and variety of junk food sold in the little stores in our neighbourhood. I fully agree with Dr. Aruna Uprety that they harm both the environment and people's health.

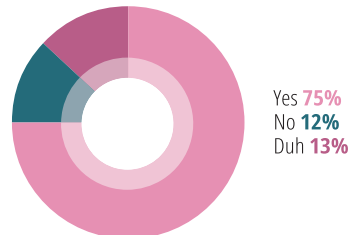
Nepali Times @nepalitimes
The line between good and bad food is getting blurred because of misleading advertising and promotion, influencing Nepalis subconsciously with claims that fast, junk foods are healthy. Read full report by @duksangh

Preeti@BeingPreetii
In the end everything comes down to good, effective and strict policies, but the policy makers are busy getting profits from the companies who benefit from false marketing.

Weekly Internet Poll #922

Q. Should public figures need to have passed at least high school?

Total votes: 152



Weekly Internet Poll #922
To vote go to: www.nepalitimes.com

Q. Why do women continue to face legal obstacles in passing on their citizenship to their offspring?



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A STAR ALLIANCE MEMBER 

Power by the people, for the people

Electricity produced by local cooperatives could repeat the success of community forests

Access to electricity is taken for granted in many parts of the world today, but in Nepal, depending on who you ask and which report you read, about 90% of the urban population



½ FULL
Anil Chitrakar

and 60% of the rural population supposedly have electricity at home. There are over 300 community rural electrification schemes in operation serving about half a million people. The cooperatives have an umbrella association that wants to double this number in the next three years.

Community forestry is another success story, and the model has been exported to other parts of the world. Over the years Nepal has been able to protect, and manage 15% of its forests by handing them over to local communities, holding them accountable through a forest management plan and also ensuring equitable distribution of cost and benefit among the members of the community.

Similarly, across Nepal we can see irrigation systems, grazing areas, drinking water projects and monuments managed locally by communities and user committees they have set up.

The success is partially attributable to, and the result



DEEPESH SHRESTHA

of, traditional techniques used by communities across Nepal combined with the modern insight from universities, as well as a lot of trial and error. As the saying goes: good decisions come from experience. And Nepal has a lot of experience in community-led development.

In the late 1980s the international media went to town with alarmist reports that Nepal would soon become a desert and all the top soil would be washed into the Bay of Bengal, increasing

the land area of Bangladesh. Many Nepali commentators then spread this information. The prediction was wrong, of course, but it might have actually had the effect of goading planners to take action.

One of the most prevalent buzzwords in Nepal these days is: 'inclusion'. Whether we will be 'stable and prosperous' may depend a lot on whether all Nepalis are included. With a leftist majority government people had high hopes that all Nepalis would finally have a hope for the future, but half-a-year

later the slogans have not translated into action.

We now have elected officials at the local, provincial and federal governments across Nepal. Each one of them went to the people with a manifesto that promised the world. They got the votes based on those promises, and now have to deliver.

Giving people electricity can and should easily be a collective campaign across Nepal. Our hydro power project IPOs are oversubscribed, the private sector

has generated more electricity than the government utility, solar and other renewable sources are getting cheaper and spreading, and India may or may not buy all the power we can sell them.

In the meantime, one key commodity that keeps expanding our trade deficit at an alarming rate is the import of cooking gas. Nepal could save lot of money by investing in rural electrification and encouraging people to shift to rice cookers. Efficiency is critical because we can now all do more with less power. Access to clean hydro power will also change the quality of life of Nepalis for the better by ensuring clean air indoors.

When the community itself buys power in bulk, distributes and meters electricity, there is very little pilferage, system losses, tampering with meters and even accidents. Repair and maintenance is easier and timely, and many of the schemes under operation today are offering members rebates and even bonuses.

Connecting schools and health posts becomes easier to manage and new opportunities are opened by telecom and internet connectivity. Productive end-use technologies for food processing, refrigeration, milling and pumping water all become viable. It is time to build on past success and ensure that every Nepali has a reliable and affordable electricity connection through their own community groups. 🇳🇵

Anil Chitrakar is President of Siddharthinc

Patan's hidden treasures

Mahendra Shakya had been in Boston for seven years in 1992 when he came across *Monk, Householder, and Tantric Priest: Newar Buddhism and its Hierarchy of Ritual* by David N Gellner. He felt ashamed of himself.

Here was a Western academic who had studied the culture of his own neighbourhood Buddhist monastery Hiranya Varna Mahavihar in Patan, and yet as a native he knew next to nothing about it.

Shakya returned to Nepal two years later, started the Momo King chain but couldn't sustain the business because of the war. He finally found his true calling: heritage tourism. Unlike other hotels that recreate Newari culture, he decided to embed himself in his ancestral neighbourhood, in the midst of Patan's holiest Buddhist temples: Maha Boudha and the Hiranya monastery.

"By being right in the middle of it all we can give our guests a genuine feel for authentic Newari heritage," he says of his new hotel Heranya Yala. Shakya also owns Heranya Hotel Lazimpat, opened three years ago.

Carpenters were hard at work this week, putting finishing touches for next Thursday's soft opening of the hotel, built where Shakya's ancestral home used to be before the 2015 earthquake. Much of the brick, wood and stone in the hotel's elegant design were salvaged from the old brick and mortar structure.

Heranya Yala is located at the 12th century stone spout of Thapa Hiti in Patan, and is a short walk from Mangal Bazar, and several Buddhist monasteries and temples. Low doors lead through narrow corridors into wide bahals and bahis, where devotees worship every morning and evening and the sound of chanting and devotional music emanates from the lattice windows.



SONIA AWALE

Shakya's hotel has Buddhist motifs everywhere, including astamangal signs carved and painted on the exterior. Inside the rooms are well appointed, with double-glaze windows that filter the street noise and provide insulation. The hotel is a cocoon of tranquillity amidst the hustle and bustle of inner city Patan, where the only sound in the courtyards is of prayer cymbals, and only the smell is of incense.

The eight rooms are bright, with Newari motifs, and through the windows offer views of the bahal,

hiti and street through which the Machindranath Chariot passes every year. Shakya has thought of everything -- even an Amsterdam-style suitcase hoist for the upper floors.

"My target clients are those who have a deep understanding of and appreciation for culture and heritage," adds Shakya. "There is more to Patan than just Darbar Square."

Indeed, the hotel could provide a unique cultural base camp to explore Patan's little-known religious sites, and would be ideal for tourists tired of one-size-fits-all hotel rooms, Nepal-based expats, and Nepalis.

"The residents of Kathmandu could come to Patan as weekend tourists, why not?" asks Shakya.

The in-house restaurant Omrit, named after the Amritbarna Mahabihar shrine outside, has a rich menu of Newari delicacies: *kwati*, *chaku*, *chatamari*, *yomari*, as well as a healthy choice of continental. The restaurant also serves a 12-course Newari bhoj dinner as well as the *aila* rice spirit made by neighbours.

Says Shakya: "Much of Patan is still a hidden treasure. And what could be a better way to preserve the heritage of my own neighbourhood than through cultural tourism?" 🇳🇵

Sonia Awale

Heranya Yala opens from 16 August at \$90 per night at booking.com.

prabhu BANK BIZ BRIEFS

Lego safety video

Turkish Airlines has debuted a new animated video with Lego mini figures to demonstrate step-by-step safety



procedures in all its flights and online. In partnership with Warner Bros and The LEGO Movie franchise. The safety video is the first of its kind, featuring sensible airline-approved humour, celebrity cameos, and an unforgettable song and dance number.

New CPF for Nepal

Nepal Finance Minister Yuba Raj Khatiwada and World Bank Vice President for South Asia, Hartwig Schafer, discussed



the new Country Partnership Framework for Nepal for the next five years. The World Bank Group Board also approved a fourth Financial Sector Stability Development

Policy Credit of \$100 million to help Nepal continue its medium-term reform program in the financial sector.

TKP's new Editor

Kantipur Media Group has announced the appointment of Anup Kaphle as the new Editor-in-Chief of *The Kathmandu Post*. Kaphle will succeed Akhilesh Upadhyay,



and will also assume new responsibility as the head of digital transformation for all publications under skantipur Media Group.

The best employer

Hyatt Regency Kathmandu has been conferred with Asia's Best Employer Brand Award at an event held in Singapore by



World HRD Congress, recognising the hotel's effective use of marketing communications in attracting, retaining and developing talent. The award was granted on the basis of the company's ability in translating and combining business vision with action and HR strategy.

prabhu BANK

The right place and the right time

Phulmaya and Hari grew up and flourished because they had the opportunities

If you knew Hari or Phulmaya when they were three or six years old, you would probably have put them in a mental compartment of pity, blaming the system, blaming the parents, or wishing things were different for them.



TO THE POINT
Sumana Shrestha

These days, I still blame the parents and the system, but I have evolved to not pitying anyone. I have often been pleasantly surprised that my subconscious is now trained to see hope and potential in every child. Despite their circumstances, despite what my eyes see, and my brain demands.

Cancer claimed Hari's mother when he was three. His father was an alcoholic and often landed in jail, sometimes with his youngest son because he would beat the little one black and blue. Hari would have become a street child along with his siblings if it wasn't for a few people who saw him outside of the long shadow cast by his father.

He went to a free school and stayed at a hostel. He now has a 3.7 on his SEE, plays excellent cricket, despite the mental naggings of his father and the inner need to belong to someone biological who would also love him back.

Phulmaya grew up in a family in which the parents took loans and made the daughters work in their food stall, while the son was sent to private school. The seven members of the family grew up in a single room (not one bedroom, but one room) with daughters sleeping on the floor while the bed was given to the son. Despite having to work from 5:30AM, commute three hours each day to go to school, and work till 10PM, Phulmaya struggled for an education.

These two children are now adolescents. They are miracles given the emotions they have had to overcome, or live with. I had to fight back my tears while they practiced interviews for IB scholarships at a prestigious high school. We rehearsed, corrected



KUNDA DIXIT

grammar, body postures. All they needed was an opportunity, and another miracle: they both got spots for the programme.

They will now be in class with students from the wealthiest segments of society. But I also worried: what if they couldn't fit in, or their insecurities get better of them? So far they have been in a free school where everyone shared the same story -- alcoholic parents, children abandoned because they were girls, children born of rapes and abandoned even by their mothers, or extreme poverty that drove them to Kathmandu's streets.

Perhaps I need to take them to a cafe and teach them restaurant etiquette, or the basics of how to get movie tickets. As I thought of how to make the transition easier, I realised that I was seeing their strength as their weakness. Surely, they will figure it out like they have done so far, and we will always be there to provide a helping hand?

Instead, I told them that it will get difficult only if they give those passing judgement the permission to inflict pain, and to be strong like they have always been, to see and learn, to hear and learn, and remember they are already miracles, and they don't need anyone's validation to believe that.

So, when you see street children lying on the sidewalk, sniffing glue, or a child worker, instead of judging them try to imagine the circumstances that put them there, and see if you can give them the break they need. What they need is just an opportunity.

If we look back in our own lives, hasn't it been a series of chances of being born to certain set of parents, of someone deciding to give us a break, take a chance on our ideas, or being at the right place at the right time, that has made all the difference?

So why not give it to others, in whatever form we can? Our one intervention on behalf of a child might be the right place and right time for that person. You never know. It surely was for Phulmaya and Hari -- their neighbour and teacher had heard of a free school and mentioned it to them. And that has made all the difference to their lives. 🇳🇵

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How does the Nepali media cover rape?

Bhrikuti Rai

The rape and murder of a 13-year-old girl in Kanchanpur last week was the latest in a series of crimes nationwide reported daily and with depressing regularity in the media.

This time, the outrage wasn't just against the local authorities for not being able to find the rapists, the anger was direct at the messengers.

One national daily actually published a photo of the teenager's corpse in a muddy field surrounded by onlookers. The picture was shared widely on social media, even though many called for it to be taken down.

Like most newsrooms in South Asia, the ones in Nepal fall short when it comes to discussion and introspection on journalistic practices and ethical standards, especially while reporting on rape and sexual assault. How do we report on it when we have not even figured out how to talk about such crimes? What are the pitfalls, while navigating allegations that are difficult to corroborate? How much detail of the victim and family is necessary?

Then there is the victim blaming. There were several stories about the Darbar Marg rape case earlier this year where reporters commented freely on the woman's body, her personal life, relationships, her decision to drink with male friends, and other issues that distracted from the crime.

Police records show rape and attempted rape cases have grown almost fourfold since 2008. Last year, more than 1,100 rape complaints were filed, while many more go unreported.

While news of sexual assault is



now common on the papers and tv, coverage is often problematic. Most have sensational headlines with the victim's voice missing, condescending language perpetuates stereotypes about sexual assault, and stock images depicting victims as helpless with artfully ripped clothes.

Nepal ranks 111 out of 144 countries in global gender equality index and Nepali women are subjected to many forms of violence, from punishment for witchcraft, domestic violence, and sexual assault. And whenever the heavily male-dominated newsrooms report on these issues, the template is the same: victims are almost always robbed of their agency.

The news is largely based on police reports, which means much goes unreported. Many journalists skip the most challenging aspect of covering such stories: building trust to tell the victims' side of the story.

Most stories are also episodic,

focusing on individual crimes without examining trends, investigating institutional failures or entrenched male entitlement. Why is rape under-reported? How are the crimes investigated, if at all? What is the reason for the low conviction rate? Most importantly, how does coverage change the lives of victims?

Tired of venting our frustration about coverage of rape and sexual assault in the Nepali media, we talked to editors and reporters in Kathmandu for the recent episode of our BojuBajai podcast.

Almost everyone agreed newsrooms had become more sensitive lately about the issue, but

this did not always reflect in the coverage. None of the newsrooms had guidelines, except to withhold the victim's identity. Most said they never gave much thought to the pictures accompanying their stories, as long as it didn't show the victim's face.

Some admitted that proximity of the incidents to Kathmandu shapes the priority the story gets. "Whether they take place in Bara or Durbar Marg, we need to ensure they get the same importance," one editor said.

More revealing was the attitude towards gender-based violence in newsrooms, where women make up less than a quarter of the

workforce. Reporters said their stories on domestic violence did not get attention until a woman was beaten to death. Senior reporters often think it is beneath them to cover such "light topics".

Improving coverage of violence against women will only begin when journalists first see there is something wrong with objectifying and stereotyping women, and having a different standard in coverage of females figures, or in treating domestic violence as normal. 🇳🇵



Bhrikuti Rai is a journalist and co-creator of the BojuBajai podcast @bbhrikuti




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Fine Wine for fine dine

METAPHORS: Nubri residents perform a dance with a message of compassion. Folk performances here communicate the Buddha's teachings.

Musician Dawa Dhondrup (*below*) sings along with the dramyan, a stringed instrument.



PHOTOS: MASON BROWN

Sewa Bhattarai

After the 2015 earthquake, communities in Nepal stopped celebrating festivals because they were in mourning. More than three years later, devotional songs are being heard again.

Last month in Langtang, the Drukpa Tseshi festival that celebrates the Buddha's first teaching at Sarnath was held for the first time since 2015. Ethnomusicologist Mason Brown was there, and says he was lucky to hear songs of Nepal's Tibetan communities, directly in relation to earthquake recovery.

As an American who grew up a Buddhist, Brown is also a folk music enthusiast, and used to perform at bluegrass festivals in the US. After studies at the Naropa University in Colorado, he went to Japan where he lived



with a monk in Nigata and studied liturgical music. His fascination for the Tibetan language led him to choose Tibetan folk songs for his PhD thesis.

During his research, Brown came across a CD of songs from Nubri, Upper Gorkha. He has been visiting the *beyul* holy valley

ever since, to record songs in these Tibetan speaking villages below Mt Manaslu.

"Tibetan music in Tibet has been affected by the cultural revolution and also by Chinese musical traditions, whereas in Nepal their music has changed at a slower pace because of the isolation," Brown explains.

The Nubri recordings have songs from celebrations, festivals, weddings, and contain Buddhist references even when they are secular. This is very different from European music where sacred songs have a particular time and place (usually the Church), and religious references rarely find their way into ballads.

A Nubri song that starts out as a mantra to Avalokiteswara urges the listener to not be lazy like a cow, but to take heed of impermanence and practice the *dharma* in this life. The simple lyrics encapsulate the

wisdom of Buddhist philosophy: that life is transient, suffering inevitable, and the only way to remedy this is to practice dharma through good deeds.

The songs exhort listeners and singers to turn the mind away from samsaric occupations towards *dharma*, and translate complicated Buddhist precepts into easy to grasp explanations of existence, karma, and how to life can be made meaningful before its inevitable end.

In one song, Nubri singer Lama Pema Gyamtsho evokes an image of Kathmandu Valley's holy sites and in doing so orients the people of Nubri towards Kathmandu, rather than Lhasa.

*Boudha stupa is the great father
Swayambhu is the great mother
The supreme pilgrimage places
Not found in other worlds are there*

Says Brown: "Their cosmology is usually organised in a mandala form. Usually there are two competing mandalas, of China and of Dharmashala. Nepal is left out. But for the people of Nubri, Kathmandu is the centre."

Even so, the songs do not completely accept the dominance of Kathmandu. With Boudha as the father and Swayambhu as the mother, the other *chaitya* between them are supposed to be 'happy sons,' self-arisen from leftover stones.

Like most folk art, the songs provide a way to challenge prevailing ideas and reversing a community's marginalised status vis-a-vis other power centres, and passing on its unique identity to future generations.

Brown says each of Nepal's Tibetan communities has a different music tradition with a unique identity. In Langtang he found harmonies (singing more than one note at a time), more common in Western music. The references to philosophy and spirituality, however, may be in danger of being lost due to the popularity of other forms of music among youngsters who migrate out of the high mountain villages for study and work.

But when he sees the same youth document their heritage with mobile phones, Brown is optimistic: "There are still young people who care deeply about local identity, so we don't need to worry about it yet. Hopefully, the music will be preserved and passed on." 🇳🇵



Go online to listen to the music of the Nubri Valley in this audio package, for a flavour of remote highland communities that gives us a glimpse of their unique worldview.

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How many tigers in Nepal?

Could wild tiger conservation become a victim of its own success?

Kunda Dixit

After being hunted nearly to extinction, Nepal's tiger numbers surged in recent decades thanks to a successful conservation program. But with Nepal committed to double its tiger numbers, there are questions about whether some of the country's national parks are becoming too crowded.

At the World Tiger Summit in 2010 in St Petersburg, 13 tiger range countries committed to doubling tiger populations by 2022. Nepali officials are confident the country's total wild tiger population can be increased to 242 to reach that goal.

"Nepal will be the only country to meet the target, and we will be releasing the total figures of the recent census soon," said Man Bahadur Khadka, Director General of the Department of National Parks and Wildlife Conservation.

The census result, synchronised with a count in India, was supposed to be announced on World Tiger Day on 29 July. But it was suddenly postponed, fuelling speculation the tiger count had decreased from the 2013 total of 198, with

120 of the tigers in Chitwan National Park. Some experts say the number could have gone down, because male tigers have been getting into fights over territory. Eleven tigers died in the past three years in Chitwan, five of them so far this year.

"Animals have been known to limit their own numbers by social mechanisms to avoid depleting prey in their natural habitat. Tigers are territorial, and space is limited to match natural population growth, so this could be what is happening in Chitwan," one international tiger expert told us.

Khadka denied withholding the announcement because of the total was less than in 2013, saying enumerators were taking longer than expected to go through camera trap images. Every tiger has to be recognised by its stripe pattern, which are as individual as human fingerprints.

"We have no need to hide the figures, we just want to be accurate with the count, and there are other factors like reconciling individual tigers with camera trap images from India," Khadka added.

However, delaying the announcement has raised fears Nepal may not increase the tiger total by 50 tigers in the next four years.

"Someone, somewhere seems to want to cook the data. If so, this will hurt Nepal's credibility in the global conservation

movement that has so far praised Nepal's effort to protect the tiger," said the expert.

Even if the target is met, however, tiger numbers could exceed the carrying capacity of protected areas, especially Chitwan.

Habitat destruction, human encroachment along wildlife corridors, new highways, transmission lines, irrigation canals and new railroads disturb the ecosystem of which the tiger is at the top of the food chain.

If Chitwan has reached saturation, tiger numbers may need to be boosted in Bardia, which has 50 tigers, but has area to sustain double that number. National parks in Banke and Parsa can also accommodate more tigers if the prey base is increased.

There have always been questions about whether Nepal should have committed to doubling tiger numbers, when protected space is so limited and prey numbers are shrinking. When tiger territories overlap, there is fierce competition between individuals as well as with other predators, like leopards, for prey.

An average tiger needs to make at least one kill of a deer-sized animal a week – that makes 12,000 kills per year. Chitwan has a lower large prey density than Bardia, and conservationists doubt if it is sufficient to sustain so many tigers.

The tall grass along floodplains and oxbow lakes of the Narayani and Rapti

Rivers are the ideal habitat of the tiger, but these are threatened by invasive mikania vines, disturbance due to mass tourism, and annual grass-burning. Chitwan's wetlands, favourite watering holes for tigers, have also been going dry because of the dropping water table in the Inner Tarai due to over-extraction.

The sharpest increase in tiger numbers in recent years has been in Bardia National Park, with the population going up from 18 in 2009 to 50, four years later. But even for Bardia to take more tigers, its grasslands and water courses need to be protected so prey can thrive.

Man Bahadur Khadka says the government will now announce the official tiger tally on National Conservation Day on 23 September, adding: "We are not doctoring the numbers, we are just trying to be accurate as possible." 🇳🇵

Clouded future for the Clouded Leopard

Yadav Ghimirey

An amateur photographer recently sighted a clouded leopard in Sunsari district in Nepal's Tarai. You may ask, what is so special about that? Well, that was the first ever non camera-trap photograph of a wild clouded leopard in the country.

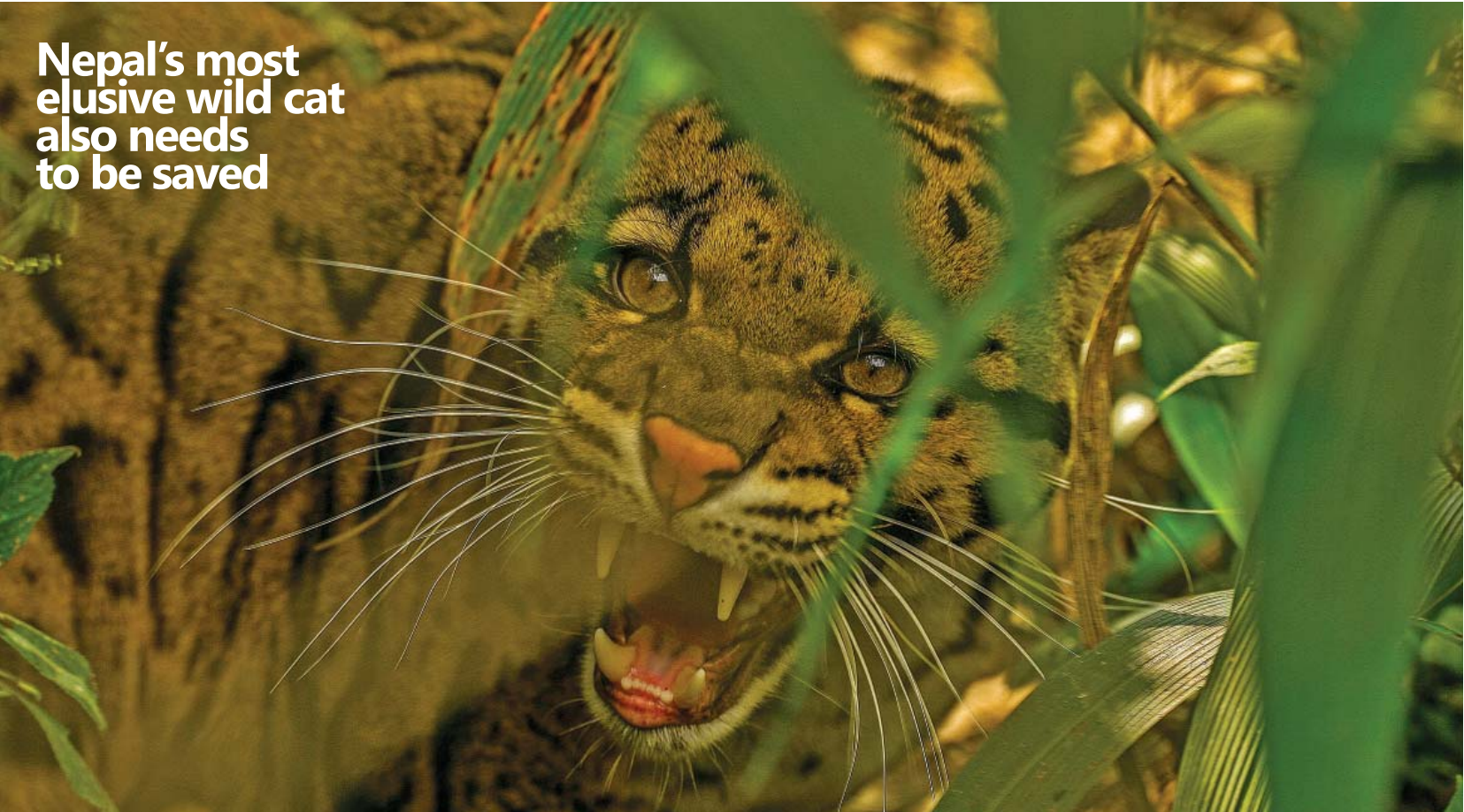
In Nepal, the word *bagh* (tiger) is used interchangeably to also describe leopards, but there is no specific name for the clouded leopard. Many Nepalis, including the village custodians of this endangered species of cat, do not even know it exists. Or that its existence is threatened.

The clouded leopard is so called because of a unique cloud-like pattern in the fur that is very different from the tiger's stripes, or the leopard's spots. It is found in dense tropical, sub-tropical and temperate forests of south and south-east Asia. Unlike the tiger, for which there is a precise count, there are no more than 100 clouded leopards in Nepal's forests.

Nepal's tiger census (*report, above*) last year was based on statistical calculations based on pictures of tiger individuals identified by their stripe patterns in motion-sensor camera trap photos. This is difficult to do for clouded leopards, which are even more elusive than tigers.

Even the cat's diet is not well known, but may include monkeys, deer, squirrels, pheasants and partridges among its prey. Being

Nepal's most elusive wild cat also needs to be saved



YADAV GHIMIREY

one of the important predators in Nepal's mid-hills, its role in controlling the population of monkeys and deer is vital.

The clouded leopard was first documented in Nepal in the 1840s by British acting resident and naturalist, Brian Houghton Hodgson. An absence of information for the following 150

years prompted many scientists to believe the species had become extinct in Nepal. Then, in 1988, a clouded leopard was caught by locals near Butwal, radio-collared and released back into the forest. After a week or so, the collar stopped sending signals. That leopard was lost, but the catch was at least proof the animal was not

extinct in Nepal. There have been several sightings since then.

Expeditions have tried to find the rare cat, including one to the Makalu-Barun National Park 20 years ago. I could not get any camera-trap photos on that trip but found two pelts in a village which pointed to their presence in the area. There have been no follow ups

to this study so far.

In 2007, locals caught an adult clouded leopard while it was trying to kill a chicken in Dhamaura village of Chitwan. Three years later, regular monitoring in Shivapuri-Nagarjun National Park, on the outskirts of Kathmandu, resulted in the first camera trap picture of the



Go online to watch this WWF video about the challenges of tiger conservation in Bardia National Park, which has seen the sharpest increase in tiger numbers in recent years.

nepalitimes.com


Clouded Leopard

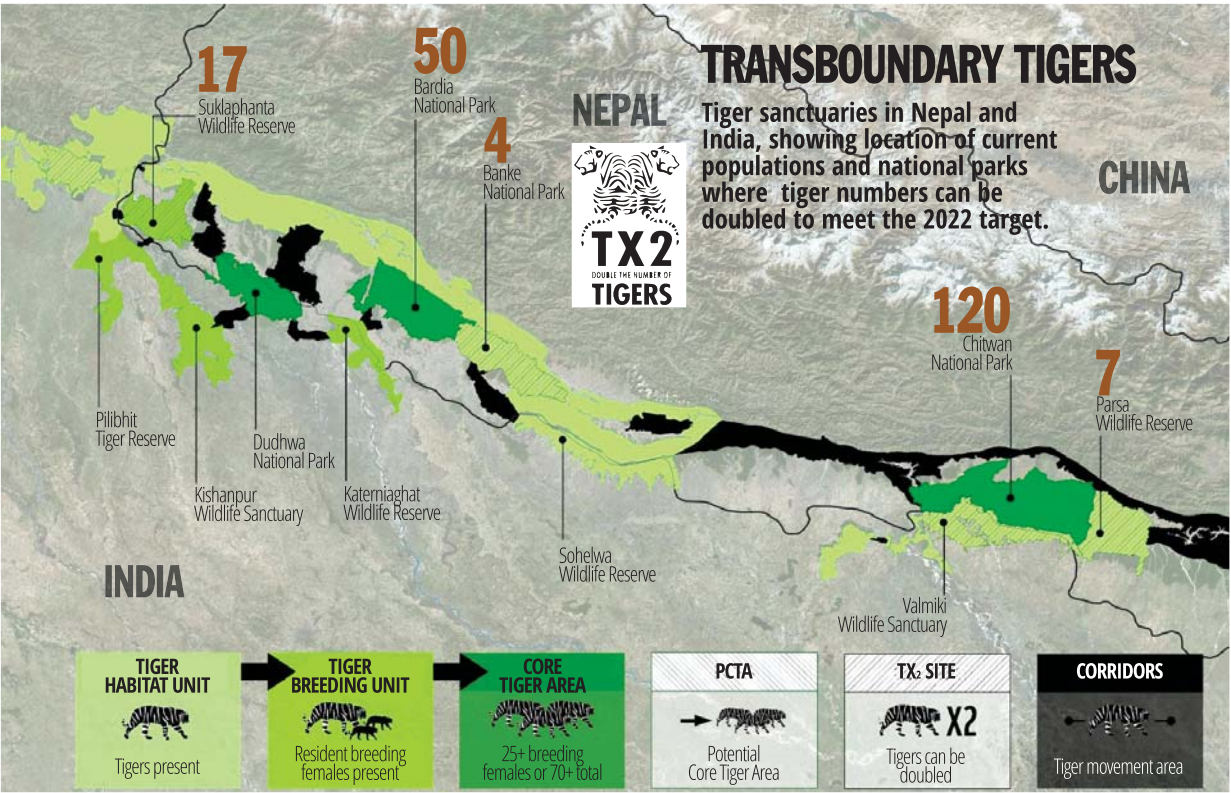


FON NEPAL

MEOW: A Clouded Leopard photographed inside a zoo in Gangtok, Sikkim recently (*left*). A leopard caught walking through snow in a camera trap (*above*) near Tangling in the Annapurna Conservation Area in Central Nepal.

species. Later, there were sightings in the Annapurna Conservation Area, Chitwan National Park and Langtang National Park. At least four leopards were counted in the lower Annapurna Conservation Area during our survey in 2017 (*photo, above*). Since most sightings were in conservation areas in the mountains, so far, the photograph in Sunsari in the Tarai is intriguing. While the sightings and photographs are important, what we do not see are the clouded leopards that have fallen to poachers and hunters, or those which have faded away due to habitat loss. In some areas the number of photos of wildlife poachers caught on camera

traps outnumber the prey species of the clouded leopard, which should be a matter of serious concern. The clouded leopard has been given special protection in Nepal's National Park and Wildlife Conservation Act 1973. A person found to hunt or trade this species will be punished with a fine up to Rs1 million. But this is not stopping poachers, four clouded leopard pelts were found by Nepal Police in the past two months. The only way to protect this magnificent and rare cat is to prevent the loss of its forest habitat, and to spread conservation awareness in schools. It is imperative for local people know that this enigmatic species co-exists with us, and that it is much more valuable alive than dead.  **Yadav Ghimirey** is a conservation biologist at Friends of Nature specialising in Nepal's wild cat species. <http://www.fonnepal.org>



LDF

Tigerman Leonardo DiCaprio

For the past decade, Hollywood actor Leonardo DiCaprio has been supporting the WWF campaign to double wild tiger numbers through his philanthropic organisation. The initiative funds tiger conservation in 13 tiger range countries, including Nepal, to boost the numbers of wild tigers to 6,000 by the next Year of the Tiger, 2022. Currently there are 3,900 tigers in the wild all over the world, up from 3,000 eight years ago, with most of the increase in Russia, India, Bhutan and Nepal. In Nepal, DiCaprio has donated nearly \$7 million to WWF to boost tiger numbers. The resources were used to set up more than 400 community anti-poaching groups in areas bordering national parks and wildlife corridors, and to help reduce human-tiger conflict. DiCaprio visited Bardia National Park two years ago to inspect anti-poaching initiatives and to set up camera traps (*right*). He said after the visit: "I am proud of the work being done here. Tigers are some of the most vital and beloved animals on Earth. I am optimistic about what can be achieved



WWF

when governments, communities, conservationists and private foundations like ours come together to tackle global challenges." WWF has also been trying to re-invigorate the tiger grassland habitat by constructing and upgrading wetlands and waterholes, establishing firelines against forest fires, and installing solar-powered electric fences.

EVENTS



Nag Panchami
The fifth day following the no-moon night is worshipped as Nag Panchami, the day of snakes. Traditionally, Nepalis paste pictures of snakes or nags above the doors of their house to keep off evil spirits, and worship nags by making offerings. Devotees visit Nag Pokhari in Naxal, Nagdaha in Dhapakhel and Taudaha on the way to Dakshin Kali believing the lakes to be home to snake gods. Visit the places to observe mela on this day.
16 August, Nag Pokhari/ Nagdaha/Taudaha

Skilled voice
Narottam Aryal, the executive director of King’s College, is in the mission of democratising wealth creation in Nepali society. At the event, hear his stories and experiences that helped and shaped him to grow personally and professionally.20 seats only.
16 August, 3pm onwards, Glocal After School, The Creative Square, Thapagaon, 9843636871



Trail ride to Lakure
A 60km moderate/hard category ride to Lakure via Panauti, expect steep climbs, muddy trails and some single tracks. The Bike Farm Nepal - Mangal Bazaar - Koteswar - Sanga - Panauti - Lakuri Bhanjyang and back.
11 August, 6:15am-1pm, The Bike Farm Nepal, Jhamsikhel, 9813806446

Fragility of anxiety
Art student Ashna Lama exhibits her drawings depicting mental anguish, in a bid to raise mental health discourse.
12 August, 4:30-6:30pm, Hotel Annapurna, Darbar Marg

Art-theory
A basic course programme to introduce, involve and implement methods and perspectives of (critical) art theory, in the context and discourse of Nepal’s contemporary scene, with selected texts and various art works of any medium.
11 August, 3-5pm, Kaalo.101, Nagbahal, Patan, 9803553123

Panorama 60s
A panoramic showcase of post-1960s Nepali art, featuring work from eight pioneers of modern Nepali art. 1960s mark a turning point of modernism in Nepal with trends from Europe embodying artistic experimentation and innovation.
8-17 August, 11am-6pm, Bikalpa Art Centre, Pulchok, (01) 5013524



Interconnected Affection
A solo exhibition of Sabita Dangol, a visual artist based in Kathmandu, revolves around the affection between humans and nature.
11-31 August, 11am-7pm, GG Machan, Pulchok, (01) 5554291

Nepal Higher Education fair
The 4th Nepal Higher Education fair brings together over 50 leading Nepali educational institutions offering more than 20 courses in management, IT, arts, law, engineering, social work, development studies and more.
17-18 August, 10am onwards, Hotel De’l Annapurna, Darbar Marg, (01) 4168120

Free music workshop
Juno Award nominated guitarist, songwriter and producer, and author of Hidden Sounds: Discover Your Own Method on Guitar Jeff Gun is in town to give free tips on guitar skills at the free workshop.
11 August, 5-6:30pm, Kathmandu Jazz Conservatory, Jhamsikhel, (01) 5528362

MUSIC



Jazz night
Don your smart-casual livery for a fundraising show of international music talent. Derek Beckvold on saxophone, Robert Jordon on drums, Jacek Chmiel on guitar and vocalist Diandra Danieli will perform to fund higher diploma education for Kathmandu music students.
14 August, 7-9pm, Kathmandu Jazz Conservatory, Jhamsikhel, Rs1,000 (platinum), Rs500 (gold), Rs300 (students), (01) 5543554

KTa Haru
Featuring Maneesh Naubagh on drums, Milan Neupane on lead vocals and guitar, Nischal Shrestha on bass, Prasanna Saha on lead guitar, with Prasong Rupacha on Ukulele and synth, the contemporary band will entertain you with just their funky originals that tell relatable stories.
11 August, 7-10pm, Moksh, Jhamsikhel, (01) 5528362

Places Blues night
The restaurant combines its offering of delicious organic vegetarian and vegan food and drinks with crazy and classic blues by the popular band The Midnight Riders Trio. Join in for a ride to heaven.
10 August, 7-10pm, Places Restaurant and Bar, Thamel (01) 4700413

Sundown Affairs 02
Soak in the stunning sunset view at Sundown Affair Vol 02, along with great music. Best cocktails from Khukri Rum and unstoppable music from five DJs will help you get done with your weekend affairs.
11 August, 2pm onwards, Embers, Krishna Galli, Pulchok

Back to the 70s
The Chosen Five will take you back to the 70s with classic hits. This will be an evening full of peace and love with the hippie souls Dinesh Rai, Pemba Lepcha, Sujan Manandhar, Prajwal Lama and Sanjeet Tuladhar.
15 August, 5-10pm, GG Machaan, Jhamsikhel, (01) 5554291

OUR PICK



Opens in Kathmandu on 10 August

After escaping an attack by what he claims was a 70-foot shark, Jonas Taylor must confront his fears to save those trapped in a sunken submersible. Directed by Jon Turteltaub, the movie stars Jason Statham, Li Bingbing, Rainn Wilson, Ruby Rose, Winston Chao, and Cliff Curtis, and follows a group of scientists who must stop a 75-foot Megalodon shark from terrorizing a beach. The suspense thriller movie that follows other gigantic animal movies like Jaws is based on the 1997 book Meg: A Novel of Deep Terror by Steve Alten.

DINING



Z Manakish
The new restaurant in town brings the best of Levantine and Mediterranean favorite breakfast and meals, suitable for eaters from around the world in all seasons. Arabic zaatar, pizza or croissants can be your new favourites.
Paknajol, near Thamel, 9843464910

Lhakpa’s Chulo
Nepali dal bhat, Newari khaja, Swiss Rösti, Italian Risotto and Thai green curry. Lakpa’s Chulo has a variety of cuisines to offer. Garlic chilli prawn at this cosy restaurant is to die for.
Jhamsikhel, (01) 5542986

Kakori
Discover amazing flavours and the most celebrated recipes from Punjab and North India at Soaltee’s North West Indian specialty restaurant. Choose from varieties of kebabs, biryanis and a variety of Indian breads and mouthwatering desserts from their revamped menu.
7-10:45pm for dinner, Soaltee Crowne Plaza, Tahachal, (01) 4273999



Chez Caroline
Tucked away from the streets’ noise and fumes, this is the place to visit for authentic French and continental cuisine in Nepal. The restaurant now offers catering and takeaway services too.
Baber Mahal Revisited, (01) 4263070/ 4264187

Koto
Maki sushi, cold or fried tofu, tempura, fried chicken, miso soup, chicken karage, Katsu Don, anything you want to satisfy your Japanese food craving is right at the restaurant.
Darbar Marg, (01) 4220346

Baan Thai
Baan Thai serves generous portions of perfected and healthy Thai dishes.
Durbar Marg, (01) 4231931

GETAWAY

Shangri-La Village Resort
2 nights and 3 days special package at the village resort. Let the monsoon bring out the madness in you.
8 August- 30 September, Gharipatan, Pokhara, Rs7,499 (single, get coupons worth Rs3,000 back), (061) 462222



Harmony Spa & Health Club
Amongst trees on the edge of a plateau overlooking Gokarna Forest and the grassed valley below, Harmony Spa combines therapeutic care within a natural environment impossible to recreate elsewhere. Included are a variety of rejuvenating courses, emphasizing Ayurvedic treatments within Ayura, the Adam & Eve, and Serenity massage rooms.
6:30am-10:30pm, Gokarna Forest Resort, Thali, (01) 4451212

Nirvana Golf Resorts
Forty-five minutes from Biratnagar Airport, this 9-hole course in Dharan was built at a former recruitment and pension base for the British Brigade of Gurkhas in 1962. Try monsoon golfing at the ‘par-70 over 18 holes’ course.
Ghopa Camp, Dharan, (025) 525555

Hotel Annapurna View
The new boutique hotel situated at 1,600m in Sarangkot offers everything: sunrise, the Annapurnas, view of Phewa Lake, serenity, and luxurious accommodation.
Sarangkot, Pokhara, (01) 443566



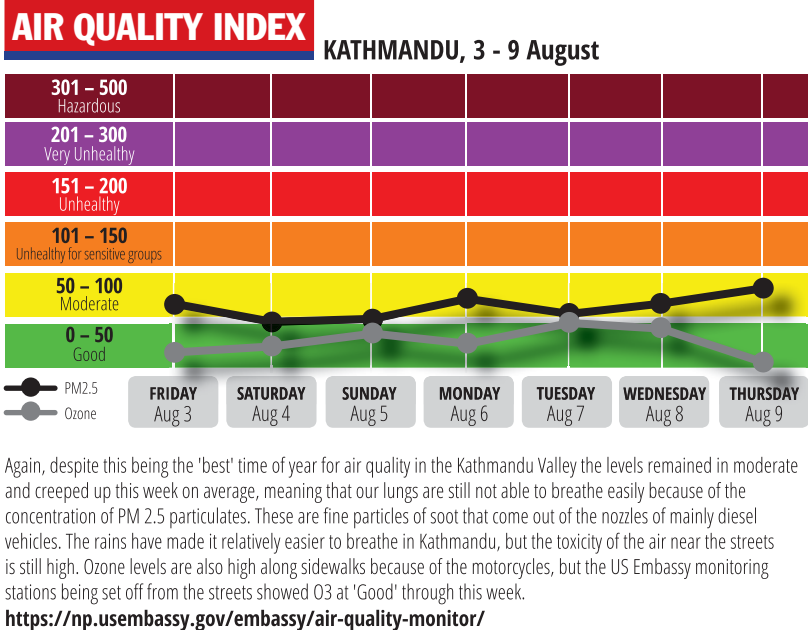
Dahlia Boutique Hotel
A luxury hotel at the bank of Phewa Lake with 180 degree mountain and city view: a good end to a memorable trek.
Lakeside, Pokhara, (061) 466505

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Family separation, Bhutan-style

The Trump-effect is preventing remaining refugees from reuniting with families in the US

Jamie Piotrowski
in Jhapa

As a student in Pittsburg in the United States, I began working with refugee populations four years ago. A wide-eyed sociology graduate, I was aspiring to change the world, although I did not know exactly how.

My first job as Resettlement Caseworker changed the trajectory of my life. The first family I was helping were three men from Bhutan, a father and two sons who had arrived in Pittsburgh but needed help to adjust and find work.

Now, as a graduate student, I came to Nepal to learn more about the people from Bhutan - my neighbours and friends back in the US. They were among the 75,000 Nepali-speaking Lhotsampa people forced out by Bhutan's royal regime and with Indian help transported on to Nepal. They were housed in refugee camps for the following 20 years, until they started being repatriated to the US, UK, Canada, Norway, the Netherlands, New Zealand and Australia.

Over 8,000 refugees still remain in Nepal, mostly in the camps. But restrictive immigration policies in some of these countries have brought resettlement to a halt for the Bhutanese, some of whom have been living in the camp for nearly three decades. The result: families have been separated, much in the same way children were taken away from illegal migrants in the US.

Tikaram Rasaily is the elected Camp Secretary at Beldangi, one of the last remaining refugee centres. He was forced to leave his home in Bhutan when he was five years old, and has very few memories of his home, but says: "I feel Bhutan in my heart." And he wants to return one day.

Rasaily's family is now resettled to the United States. His mother and brother live in Atlanta and his sister in Akron, Ohio. Since going back to Bhutan is likely impossible, we would like to be reunited with his family. But he remains in the camp with his wife and child because his application for family reunification was denied by the United States Department of Human Services and UNHCR.



PHOTOS: JAMIE PIOTROWSKI

"I was never told why, I have human rights, but no one is allowing me to express them," he says.

As camp secretary, Rasaily is worried about the funding cuts that will affect fellow-refugees who remain. The UN stipend for refugees is now only Rs650 per person every month, in lieu of food rations. The World Food Program (WFP) supplies of oil, sugar, salt and other rations have also been slashed, so only rice is distributed. Additionally, education funding for 951 students is being cut and students beginning Grade 5 must get enrolled in Nepali government schools.

There are only three options for refugees according to UNHCR guidelines: assimilation in Nepal, repatriation to Bhutan, or third-country resettlement. Unfortunately, for many of the remaining refugees, none of these options are viable. Nepal has not accepted the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, nor established a national legal framework concerning refugees and asylum-seekers, and Bhutan refuses to take its people back.

Applications for resettlement to a third country have been closed since December 2016. Only those approved for family reunification



may travel, though many are still waiting for their departure dates. The only other remaining camp in Sanischare may be closed soon.

Meanwhile, Bhutanese outside the camps face different challenges. Tek Nath Rizal, 71, leader of the Bhutanese in forced exile, used to be a member of the Royal Advisory Council in Thimphu. He fled to Nepal after being accused of conspiring against the King, but Nepal's royal government kidnapped him from his home in Kathmandu and deported him back to Bhutan in 1989. He was jailed and

tortured for 10 years and named a Prisoner of Conscience by Amnesty International.

Rizal now lives in Kathmandu, Nepal, he is not recognised as a refugee by the Nepal government. He has been adamantly opposed to third country resettlement, and wants all Lhotsampa to be allowed to return to Bhutan. He worries the international community has abandoned the refugees - especially the cases of unregistered refugees, family separations, and justice. "Those who violated our human rights are still in power in Thimphu today, all I want is to bring

STAYING BEHIND:

A classroom full of Bhutanese refugee children in Beldangi (*above*). Many of them have been denied resettlement to be with their families already in the US.

Tikaram Rasaily is the elected Camp Secretary at Beldangi (*left*) wants to go back to Bhutan, but since that impossible is waiting to be resettled with the rest of his family in Georgia and Ohio.

democracy to Bhutan before I die," he told us.

Bhampa Rai was a royal physician in Bhutan, and did not have to leave his country. But seeing the plight of his compatriots in refugee camps in Nepal, he thought they needed his care more than the royal family. He lived with his wife, taking care of sick refugees for nearly three decades. Rai has relatives resettled in Texas, but refuses to go.

"I will either return to Bhutan or die here as a refugee," he says. The UN has tried to convince the couple to return to Bhutan, but Thimphu has repeatedly rejected it.

I met many Bhutanese in the US and Nepal who remain positive despite what they have long been through. They are still hopeful of justice being served some day, but it may have to be a long wait. 🇨🇦



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Lalitpur Film Society has been filling the gap in quality screenings since 2017 with 28 free weekly shows and have a plan for the next 10 months.

the Society does not celebrate high-production value Bollywood or Hollywood films. They are more into lower-budget, high-quality, documentaries and films made by passionate producers, and talking about the issues and themes the films discuss. The aim of the group is simple: bring people together from a range of backgrounds to celebrate and debate their common interest of film.

“We don’t focus only on film, we focus on the bridge between social sciences and film,” says Matjaz Pinter, an original member of the society. A film maker himself, from Slovenia, with partner and film-maker Eva Pivac, the couple took films, old and new, on the area to the place they were filmed for the locals to watch. One of those films was their own: *Takasera*.

It was through the project that the pair met Bobby Thapa from Sattya Media Arts Collective, and their friendship blossomed

through the medium of film.

Nepal has a rich culture of documentary making and festivals to celebrate the field. In the past year there have been the Nepal Human Rights International Film Festival, Ekadeshman International Short Film Festival and Film South Asia. The Kathmandu International Mountain Film Festival is scheduled for December, and is the longest-running festival of its kind in Nepal.

The festivals attract plenty of viewers, but the group felt there was a need for a consistent offering. Hence, the Lalitpur Film Society.

“Most of our viewers are expats. But I want to see more Nepali people attending,” Thapa says, adding that he hopes young Nepali film makers can use it as a forum and a place of inspiration.

“We are trying to create a community. We have discussions and debate, and people return,” says Pinter.

There’s a strong ethnographic and anthropological focus on the choice of films, but there is nothing out of the picture, and

they are open to suggestions.

“It’s tricky, because films are popular here and lots of people go to cinema, but it’s hard to believe there would be many wanting to see our kind of documentaries... you really need to have committed people.”

The film society started its screenings with a Soviet film from 1929, *Man with a Movie Camera*, so they had their doubts.

“But we were wrong”, Pinter acknowledges. People came back the next week, and the weeks following. Each film has an average of 25 attending, but sometimes it goes up to 55 people.

Among the most intriguing films and documentaries were the ones produced in North Korea. Hosted by the Society, there was open discussion following the screening with representatives from the North Korean embassy. People talked about it for weeks, Pinter recalls.

Most of the films are screened at The South Asia Institute, however because of erratic monsoon weather conditions, August screenings will be done at Marshall’s Pub in Kupundole Heights.

- August 15: Orange Sunshine**
by William A. Kirkley, 2016, 105min
Location: Marshall’s Pub, Kupundole Heights
- August 22: Finding Fela!**
by Alex Gibney, 2014, 119min
Location: Marshall’s Pub, Kupundole Heights
- August 29: Cutie and the Boxer**
by Zachary Heinzerling, 2013, 82min
Location: Marshall’s Pub, Kupundole Heights
- September 5: Celluloid Man**
by Shivendra Singh Dungarpur, 2012, 164min
Location: TBC
- For more information visit:
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#FREESHAHIDULALAM: Nepali photojournalists protest the arrest of Bangladeshi photographer Shahidul Alam at the Bangladesh Embassy in Kathmandu on Thursday.



GLOBAL GULMELI: Dignitaries including Satya Mohan Joshi, Foreign Affairs Minister Pradeep Gyawali, Labour Minister Gokarna Bista, UN Resident Coordinator Valerie Juilliand and Ani Choying Drolma with Kul Chandra Gautam at his book launch in Kathmandu on Monday.



PREPARING TO BE PREPARED: The Chief of Army Staff of the Nepal Army Rajendra Chhetri inaugurates Disaster Management Training Academy in Kathmandu on Tuesday.



ALL FOR KIDNEYS: Surgeon Dibya Singh Shah who led the first successful kidney transplant in Teaching Hospital ten years ago is felicitated by Health Minister Upendra Yadav.



FLYING HIGH: Nabin Dhun Shrestha is the lucky draw winner of Turkish Airlines and Samsung Nepal’s World Cup campaign ‘Feel the Game’. Shrestha won a round trip business class ticket to any Turkish Airlines destination.

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Regulating the regulator

Ramesh Kumar in *Himal Khabarpatrika*, 5-11 August

हिमाल
खबरपत्रिका

In April, the Patan High Court found Chaudhary Group guilty of making a bogus insurance claim, and ordered the authorities to recover the Rs240 million paid to the conglomerate.

A warehouse of CG Electronics had burnt down in 2012, and the company sought Rs 580 million from the insurance company, which was approved by inspectors deployed on the ground to verify the claim.

However, an investigation by the Insurance Board, Nepal's insurance regulatory authority, revealed that CG Electronics had exaggerated the damages, and the actual amount of loss was just Rs340 million. The court ordered the country's largest business group to return the inflated amount.

United Insurance, which easily paid the inflated amount to CG Electronics is partially owned by Chaudhary Group. The insurer and the insured were both under the same business umbrella.

This case highlights how vulnerable Nepal's insurance market is, and why there is an urgent need for stronger regulations. But a bill introduced in the Federal Parliament by Finance Minister Yuba Raj Khatriwada aims to weaken the insurance regulatory body instead of further empowering it.

There are 20 life insurance and 18 non-life



B HANU BHATTARAI

insurance companies in Nepal. But the Board lacks infrastructure, human resources and legal instruments to regulate all of them. The regulatory body swings into action only if it receives a complaint against a particular company. It cannot proactively regulate the market, and this has enabled fraudulent companies to make bogus claims, risking the public's investment.

However, the new bill curtails the power and autonomy of the Insurance Board. If it is passed, the Board's structure will be determined by the Finance Ministry. Says insurance expert Damodar Basaula, "The bill essentially aims to regulate the regulatory body, which will eventually hurt the insurance market."

The bill, if passed, will also allow insurance companies to hire Executive Officers without an experience in insurance market. And if insurance companies go bankrupt, the insured will get their money back only after the government and the regulatory body recover all the dues.

The regulatory body has also failed to help the insured to claim their insurance money. People have to bear more hassles in claiming non-life insurance. The total amount claimed by the insured but not paid out has already exceeded Rs8 billion, eroding the public trust in insurance.

Basaula says: "The regulatory body is weak, but the new bill will further weaken it."

Choppers to ABC banned

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Helicopters companies now flying to Annapurna and Machhapuchre Base Camps will be limited to rescue operations, after locals complained of environmental degradation and noise pollution caused by frequent tourist sightseeing flights.

"Constant noise and vibrations from flights is disturbing bird and wildlife species in protected areas and affecting our biodiversity, which is why we have decided to restrict helicopters," said the Chairperson of Annapurna Village Yuvaraj Kunwar.



The regulation will come into effect from mid-August and violators will reportedly be punished. The Annapurna Conservation Area Project (ACAP), which manages ecotourism in the region, had earlier tried to restrict helicopters without permits but helicopter companies openly flouted the rules. The National Parks and Wildlife Conservation Act also prohibits unregulated helicopter operations.

Lately, Prabhu Helicopters had started taking sightseers on day trips to Annapurna Base Camp (ABC), and there were dozens of flights a day.

The Village Assembly has also decided to operate new trekking routes in the area for the autumn season.



Mrs. Oli to Mr. Oli: What did you say today? You haven't stopped laughing...
Rabin Sayami in *Nagarik*, 9 August



Shouldn't you carry an umbrella in the monsoon?
No wonder you got wet!
Abin Shrestha in *Kantipur*, 7 August

Fake Encounter

Editorial in *Kantipur*, 8 August

कान्तिपुर

The country is not under a state of emergency or at war. Organised criminal groups are on the run. And yet, the police carries out fake encounters to kill off suspected criminals. This week in a forest in Bhaktapur, the police displayed pictures of two corpses with pistols in their hands, killed in alleged encounters.

Eleven-year-old Nishan Khadka was abducted for ransom, killed and buried. When the police was unable to save the young boy's life, it arrested and proceeded to abuse two alleged masterminds. They might have confessed to the crime, but there is no proof of that. The police took them to the forest in a van, and staged the encounter.

It takes two to have an encounter, and you do not just happen to run into people you have just arrested. The police can fire in self defense in certain circumstances, but there has to be a credible reason for that. The two arrested did not appear to have any criminal background.

The police is required to apprehend criminals alive, if not, by injuring them slightly, and in extreme cases, by shooting below the knees.

But in this case took the law into its own hands and killed two people in a country where capital punishment is banned. It has so far not been able to provide any justification for these killings. Murder is an illegal, immoral, and unethical act. In fact, an encounter itself is a poor weapon, and if the police is unable to discourage it, citizens will feel even more unsafe.

The police should give first priority to preventing crime, and if crime does occur, then to preserving evidence. By killing the alleged perpetrators this week, it destroyed the only evidence for the kidnapping and murder of the boy. There also seems to be a lack of coordination between departments within the police. If so, it exposes a major deficiency in the force.

The police has been staging regular encounters of suspects. The lack of any investigation has emboldened the police to the take the law into its own hands. With the increased frequency of such encounters, Nepal is starting to resemble behavior of the Indian police.

The state's duty is to prevent crime and to rehabilitate criminals. The police's duty is to collect evidence and help with legal procedures after investigating a crime. But if the police is destroying evidence, then it too needs to be punished.



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Nepal's Constitution, 3 years later

Prakriti Kandel

Three years after Nepal's constitution was promulgated, experts from the region are gathering in Kathmandu for a three-day conference to discuss progress in translating it into better governance, inclusion and due process, as well as the challenges in agreeing to amendments.

Jointly organised by Kathmandu University School of Law and the South Asia Trust, the Conference on the Constitution of Nepal 2015 will be inaugurated by President Bidya Devi Bhandari on Saturday and will conclude in the presence of Prime Minister K P Oli.

The gathering will review the strengths and weaknesses of the constitution, especially in institutionalizing federalism and take stock of the three elections last year to local, provincial and federal assemblies.

“The conference will be important to identify ways for Nepal to advance by following the constitution, and also to clean up contradictions and ambiguities in it,” says Kanak Mani Dixit, a member of the organising committee. “The timing of the conference is crucial to provide insights for an effective, decentralised implementation of the constitution.”

Constitutional experts agree that it is important that the 2015 statute succeeds to ensure the country's stability. Its failure would reopen wounds of the past related to issues such as federalism and secularism, which could push the country towards chaos.

Participants of the conference include jurists, constitutionalists, academics, political representatives, analysts, economists, activists from Nepal, South Asia and overseas. Among them are Kamal



BIKRAM RAI

Hossain, the founding father of the Bangladeshi constitution, who will deliver an opening address. International figures flying in for the conference include Menaka Guruswamy, Mahendra Pal Singh, Kåre Vollan, Qianfan Zhang, Mara Malagodi, and Sara Hossain, among others.

The conference will have three plenaries and nine panel discussions. Speakers will present

papers prepared especially for the conference, with inputs from commentators. Subjects include the economy, fundamental rights, comparative analysis to constitutions of South Asia, constitutional bench, check and balance in governance, historical journey through the two constituent assemblies. Presentations will be compiled into a book after the conference.

Excerpts from the papers:



The overview of the relationship between constitutional text and constitutional culture is valuable to explain the reasons why discrimination against Nepali women endures in matters of citizenship, while the rest of the Constitution features a progressive array of women's rights.

From Constitutionalising Women's Rights in Nepal,
by Mara Malagodi



The constitution-making of Nepal was also a process to recalibrate the understanding of the state and the nation. The constitutional history of Nepal shows, firstly, the transition from subjects to citizens and secondly, a quest to balance the modern principles of liberty, equality and fraternity with the post-modern paradigms of security, diversity and solidarity.

From Electoral System and Inclusiveness under the Constitution,
by Nicole Töpperwien



The new system has produced a less inclusive Lower House of Parliament than the two Constituent Assemblies of 2008 and 2013. Further, the quota system still works in favour of the 'creamy layer' within the broader groups.

From The System of Representation at Three Tiers: Implementation and Challenges
by Kare Vollen



The economic content of the constitution is unnecessarily obfuscating, as a result of compromise across a vast political spectrum. First, the state is declared to be 'socialism-oriented', but the definition of socialism is left to the imagination with no derivable implication for the ownership of the means of production, distribution, and exchange.

From Economic Soft Spots of Nepal's Constitution
by Dr. Swarnim Waglé



In order to sustain lasting peace and harmony, Nepal is obliged to honour the social contract and the political natural law, particularly the principle of ethnic equality and local autonomy.

From Social Contract as a Metaconstitution: The Case of Nepal
by Qianfan Zhang

Share rule and self rule

Implementation of federalism in light of constitutional sovereignty and rule of law in Nepal

George Varughese

In 2015 a clear majority of Nepalis chose, via constitutional assembly, to promulgate a constitution that strives to unify a country with many differences, in the interests of good government, justice, prosperity, and peace.

This constitution is the supreme law of the land. By accepting the sovereignty of the constitution, Nepalis have accepted the rule of law, applicable equally to the government and to individual citizens. Ultimately then, the quality of government and of citizenship will depend on observance of the rule of law, beginning with the constitution.

The constitution has introduced fundamental changes in the country's governance. The most prominent change has been to restructure the Nepali state into 753 local governments, seven provincial governments, and one federal government.

Article 232 of the constitution, which addresses the relations among the three types of government, makes clear that they are not hierarchically related, rather, their relationships 'should be based on the principles of co-existence, cooperation, and coordination'.

Each type of government enjoys certain exclusive powers that can be exercised independently, with concurrent powers of the federal, provinces, and municipalities also listed in various constitutional schedules.

Although each form of government



GOPEN RAI

has multiple, exclusive powers that can be exercised independently, the functions of these governments are significantly interdependent for the purposes of public goods and services delivery.

This interdependence creates patterns of cooperation, competition, and conflict that merit serious consideration and begs the question of the role of federal government in observance of the rule of law, beginning with the constitution.

Article 235 of the constitution requires the Federal Parliament to enact legislation in order to maintain coordination and to resolve disputes between and among the federal, provincial, and local governments.

This role is particularly important given that there are over 300 laws that must be amended and over 100 new laws that must be

drafted to fully implement constitutional provisions and address overlaps and contradictions in constitutional provisions.

A quick scan of legislation enacted (or not) since promulgation of the Constitution in 2015 shows an absence of care for constitutional provisions and indeed for the general defining characteristics of a society that adheres to the rule of law.

Some minimum standards can be applied to substantiate this claim:

for example, we can ascertain the presence or absence of legislation necessary to deliver fundamental rights to the people as stipulated in the constitution, to fulfil obligations that Nepal has towards international conventions, to adhere to directive principles of the state enunciated in the constitution's preamble, and to clearly demonstrate a constitutional basis for the exercise of power by government.

To date, legislation pertaining to fundamental rights and transitional justice have not been enacted, nor have laws on dispute resolution related to the implementation of federalism.

In fact, laws that have been enacted since 2015 have mainly reduced clarity, coordination, and cooperation. Finally, laws that should provide the constitutional basis for the exercise of provincial and local

government authority to federal standards have not been enacted. In their absence, provincial and local government assemblies run the risk of enacting provincial and local laws that violate or don't meet federal standards. They, therefore, have adopted a wait-and-see approach.

While legislation inconsistent with the constitution, even if duly enacted, may be held unconstitutional and so invalid, it is equally important to abide by time-critical constitutional provisions for the implementation of federalism.

Since promulgation of the constitution in 2015 and successful elections in 2017, devolution in Nepal is outpacing the rate at which new laws can be developed, exceeding the capacities of newly-elected representatives, and challenging the mindset of civil servants trained in a centralised, hierarchical system of public administration.

The next several months will be decisive in making the difference in Nepal's plans to share rule and self rule amongst its federal, provincial, and local governments.

It will not be enough to aspire to a society characterised by political, economic, and social justice. It will require both government and citizen to observe the rule of law and submit to the constitution. 🇳🇵



George Varughese
advises the Niti Foundation in Kathmandu.

Do Nepali attitudes need to be decolonised?

Implications for Nepal from Canada's indigenous resurgence

After many years of working in Nepal, in 2014 I moved to Vancouver for a university job where many of the objectives outlined by Nepal's *adivasi janajati* movements are being implemented by the First Nations, Inuit and Métis communities that have lived for thousands of years in what is now Canada.



COMMENT
Mark Turin

Indigenous nations comprise just over 4% of Canada's population, whereas *adivasi janajati* make up more than one third of Nepalis. Yet, Canada is far ahead of Nepal in creating a just society in which indigenous voices are uplifted, indigenous knowledge woven into the public education system and the uninterrupted indigenous connection to traditional territory is recognised and respected.

Canada has been no haven for indigenous peoples. Canada's federal and provincial governments institutionalised racist legislation that dispossessed indigenous peoples from their lands, tearing children away from their parents, lodging them with white foster parents or shipping them off to assimilationist Indian residential schools where many students died and all were prohibited from speaking their ancestral languages.

Until 1952, Canadian legislation prevented indigenous people from turning to the courts for help with government injustices. Only in 1960 did the government grant indigenous people the right to vote in federal elections without losing their treaty rights and 'Indian' status. Settler colonialism, which sought to replace the original and indigenous population with a new and invasive society of uninvited settlers, remains Canada's original sin.



KUNDA DIXIT



ALANAH HEFFEZ

SIGNS OF THE TIMES: A gate in Phidim of Panchthar put up by Limbuqwan activists (*left*) and a traffic sign in in Quebec.

The insatiable European appetite for new land and natural resources necessitated the marginalisation, relocation and, ultimately, the eradication of the original inhabitants of *kanata* — an Iroquoian word meaning 'village' or 'settlement' from which the nation of Canada derives its name.

Given this painful and recent history, the 150th anniversary of Confederation in 2017, promoted by the government as 'Canada 150', felt more like 'Colonisation 150' for many of my indigenous students and colleagues. The story of the resilience of indigenous communities across Canada over the last 150 years is one of local endurance and immense perseverance against the very objectives of the nation itself.

Yet, over the past few years, Canada has been experiencing an 'indigenous moment'. Many are asking how long it will last, and whether the pivot is a temporary

and expedient response to an emerging political necessity or whether it will lead to lasting change.

Since becoming Prime Minister in 2015, Justin Trudeau and his Liberal federal government have pledged to develop nation-to-nation relationships with the elected governments of First Nations, Inuit and Métis communities (formerly referred to by the unwelcome collective term 'aboriginal') and to implement each of the 94 Calls to Action released by the Truth and Reconciliation Commission of Canada.

Canada is receiving international media attention for newly proposed national legislation officialising indigenous languages, and renaming public buildings that carry problematic colonial names with more inclusive designations. Across the country, programmes that honour indigenous history and understandings are being rolled

out at elementary, secondary and university levels.

Overall, Canada's indigenous communities are in the limelight, albeit in sometimes uncomfortably instrumentalised ways. The bitter irony of the current context is inescapable: colonial governments have for centuries marshalled their economic, military and administrative might to extinguish indigenous peoples. Now, in the eleventh hour, they are looking to strengthen and celebrate the very diversity that they set out to destroy.

Why is this happening? The simple answer is that much land and many resources are still legally owned and controlled by indigenous peoples in Canada -- land and resources that the Canadian state is eagerly eyeing to exploit, expropriate and monetise. A series of ground-breaking rulings by the Supreme Court over the last few decades have confirmed that indigenous title involves a real and

tangible interest in the land, and provides the owner with the right to choose what the land can be used for.

While Nepal has not had the misfortune of being colonised by European settlers, some have suggested that the historical oppression of indigenous and other marginalised communities has operated like colonisation. If Nepal has never been colonised, can it ever be, or does it need to be, de-colonised? This discussion is gathering momentum in the scholarly community. A well-attended panel entitled 'Decolonising Research in the Himalayas' at the Association of Nepal and Himalayan Studies Conference hosted by the University of Colorado, Boulder, in September 2017 generated heated, if necessary, debate.

For most of my indigenous colleagues in Canada, decolonisation is not a metaphor. Rather, it involves implementing tangible, measurable and structural changes in which controls, creates and administers knowledge. Decolonising education and research are about substance, not symbol, and necessarily involving a sincere commitment to promoting indigenous voices in the academy and in society.

Nepal's federal restructuring provides a unique opportunity for the state to engage deeply with the needs, goals and dreams of the hundreds of indigenous communities who contribute to this richly diverse nation. Celebrating and promoting inspiring indigenous voices (whether in Canada, Nepal or in other multi-cultural federal democracies) helps make a country stronger, more representative and more just. It is a chance not to be squandered. 🇨🇦

Mark Turin is a linguist and anthropologist who teaches at the University of British Columbia in Vancouver
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 <p>Next time, take a plane to Chitwan.</p>	 <p>In the event of a water-landing, swim calmly and call the Nepal Coast Guard.</p>	 <p>Bank robbery in progress. Medium-built gentleman and short female perpetrator running towards getaway car. Give way.</p>
 <p>Garbage heap ahead, turn down window.</p>	 <p>Do Not Disturb We're still digging.</p>	
 <p>Generally, we drive on the left. But generals can drive on either side.</p>	 <p>Drive zigzag to avoid potholes.</p>	 <p>No urinating here 8AM-4PM on weekdays.</p>
 <p>No blowing your own trumpet, but you can honk all you like.</p>	 <p>Traffic light is just a suggestion. Ignore.</p>	 <p>Abandoned bra on road. Call police.</p>
 <p>Scientific Fact: Pillion riders don't need helmets because they are more hard-headed.</p>	 <p>Warning: Merging Communist Parties ahead.</p>	 <p>DANGER MANY ILLEGAL ACTIVITIES IN PROGRESS CH-20</p>
 <p>Transfer to submarine for rest of journey to Boudha</p>	 <p>Make three revolutions at Singha Darbar</p>	 <p>Feral Ass on the loose. Approach with caution.</p>



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