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 rebooting.

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 Chamling Thapa (retired) will be able to reposition 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 Tundikhel Track or Raptiwarna 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 1903 in memory of the 20,000 Nepalis who were killed in Europe in World War I. The Army brought down the 85-year-old non-classical structure, saying it would build a new hospital there, but instead rented it out as a shopping complex.
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 polarization. This was followed by the Indian blockade, and in 2017 through these 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 crucial 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 this 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 accept provisions in it due to ‘pressure’. That is unconvincing. They have a duty today to take unequivocal ownership, and thereafter to do what is necessary through amendments, approximations, 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 constitutional turmoil 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 they are great impediments to innovations in the Constitution.

The fundamental freedoms enunciated in the Constitution are very broad, and the laws are needed to make them justiciable. Maternal health will need a more profound and weaken the public’s trust in the Constitution and its ‘provisions’. Several laws have been adopted (much as in education, local government) which experts say any against the tenets of federal devolution of power. The senses of arrogance within the ruling coalition, with its next two-thirds majority, can be a worry 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 omissions in the Constitution. Many new advances are not fully understood by stakeholders. There must be a sense of accommodation and ownership around this Constitution. Any attempt to undermine it will not only invite socio-political chaos but will be accompanied by loss of trust. Mistrust leads, 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 promote, advance, and (as required) amend the Constitution. Nepal’s civil society has for too long been concentrated in Kathmandu Valley, but civil society needs to well up from all seven provinces. Nepal now has federal, provincial and local governments, and this has to be reflected in the social activities.

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 that is not to say that her principal tasks must be to use good governance to good government in the艰巨ous implementation of the laws of this land.

In the meantime, recalling the well-meaning and sometimes perplexing involvement in the Constitution writing process, 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 chartered by BR Ambedkar, have served in understanding the spirit and the letter of the Indian Constitution.

In the case of the Nepali Constitution, there seems to have been a lack of participation in the debates. Better late than never, we need to construct a platform which will help understanding and implementing the new Constitution.

We hope the Conference on the Constitution of Nepal, 2015 (see page 14) will help in the same way. In 2017, experts from Nepal, South Asia and beyond, held in Kathmandu over the weekend, will help in building commentary on the Constitution.

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 reporting on interest rates, borrowing, and the under-rate on income. The editorial is in The Times editions of 11-14 August 2008 weekend.

The net result of these problems is the growing push of regime-sponsored and the unusually lengthy paper election process. It is a classic example of how happens when elections are long and not decided along clear cost-cutting.

Police posts removed during the emergency need to be restored. We recommend need to be in the village. School meals must be restored from election. A larger political setup will have to be a part of decision making. From the one election on development, the existing system cannot be the present in the present.

Nepal is testing at cashing. They have made great fortune and value of their lives as they grow power-sharing deal, it’s not as much breaking point again.

ONLINE PACKAGES

WHAT’S TRENDS

Nepal turns to solar and batterties to meet peak demand by 2030

Nepal will face a dry season power deficit for 13 more power stations facing a construction, fuel, and resource-related problem, the Nepal Electricity Authority said. The authority uses solar and battery power to meet peak demand in the country.

Most visited online page

Most commented

WHAT’S TRENDS

Nepals junk on Jupiter

The first Nepali junk and lost just a month ago, because of finding abducting Jupiter’s natural satellite.

Most popular on Twitter

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QUOTE TWEETS

Nepal Times @timesnepal

Peak load demand of electricity is met by renewable resources of total fuel generated power, there is capacity to use solar and other renewable energy sources. This is despite what Dr. Himprakash Mijar and KPNM is trying to do.

Rishikesh /@rishikesh2000

This is ridiculous. Nepal will also better to abuse the circles of the enormous amount of batteries collected over the years.

Nepal Times @timesnepal

It has been officially finalized that 30% of the equipment will be used for medical use now and 70% of the equipment will be used for medical use.

Agni Jyot @agnijyot

High-quality, standardized, and sterile products are being produced in Nepal.

Nepal Times @timesnepal

People need a better quality of life. The government is doing the right thing in providing healthcare.

Jana Pratap @jana_pratap

It is really good and good results are coming, people are happy and the government is doing the right thing in providing healthcare.

French Embassy Nepal @FrenchEmbNep

New facts are coming about the good work done by the government and not to forget the hard work done.

Weekly timer Not 822

1 Should public figures have to report at least high school?

Total votes: 152

Yes 75%
No 12%
Not sure 9%

2 Why are women’s rights so slow in getting to legal status in Nepal?

Total votes: 219

1 Do you think that Nepal is more equal to women?

Yes 51%
No 48%
Not sure 1%
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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 are and where you are, about 90% of the urban population and 60% of the rural population struggle to have electricity at home. There are over 350 community mini-electricity 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, manage 15% of its forests by handling them over to local communities, holding them accountable through a forest management plan and also ensuring the distribution of cost and benefit among the members of the community.

Similarly, today, when we see irrigation systems, grazing areas, drinking water projects and monuments managed locally by communities and user committees they have set up, the success is partly attributable to, and the result of, traditional techniques used by communities across Nepal combined with the modern techniques 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 1960s 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 giving planners time to take action.

One of the most prevalent buzzwords in Nepal these days is ‘inclusion’. Whether we will be stable and prosperous may depend on a lot whether all Nepalis are included. With a left-of-center 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 have now elected officials at the local, provincial and federal governments across Nepal. Such one of them went to the people with a manifesto that promised the world. They got the vote based on these promises, and now have to deliver.

Giving people electricity can and should easily be a collective campaign across Nepal. Our hydro power project PDGs are oversubscribed; the private sector has generated more electricity than the government can use. We know the rest of the renewable energy 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 afford less 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, vested losses, tampering with meters and even accidents. Repair and maintenance is easier and timely, and many of the schemes, unless operation today are offering members rebates and even bonuses.

Anil Chitrakar is President of Guti Shakti.

Nepatal hidden treasures

Mahendra Shyam had been in Boston for seven years in 1992 when he came across Maha British, Hosteller, and Fantast Print: Newar Buddhism and Its Heritance of Ritual by David N. Gellner. He felt ashamed of himself.

An English, a Western academic who had studied the culture of his own neighbourhood Buddhist monastery little known to Vaishnav Mahabir in Patan, and yet as a native he knew they sustain the businesses 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 its ancestral neighbourhood, in the midst of Patan’s holiest Buddhist sites such as Boudha and the Hiranya monastery.

“By being right in the middle of it all we can create a showcase of authentic Nepali lifestyle”

Shyam’s hotel has Buddhist motifs everywhere, including a stupa inside the hotel. In the front of the hotel, there is a cafe called Shwaya. Shwaya is the Nepali word for Shwaya or the Hiranya monastery.

The hotel has a pool and a restaurant.

The hotel is located on the 12th century stone stupa of Thapu Hiti in Patan, and is a short walk from Mangal Shivaar, and several Buddhist monasteries and temples. Low doors lead into narrow corridors into wide halls and halls, where devotees worship every morning and evening and the sound of chanting and devotional music emanates from the latticed windows.

Lego safety video

Bhutan recently released a new animated video that will help children demonstrate step by step safety measures in all flights and online, in partnership with Wanner Braun and the USO Mace foundation. The safety video is the first of its kind, featuring simple airport-approved humour, catchy tunes, and an unforgettable song and dance number.

New CP for Nepal

Nepal Finance Minister Yuba Rai Chhetriwadi and World Bank Vice-President for South Asia, Sarvadev Baruah, discussed the new Country Partnership Framework for Nepal for the next years. The World Bank Group Board also approved a Youth Financial Sector Strategy.

The best employer

Hyatt Regency Kathmandu has been conferred with the Silver Stevred Award at an event held in Singapore by World BRS Congress, recognising the hotel’s efforts in communicating in attracting, retaining and developing talent. The award was granted on the basis of the company’s best practice and containing business vision with action and HR strategy.

Patan’s hidden treasures

Hennaya Yala is located at the 12th century stone stupa of Thapu Hiti in Patan, and is a short walk from Mangal Shivaar, and several Buddhist monasteries and temples. Low doors lead into narrow corridors into wide halls and halls, where devotees worship every morning and evening and the sound of chanting and devotional music emanates from the latticed windows.

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Policy Credit of $100 million to help Nepali earn their first international certification in the financial sector.

TNP’s new Editor

Katipur Media Group has announced the appointment of Deepak Kandel as the new Editor-in-Chief of the Kathmandu Post. Kandel will succeed Milton Scharphag.
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.

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 lumped 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 SLC, 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 daughter 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 5:00AM, 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 grammar, body posture. All they needed was an opportunity, and another chance. 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, haven’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. ☀

Enter for your chance!
How does the Nepali media cover rape?

Bhrikuti Rai

The rape and murder of a 15-year-old girl in Ramechhap 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 culprits; the anger was directed at the media itself.

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

Like most newspapers in South Asia, the ones in Nepal fail short when it comes to discussion and interpretation 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 report 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 were extracted from the crime.

Police records show rape and attempted rape cases have grown almost fourfold since 2008. Last year, more than 1,200 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 overly zipped clothes.

Nepal ranks 111 out of 144 countries in global gender equality index and Nepali women are subjected to many forms of violence, from physical abuse to witchcraft, domestic violence, and sexual assault. And whenever the heavily male-dominated newrooms report on these issues, the template is the same: the 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 BotaBulalo podcast.

Almost everyone agreed newrooms had become more sensitive lately about the issue, but this did not always reflect in the coverage. None of the newrooms 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 Rars or Darbar Marg, we need to ensure they get the same importance,” one editor said.

More revealing was the attitude towards gender-based violence in newrooms, 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 Nepali podcast BotaBulalo.
On a high note

Preserving the unique Tibetan musical traditions of Nepal’s sacred mountain valleys

A

fter 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 Droka Tseta festival that celebrates the Buddha’s first teaching at Saranath 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 Nagata 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 Nubri 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 Avalokitesvara 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 material occupations towards dharma, and translate complicated Buddhist precepts into easy to grasp explanations of existence, karma, and how life is to be made meaningful before its inevitable end.

In one song, Nubri singer Lama Pema Gyantse evokes an image of Kathmandu Valley’s holy sites in its most esoteric aspects: “The people of Nubri towards Kathmandu, rather than Lhasa.

Boudha stupa is the great father Swyambhunath is the great mother
The supreme pilgrimage places
Not found in other worlds are these”

Says Brown: “Their cosmology is usually organized in a mandala form. Usually there are two competing mandalas, of China and of Bhaktsara. 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 Swyambhunath as the mother, the other cultures between them are supposed to be ‘happy sons’, self-arisen from before storms.

Like most folk art, the songs provide a way to challenge prevailing ideas and reveal a community’s marginalized status vis-a-vis other power centres, and pass 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 heard 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 young people 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.”

Sewa Bhattarai
How many tigers in Nepal?

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

Kunda Dixit

A fter being hunted nearly to extinction, Nepal’s tiger numbers surged in recent years, prompting some to declare it a successful conservation program. But with Nepal committed to double its tiger numbers this year, the question is 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. Nepal officials are confident the country’s wild tiger population can be increased to at least 24, as that was the total estimated in 1973.

“Nepal will be the only country to make the target and we will be releasing the total figures of the recent census soon,” said Man Bahadur Khadka, the Minister for Forests and the Department of National Parks and Wildlife Conservation.

The census results, synchronized with a count in India, was supposed to be announced on World Tiger Day on 23 July. But the media has only questioned, fueling speculation the tiger count had decreased from the 2013 total of 195, 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 on or near the park.

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 the Buzz.

Khadka denied withholding the announcement because of the low estimate, 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 re-colonising 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.

Some experts say 50 tigers is a good number to start with, but it is not enough to ensure tiger conservation.

The tail 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 melukha vines, disturbance due to mass tourism, and animal grazing.

Khadka’s wildlife, favourite watering holes for tigers, have also been going dry because of the dropping water table in the Kosi Tappi due to over-irrigation.

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 sources need to be protected so prey can thrive.

Man Shubh Khadka says the government will now announce the official tiger tally on National Conservation Day on 23 September, adding: “We are not dicouraging the numbers, we are just trying to be accurate as possible.”

Clouded future for the Cloud

Yadav Ghimirey

A n amateur photographer recently sighted a clouded leopard in Surkhet district in Nepal’s Terai. You may ask, what is so special about that? Well, there are no known camera trap photographs of a wild clouded leopard.

In Nepal, the word ‘tigress’ 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 believed to be a distinct cat species, due to a ‘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 medium-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 it appears to include monkeys, deer, squirrels, pheasants and partridges among its prey. Being 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 1999, 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 new 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 paws 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 Dhamaur 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
MEOW: A clouded leopard photographed inside a pen in Gurgaon, Gurgaon district (left). A clouded leopard caught walking through snow in a camera trap (below) near Langtang 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 Sunrni in the Terai 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 poachers 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 specializing in Nepal’s wild cat species. http://www.fno.org

Tigerman Leonardo DiCaprio

For the past decade, Hollywood actor Leonardo DiCaprio has been supporting the WWF campaign to double wild tiger numbers through its primate programs.

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 3,000 tigers in the wild all over the world, up from 3,000 eight years ago, with most of the increase in Russia, India, Bangladesh 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 100 community anti-poaching groups in areas bordering protected parks and wildlife corridors, and to help protect human-tiger conflict.

DiCaprio visited Bandhavgarh National Park two years ago to inspect anti-poaching initiatives and 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 beautiful animals on Earth. I am optimistic about what can be achieved when governments, communities, conservationists and animal foundations like ours come together to tackle global challenges.”

WWF has also been trying to re-vegetate the tiger grassland and habitat by constructing and upgrading wetlands and watercourses, establishing fireflies against forest fires, and installing solar-powered electric fences.
Nag Panchami
The 10-day festival following the full-moon night is worshipped as Nag Panchami, the day of snakes. Traditionally, Nepalis paste pictures of snakes or garlands around the doors of their houses to keep evil spirits away, and worship nagas by making offerings. Observers visit Maha Tirtha in Nasak, Nagshahi in Dhangadi and Kaunshi on the way to Orkha, believing the nagas to be benevolent gods. Visit the places to observe rituals on this day.
16 August, Nag Panchami-Ye Maha Tirtha

Skilled voice
Narayam Ayu, the executive director of King’s College, is in the mission of developing students’ wealth creation in Nepali society. In the event, he shares stories and experiences that he and others share with him to grow personally and professionally. He will talk on:
16 August, 6.30 pm onwards: Green Apple School, The Great Center, Thapathali, 01 2865077

Trail ride to Lakure
A 6.30 km moderate-slow-paced category ride to Lakure via Paniyar, steep steep climbs, muddy trails and some single tracks. The Bike Farm Nepal-Margot Rosier-Kathmandu-Sargo-Paniyar-Talbat-Meonge & back. 16 August, 8.15 am to 1.30 pm: The Bike Farm Nepal, Jomolsthan, 01 5380548

GETAWAY

Shangri-La Village Resort
2 nights and 3 days special package at the village resort. Let the monsoon bring out the magic in you...
8 August - 30 September, Ghalepate, Pokhara, Rs 200,000 single, 400,000 couple, 50% discount on the second person, body (01) 462502

Harmony Spa & Health Club
Amidst trees on the edge of a plateau overlooking Gokarna forest and the grassy hill below, Harmony Spa combines therapeutic care within a natural environment impossible to recreate elsewhere. Included are a variety of rejuvenating courses, beginning Ayurvedic treatments at Ayu, Ayurveda & Thai wellness spa. 6.30 am-9.30 pm. Gokarna Forest Resort, Thakhek, 061 485272

Nirvana Golf Resorts
Longer-known from Darpanagar, this 9-hole course in Shahan was built at a former recreation and pension base for the King’s guards of Kathmandu in 1960. Try monsoon golfing at the ‘pan’ 70-80 hotel course.
Ghale Ganj, (002) 526535

Hotel Annappurna View
The new boutique hotel situated at 1,500 m in Sungatung after everything sunshine, the Annapurna, view of Phewa Lake, serenity and luxurious accommodation in Sarangkot, Pokhara, 01 465566

Z Manakish
The new restaurant in town brings the best of Lebanese and Mediterranean favorite breakfast and meals, suitable for eaters from around the world all year-round. Arabic pastries, pasta or main courses can be your new favorites.
Pashupati near Thamel, 01 4854917

Lhakpa’s Chulo
Nepali, Tibetan buffets, Asian street food, Newari food, pizzas in a very cozy restaurant.
Thamel, 01 4924086

Kakori
Sleek and glamorous, the food features the most selected recipes from Nepal and North India of South American Indian specialty restaurant. Chose from varieties of dishes, and a variety of Indian & International cuisines.
Thamel, 01 4919119

Kia Haru
Featuring Nepal’s best in local and international wines. Indian and Tibetan buffets, and a variety of Indian & International cuisines.
Thamel, 01 4924086

Harmony Spa & Health Club
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Dahalia Boutique Hotel
Hotel located at the banks of Phewa Lake with 180 degree mountain and city view. A good spot for forests and mountains. Lakeside, Pokhara, 01 4652025

KATHMANDU, 3 – 9 August

AIR QUALITY INDEX
KATHMANDU, 3 – 9 August

Again, despite being the best time of the year for air quality in the Kathmandu Valley, the levels remained in moderate and bumped up to poor levels at times, meaning that all those who are able to leave have done so already. Because of the mentioned facts, which have upsurged in the last few days, the number of visitors of vehicles is still high. Winters and rains are also high during this time because of the monsoons, but the GCS monitoring stations shows that even from the earthworks in Kathmandu we are able to breathe easily.
https://nepal-embassy.gov/nepal/air-quality-monitor
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 Pittsburgh 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 and 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 Bhutanese 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.

Tikram 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 US. 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.

"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 Rs60 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 being cut and students beginning Grade 5 must get enrolled in Nepal 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 it people back.

For 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 Jhapa now may be closed soon.

Meanwhile, Bhutanese outside the camps face different challenges. Tok-Nath Rimai, 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.

Rimai now lives in Kathmandu, Nepal, he is not recognised as a refugee by the Nepalese government. He has been adamantly opposed to third-country resettlement, and wants all Bhutaya 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 democracy to Bhutan before I die," he told us.

Bhupna Rai was a refugee 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 been through. They are still hopeful of justice being served some day, but it may have to be a long wait."
Lalitpur Film Society has been filling the gap in quality screenings since 2017 with 26 free weekly shows and has 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 in film.

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

It was the通过 the project that the pair met Bobby Thapa from Sputnik 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 Nepali Human Rights International Film Festival, Kathmandu 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 experts. 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 Pant.

There’s a strong ethnoscopy 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”, Thapa 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 manyAngayang 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, Pant 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 Kupundre Ghats.

August 14: Orange Sunshine by William A. Kirkeby, 2016, 105min Location: Marshall’s Pub, Kupundre Ghats


August 29: Cutie and the Boxer by Zachary Heinzerling, 2013, 87min Location: Marshall’s Pub, Kupundre Ghats

September 5: Celluloid Man by Shervinir Singh (Hollywood), 2012, 74min Location: TBC

For more information visit: Facebook.com/Exhibaf

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**PREPARING TO BE PREPARED:** The Chief of Army Staff of the Nepal Army, Gen. Dilli Prasad Thapa, inaugurated the Disaster Management Training Academy in Kathmandu on Tuesday.

**ALL FOR KIDNEYS:** Surgeon Tilak Singh Shah, who led the first successful kidney transplant in Kathmandu a few years ago, is followed by Health Minister Upendra Yadav.

**FLYING HIGH:** Nabin Chau 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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**GLOBAL GUMELI:** Eightieths including Satya Mohanty, Foreign Affairs Minister Pradeep Gyawali, Labour Minister Gokarna Bista, UN Resident Coordinator Vincent Julliard and Kei Masuda Shiraishi with Kui Chandu Gai Ram at the book launch in Kathmandu on Monday.

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**#FREEHARIDULALAM:** Nepali photojournalists protest the arrest of Bangladeshi photographer Shahriul Alam at the Bangladesh Embassy in Kathmandu on Thursday.
Regulating the regulator

Ramesh Kumar in Himal Khaborpatra. 9-11 August

In April, the Patan High Court found Chaudhary Group guilty of making a bogus insurance claim and ordered the authorities to recover the Rs 240 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 inspections 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 Rs 349 million. The court ordered the company’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 Khatiwada aims to weaken the insurance regulatory body instead of further empowering it.

There are 26 life insurance and 14 non-life 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 Basuwal: “The bill essentially aims to regulate the regulatory body, which will eventually boost 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 insurer will get their money back after the government recovers the regulatory body. The new bill will further weaken it.

Fake Encounter

Editorial in Kathmandu. 8 August

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

Eleven-year-old Nishal Khadka was abducted for ransom, killed and buried. When the police were unable to save the young boy’s life, it arrested and processed to about 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 is no 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 knee. 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 three killings. Murder is an immoral, inhuman, 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, they 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 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.
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 Birat Deuba Shah who will conclude with the presence of Prime Minister K P Oli.

The gathering will review the strengths and weaknesses of the constitution, especially in institutionalising 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 beyond 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, adding that it would trigger wounds of the past related to issues such as federalism and secession, which could put the country towards chaos.

Participants of the conference include legal professionals, academics, political representatives, analysts, economists, activists from Nepal, South Asia and overseas. Among them are Kamal Hossain, the founding father of the Bangladeshi constitution, who will deliver an opening address. International figures flying in for the conference include Manucho Gorurwazmy, Mahendra Pal Singh, Kire Virgin, Quandian Zhang, Marx 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 practice requires us to explore the reasons why discrimination against 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 Nicola Tippettnew.

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 System of Representation at Three-Tier levels: Implications and Challenges by Karl Voican

The soaring costs of the constitution’s unwieldy structure obstructs, as a result of compromised across a vast political spectrum. First, the states is declared to be a federal state oriented, but the definition of union is left to the imagination with no open implication for the ownership of the means of production, distribution, and exchange. From Economic Soft Spots of Nepal’s Constitution by Dr. Srauwim Wajid

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 Meta-constitutional: 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 Nepal's chose, via constitutional assembly, to promulgate a constitution that strived 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 Nepal state into 753 local governments, seven provincial governments, and one federal government. Article 233 of the constitution, which addresses the relations among the three tiers, lays the foundation of the fact that they are not hierarchically related, rather, their relationships should be based on the principles of re-coexistence, 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 has multiple, exclusive powers that can be exercised independently, the functions of these governments are significantly interdependent for the purpose of public goods and services delivery.

This interdependence creates patterns of cooperation, competition, and conflict that merit serious consideration and beg 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 500 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 fulfill 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 data, 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 assembles 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.

Know promulgations of the constitution in 2015 and successful elections in 2073, 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 officeholders trained in a centralized, 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 characterized by political, economic, and social justice. It will require both government and citizens to observe the rule of law and submit to the constitution.

George Varughese advises the NH Foundation in Kathmandu.
Do Nepali attitudes need to be decolonised?

Implications for Nepal from Canada’s indigenous resurgence

For many years of working in Nepal, in 2016 I moved to Vancouver for a university job where many of the objectives outlined by Nepal’s academic and non-governmental movements are being implemented by the First Nations, Inuit and Métis communities that have lived for thousands of years in what is now Canada.

Indigenous nations participate just over 6% of Canada’s population, whereas a just society would make up more than one-third of Nepal.

Yet, Canada is far ahead of Nepal in creating a just society in which indigenous voices are equal, indigenous knowledge woven into the public education system and the uninterrupted indigenous connection to traditional territory is recognized and respected.

Canada has been no haven for indigenous peoples. Canada’s federal and provincial governments institutionalized racist legislation that dispersed indigenous peoples from their lands, tearing children away from their parents, destitute them with false 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 1982, Canadian legislation prevented indigenous people from turning to the courts for help with government decisions. Only in 1984 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 populations with a new and invasive society of untitled settlers, remains Canada’s original sin.

The inescapable European appetite for new land and natural resources necessitated the marginalization, relocation and, ultimately, the eradication of the original inhabitants of Canada—a linguistic 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 Colonization 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 unwelcoming collective term ‘aboriginal’). 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 officially recognizing 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 somewhat uncomfortably instrumentalized ways. The bitter irony of the current context is that our colonial governments have for centuries marginalised 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, extract and monetize. 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 marginalized communities has operated like colonization. If Nepal has never been colonised, can it ever be, or does it need to be, de-colonized? This discussion is gathering momentum in the scholarly community. A well-attended panel entitled ‘Decolonizing 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, decolonization is not a metaphor. Rather, it involves implementing tangible, measurable and structural changes in which controls, creators and administrators know. Decolonizing education and research are about substance and process, not just form 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 indigenous voices (whether in Canada, Nepal or in other multicultural federal democracies) helps make a country stronger, more representative and more just. It is a chance not to be squandered.

Mark Turin is a sociologist and anthropologist who teaches at the University of British Columbia in Vancouver.

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